



Local Government etc. (Scotland) Act 1994

1994 CHAPTER 39

PART IV

MISCELLANEOUS

Tourism

172 Duty of Secretary of State to establish area tourist boards

- (1) The Secretary of State shall, in accordance with the provisions of this section and not later than 1st April 1996, by order make schemes for the establishment for such areas as may be specified in the order of area tourist boards (hereafter referred to as “boards”).
- (2) The principal function of a board shall be to carry on activities relating to tourism.
- (3) A scheme under this section shall—
 - (a) make provision for the constitution of a board;
 - (b) specify the area for which the board is established;
 - (c) provide that the board shall be a body corporate with a common seal;
 - (d) provide that the Secretary of State shall appoint the first members of the board and, from among those members, the first members of the controlling body of the board; and thereafter the members of such controlling body shall be appointed by the board;
 - (e) contain provision stating that it shall not, without the express or general consent given in writing of the Secretary of State (or such body as he may direct the board to consult), carry on activities relating to the promotion of tourism outside the United Kingdom; and
 - (f) make, where applicable and to such extent as the Secretary of State considers appropriate, transitional provision such as is mentioned in subsection (5) below.

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- (4) A scheme under this section may—
- (a) for the purposes of enabling a board to carry on its principal function, confer additional functions and powers on a board, including power to hold property and to employ staff;
 - (b) subject to the provisions of this section, provide who may be appointed to be members of the board;
 - (c) make provision for the payment of remuneration, allowances, pensions and gratuities to members of the board;
 - (d) subject to the provisions of this section and such conditions as may be specified in the scheme, enable a board to form or acquire a company;
 - (e) make provision for the board to regulate its own procedure;
 - (f) make provision for the board to appoint committees (including committees composed of persons who are not members of the board) and for the payment to persons appointed to such committees of such remuneration and allowances as the board may determine;
 - (g) make provision enabling the board to delegate any of its duties to any of its members who or committees which are authorised (generally or specifically) for the purpose;
 - (h) make provision as to the method of authentication of documents by the board; and
 - (i) make provision for such other matters as the Secretary of State thinks fit.
- (5) The transitional provision mentioned in paragraph (f) of subsection (3) above is provision for—
- (a) the revocation of any scheme made under section 90A of the 1973 Act (schemes for formation of area tourist organisations etc.) by an islands or district council whose area lies wholly or partly within the area of the proposed board;
 - (b) the winding up and dissolution of any area tourist organisation (whether a body corporate or not) formed by or for the purposes of any scheme made under the said section 90A;
 - (c) the transfer of any staff of any such area tourist organisation to such board established under this section as may be specified in the order; and
 - (d) the transfer to and, with effect from the date on which the scheme under this section takes effect, vesting in such board or boards established under this section as may be specified in the order of such property, rights and liabilities of any such tourist organisation as may be so specified.
- (6) The number of persons representative of a local authority appointed as members of the controlling body of a board (in this section referred to as “local authority members”) shall not exceed the number of subscribing members appointed as members of such a controlling body; and where local authority members are appointed the total number of voting rights accorded to them shall not exceed the total number of voting rights accorded to subscribing members.
- (7) For the purposes of subsection (6) above, a subscribing member is a member of a board who—
- (a) is such member of the board by reason of his—
 - (i) being resident, or carrying on business, in the area of the board; and

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- (ii) carrying on, or having an interest in, activities relating to tourism in the area of the board; and
 - (b) pays a membership subscription to the board,
and includes, where the subscribing member is a body corporate, a person representative of that body corporate.
- (8) A board shall not—
 - (a) be regarded as a servant or agent of the Crown;
 - (b) have any status, immunity or privilege of the Crown; or
 - (c) be exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local,and its property shall not be regarded as property of, or held on behalf of, the Crown.
- (9) A board shall not—
 - (a) form or promote, or join with any other person in forming or promoting, any body corporate (including a company (within the meaning of the Companies Act 1985)); or
 - (b) acquire the majority of the voting rights in such a body corporate,
unless the constitution of any such body corporate contains a provision stating that it shall not, without the express or general consent given in writing of the Secretary of State (or such body as he may direct the board to consult), carry on activities relating to the promotion of tourism outside the United Kingdom.
- (10) Before making a scheme under this section the Secretary of State shall consult—
 - (a) the Scottish Tourist Board; and
 - (b) any—
 - (i) district or islands council; and
 - (ii) new local authority,whose area lies wholly or partly within the area of the proposed board.
- (11) A scheme made by an order under this section shall not take effect before 1st April 1996 except in relation to—
 - (a) the constitution of a board;
 - (b) the carrying out by that board of any functions necessary to bring the scheme into operation on that date; and
 - (c) the winding up of an existing board.
- (12) An order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (13) In this section and in sections 173 and 174 of this Act “new local authority” means a council constituted under section 2 of this Act.