POLICY NOTE

THE SOUTH OF SCOTLAND ENTERPRISE (TRANSFER OF PROPERTY AND LIABILITIES) (SCOTLAND) REGULATIONS 2020

SSI 2020/147

The above instrument was made by the Scottish Ministers in exercise of the powers conferred by section 20(2) of the South of Scotland Enterprise Act 2019(**1**) and of all other powers enabling them to do so. The instrument is a 'laid no procedure' instrument and therefore not subject to any procedure.

Summary Box

The purpose of the instrument is to define the properties and liabilities in the south of Scotland that will transfer from Scottish Enterprise to South of Scotland Enterprise as required by section 20(2) of the South of Scotland Enterprise Act 2019.

Policy Objectives

The South of Scotland Enterprise Act 2019 ("the Act") was commenced by The South of Scotland Enterprise Act 2019 (Commencement and Transitional Provision) Regulations 2019 in three stages. Certain provisions came into force on 16 October 2019, including section 20(2), all other provisions came into force on 1 April 2020, excluding Section 20(1), and Section 20(1) comes into force on 1 June.

Section 20 provides for the transfer of properties and liabilities from Scottish Enterprise to South of Scotland Enterprise. Section 20(1) provides that on the day it comes into force, the transferring property and liabilities of Scottish Enterprise will be transferred to South of Scotland Enterprise. Section 20(2) provides that Scottish Ministers are to identify the transferring properties and liabilities by regulations. These regulations define the transferring properties and liabilities as required by section 20(2) of the Act.

These regulations will transfer all Scottish Enterprise property in the South of Scotland Enterprise area, defined in the Act as the areas of Dumfries and Galloway Council and Scottish Borders Council, together with rights relating to the property. It will also transfer all liabilities in the South of Scotland Enterprise area, with the exception of liabilities relating to national purposes.

Consultation

There was wide ranging consultation on all aspects of the Act in advance of and during its passage through the Scottish Parliament. This included consultation across Scottish Government, consultation with other public bodies and public consultation with stakeholders and businesses in particular. A public consultation 'Consultation on a new Enterprise Agency for the South of Scotland invited views on the shape and role of the new Enterprise Agency to prepare for the legislation. During this 12 week consultation a series of 26 engagement

(**1**) 2019 asp 9.

events were also held at locations across the south of Scotland aimed at helping local community feed into the consultation process.

In respect of Section 20 and these regulations specifically, officials on behalf of Ministers, have consulted with both Scottish Enterprise and South of Scotland Enterprise on the terms of the properties and liabilities to be transferred. The resultant agreement is met by the terms of these regulations. That is that all properties in the south of Scotland currently vested in Scottish Enterprise will be transferred to South of Scotland Enterprise and all liabilities in the south of Scotland, with the exception of liabilities relating to national purposes, will be transferred to South of Scotland Enterprise.

Impact Assessments

A Business and Regulatory Impact Assessment has been completed in respect of the policy for this SSI and is attached. Given the nature of these regulations and that the Act was passed relatively recently, in June 2019, with the required impact assessments having been undertaken, it was not considered necessary to undertake another Equality Impact Assessment or Childs Rights Wellbeing Impact Assessment for the commencement of section 20(2). The Equality Impact Assessment and Childs Rights Wellbeing Impact Assessment for the Act can be found at the links below.

https://www.gov.scot/publications/south-scotland-enterprise-bill-equality-impact-assessment/
https://www.gov.scot/publications/south-scotland-enterprise-bill-child-rights-wellbeing-impact-assessment/

Financial Effects

A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. There is no impact arising from this SSI on business. The SSI is limited to defining in regulations properties in the south of Scotland currently vested in Scottish Enterprise that will be transferred to South of Scotland Enterprise and liabilities in the south of Scotland, with the exception of liabilities relating to national purposes, that will be transferred to South of Scotland Enterprise.

Scottish Government
Directorate for Economic Development

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