



Scottish Development Agency Act 1975

1975 CHAPTER 69

Establishment and functions of the Agency

[^{F1}1] **The Scottish Development Agency.**

- (1) For the purpose of furthering the development of Scotland's economy and improving its environment, there shall be established a body to be called the Scottish Development Agency (in this Act referred to as "the Agency") which shall have the functions specified in the following provisions of this Act.
- (2) The Agency shall consist of a chairman and not less than eight nor more than twelve other members.
- (3) Subject to subsections (6) and (7) below, the chairman and other members of the Agency shall be appointed by the Secretary of State.
- (4) The members of the Agency shall be appointed from among persons who appear to the Secretary of State to have a wide experience of, and to have shown capacity in, industry, banking, accounting or finance, environmental matters, local government or the representation of workers, or any other field of activity which the Secretary of State considers is relevant to the discharge of the functions of the Agency.
- (5) The Secretary of State may appoint one or more of the Agency's members to be deputy chairman or deputy chairmen.
- (6) The Secretary of State, after consultation with the chairman or chairman-designate of the Agency, shall make the first appointment of chief executive of the Agency, and thereafter the Agency may, with the approval of the Secretary of State, make subsequent appointments to that office.
- (7) The chief executive shall *ex officio* be a member of the Agency.
- (8) It is hereby declared that the Agency shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown, and that the Agency's property is not to be regarded as the property of, or property held on behalf of, the Crown.

Changes to legislation: There are currently no known outstanding effects for the Scottish Development Agency Act 1975, Cross Heading: Establishment and functions of the Agency. (See end of Document for details)

- (9) The Agency shall not be exempt, except as provided by paragraph 18 of Schedule 1 to this Act, from any tax, duty, rate, levy or other charge whatsoever, whether general or local.
- (10) Schedule 1 to this Act shall have effect with respect to the constitution and proceedings of the Agency and other matters relating to the Agency and their members and staff.]

Textual Amendments

F1 Act except ss. 20 and 28 repealed (E.W.S.) (30.7.1994) by 1990 c. 35, ss. 23(4), 38(2), Sch. 3, Sch. 5 Pt. II; S.I. 1994/1976, art. 2.

Modifications etc. (not altering text)

C1 S. 1(2) modified by Enterprise and New Towns (Scotland) Act 1990 (c. 35, SIF 64), s. 23(4), Sch. 3 para. 1

[^{F2} **General purposes and functions.**

- (1) The purposes for which the Agency may exercise their functions in relation to Scotland or any part thereof are—
- (a) furthering economic development [^{F3}including in that connection the provision, maintenance or safeguarding of employment];
 - (b)^{F4}
 - (c) the promotion of industrial efficiency and international competitiveness; and
 - (d) furthering the improvement of the environment.
- (2) The functions of the Agency shall be—
- (a) providing or assisting in the provision of finance to persons carrying on or intending to carry on industrial undertakings;
 - (b) carrying on, or establishing and carrying on, whether by themselves or jointly with any other person, industrial undertakings;
 - (c) otherwise promoting or assisting the establishment, growth, . . . ^{F5}, modernisation or development of industry or any undertaking in an industry;
 - (d) providing or adapting sites and providing, adapting, modernising or reconstructing premises for industrial undertakings, or assisting any other person to do any of those things, and providing or assisting in the provision of related services or facilities;
 - (e) managing or assisting in the management of sites and premises for industrial undertakings;
 - (f)^{F6}
 - (g) undertaking or assisting the undertaking of the development, re-development and improvement of the environment;
 - (h) bringing derelict land into use or improving its appearance; . . . ^{F7}
 - (i) such other functions as are conferred by or under this Act.
 - ^{F8}(j) [promoting the private ownership of interests in industrial undertakings by the disposal of securities and other property held by the Agency or any of their subsidiaries.]

Changes to legislation: There are currently no known outstanding effects for the Scottish Development Agency Act 1975, Cross Heading: Establishment and functions of the Agency. (See end of Document for details)

- (3) The Agency may do anything, whether in Scotland or elsewhere, which is calculated to facilitate the discharge of their functions or is incidental or conducive to their discharge.
- (4) In particular, but without prejudice to the aforesaid generalities, and subject to subsections (6) and (7) below, the Agency shall have power—
 - (a) to acquire, hold and dispose of securities;
 - (b) to form bodies corporate;
 - (c) to form partnerships with other persons;
 - (d) to make loans;
 - (e) to guarantee obligations (arising out of loans or otherwise) incurred by other persons;
 - (f) to make grants;
 - (g) to act as agent for other persons;
 - (h) to acquire and dispose of premises, plant, machinery and equipment, and other property;
 - (i) to manage land, to develop land or to carry out works on land, and to maintain or assist in the maintenance of any such works;
 - (j) to make land, premises, plant, machinery and equipment and other property available for use by other persons;
 - (k) to reclaim land from the sea;
 - (l) to provide or assist in the provision of advisory or other services or facilities for any person or undertaking; and
 - (m) to promote or assist in the promotion of publicity relating to the functions of the Agency.
- (5) The functions of the Agency mentioned in subsection (2)(b) above may only be exercised through a company within the meaning of the ^{M1}Companies Act 1948 or through a partnership firm.
- (6) Except with the approval of the Secretary of State, the powers mentioned in subsection (4)(a) to (e) above may only be exercised in connection with the Agency's functions mentioned in subsection (2)(a) and (b) above.
- (7) The power to make grants conferred by subsection (4)(f) above may only be exercised with the consent of the Secretary of State or in accordance with a general authority given by him.
- (8) The powers conferred on the Agency by this Act shall be exercisable in relation to land not belonging to them on such terms as may be arranged by agreement with all persons having an interest in the land.
- (9) In exercising their functions the Agency shall have regard to the requirements of agriculture and efficient land management and to the desirability of safeguarding the environment.
- (10) For the avoidance of doubt, it is hereby declared that nothing in this Act is to be construed as authorising the disregard by the Agency of any enactment or rule of law.]

Changes to legislation: There are currently no known outstanding effects for the Scottish Development Agency Act 1975, Cross Heading: Establishment and functions of the Agency. (See end of Document for details)

Textual Amendments

- F2** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, Sch. 5 Pt. II; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.
- F3** Words added by Industry Act 1980 (c. 33, SIF 64), s. 1(2)(a)
- F4** S. 2(1)(b) repealed by Industry Act 1980 (c. 33, SIF 64), s. 22, Sch. 2
- F5** Word repealed (with saving) by Industry Act 1980 (c. 33, SIF 64), s. 21(2), Sch. 2
- F6** S. 2(2)(f) repealed (with saving) by Industry Act 1980 (c. 33, SIF 64), s. 21(2), Sch. 2
- F7** Word repealed (with saving) by Industry Act 1980 (c. 33, SIF 64), s. 21(2), Sch. 2
- F8** S. 2(2)(j) added by Industry Act 1980 (c. 33, SIF 64), s. 1(2)(b)

Marginal Citations

- M1** 1948 c. 38.

[^{F9}3 Ancillary powers of Agency.

The Agency shall have power—

- (a) to make such charge for any of their services as they think fit;
- (b) to accept any gift or grant made to them for the purposes of any of their functions and, subject to the terms of the gift or grant and to the provisions of this Act, to apply it for those purposes;
- (c) to carry out or commission the carrying out of such enquiries, investigations or researches as the Agency may deem necessary or expedient for the purposes of their functions.]

Textual Amendments

- F9** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, Sch. 5 Pt. II; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.

[^{F10}4 Power of Secretary of State to give Agency directions.

- (1) After consulting with the Agency, the Secretary of State may give the Agency directions of a general or specific character as to the exercise of their functions; and it shall be the duty of the Agency to give effect to any such directions.
- (2) Subject to paragraph 9(3) of Schedule 2 to this Act, when the Secretary of State gives a direction under this section he shall either—
 - (a) lay a copy of the direction before each House of Parliament within 28 days of giving it; or
 - (b) lay a copy later, but lay with it a statement of the reason why a copy was not laid within 28 days.
- (3) The Agency's report for any financial year shall set out any direction given under this section during that year.]

Changes to legislation: There are currently no known outstanding effects for the Scottish Development Agency Act 1975, Cross Heading: Establishment and functions of the Agency. (See end of Document for details)

Textual Amendments

F10 Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.

Modifications etc. (not altering text)

C2 S. 4 extended by [Industry Act 1980 \(c. 33, SIF 64\)](#), **ss. 2, 22**

Changes to legislation:

There are currently no known outstanding effects for the Scottish Development Agency Act 1975, Cross Heading: Establishment and functions of the Agency.