



# Enterprise and New Towns (Scotland) Act 1990

## 1990 CHAPTER 35

### PART III

#### MISCELLANEOUS AND GENERAL

#### 36 Interpretation.

(1) In this Act, unless the context otherwise requires—

“derelict land” has the meaning given by section 7 of this Act;

“employment” means employment whether under a contract of service, or a contract of apprenticeship, or a contract for services or otherwise than under a contract, and cognate expressions shall be construed accordingly;

“existing body” has the meaning given by section 23(2) of this Act;

“facilities” includes services;

“financial year” means—

- (a) as regards Scottish Enterprise, the period beginning with the first transfer date and ending with 31st March 1992;
- (b) as regards Highlands and Islands Enterprise, the period beginning with the second transfer date and ending with 31st March 1992,

and each subsequent period of twelve months ending with 31st March;

“the first transfer date” means the date appointed for the purposes of paragraph (a) of section 22(1) of this Act;

“general external borrowing” shall be construed in accordance with section (4) of this Act;

“the Highlands and Islands” shall be construed in accordance with section 21(1) of this Act;

“industry” includes any description of commercial activity and any section of an industry, and “industrial” shall be construed accordingly;

---

*Changes to legislation: There are currently no known outstanding effects for the Enterprise and New Towns (Scotland) Act 1990, Section 36. (See end of Document for details)*

---

“local authority” means a [<sup>F1</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];

“sea bed” includes its subsoil;

“the second transfer date” means the date appointed for the purposes of paragraph (b) of the said section 22(1);

“subsidiary” and “wholly owned subsidiary” have the meanings given by [<sup>F2</sup>section 1159 of the Companies Act 2006];

“successor” , in relation to an existing body, shall be construed in accordance with the said section 22(1);

“training” includes education with a view to employment, and cognate expressions shall be construed accordingly; and

“transitional period” , in relation to an existing body, has the meaning given by section 23(2) of this Act.

(2) Except where the context otherwise requires, this Act shall apply in relation to any <sup>F3</sup>... interest in, or right over, the sea bed as it applies in relation to land; and the <sup>M1</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 and the relevant compulsory purchase enactments shall apply accordingly.

(3) The reference in subsection (2) above to the relevant compulsory purchase enactments is to the Lands Clauses Acts, to sections 6 and 70 to 78 of the <sup>M2</sup>Railways Clauses Consolidation (Scotland) Act 1845, to the <sup>M3</sup>Land Compensation (Scotland) Act 1963, to [<sup>F4</sup>section 195 of, and Schedule 15 to, the Town and Country Planning (Scotland) Act 1997] and to the <sup>M4</sup>Land Compensation (Scotland) Act 1973.

#### Textual Amendments

**F1** S. 36(1): Words in definition of “local authority” substituted (1.4.1996) by 1994 c. 39, 180(1), Sch. 13 para. 164(3); S.I. 1996/323, art. 4(c).

**F2** Words in s. 36(1) in the definition of “subsidiary” and “wholly-owned subsidiary” substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 117(4)** (with art. 10)

**F3** Words in s. 36(2) repealed (28.11.2004) by Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), ss. 71, 77(2), **Sch. 13 Pts. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2; S.S.I. 2003/456, art. 2

**F4** Words in s. 36(3) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 47(4)**.

#### Marginal Citations

**M1** 1947 c. 42.

**M2** 1845 c. 33.

**M3** 1963 c. 51.

**M4** 1973 c. 56.

**Changes to legislation:**

There are currently no known outstanding effects for the Enterprise and New Towns (Scotland) Act 1990, Section 36.