

Cabinet Secretary for the Rural Economy
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Edward Mountain MSP
Convenor
Rural Economy and Connectivity Committee
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Dear Edward,

I am writing to inform the Committee of my intentions for the public appointments to South of Scotland Enterprise, which would be established under the proposals contained in the South of Scotland Enterprise Bill. Assuming that Parliament approves the principles of the Bill, this would include the laying of an order under section 3(3) of the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (“the 2003 Act”) on 29 March 2019, following parliamentary approval of the Bill at stage 1.

The intention is for South of Scotland Enterprise to become fully operational from 1 April 2020. In order to comply with Audit Scotland’s recommendations on establishing new public bodies, which include the appointment of persons in leadership roles at least 6 months before a public body becomes operational, my aim is to commence the process to appoint a Chair and recruit a Chief Executive of South of Scotland Enterprise following the conclusion of stage 1 of the Bill. The Bill amends the 2003 Act to provide that appointments of members to South of Scotland Enterprise will be regulated by the Commissioner for Ethical Standards in Public Life in Scotland. I believe it is important that the process for the appointment of the members of the first board is fully transparent and subject to the external scrutiny of the Commissioner.

The Commissioner cannot fully regulate appointments to South of Scotland Enterprise until it is added to the list of regulated bodies specified in schedule 2 to the 2003 Act. However, the appointments process would need to begin before that happens to enable the Chair to be engaged in the practical decisions around delivery. We also want to ensure that the Chair is in place in time for them to join the recruitment panel for the Chief Executive, currently scheduled for late summer 2019 and the board appointments that will run later in the year. Accordingly, I intend to make an order under section 3(3) of the 2003 Act, which would mean that South of Scotland Enterprise would be treated, from the date that the order comes into force, as if it were a specified authority listed in schedule 2 to that Act.

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An order under section 3(3) is subject to affirmative procedure and, as such, requires to be laid before Parliament for approval. On the basis that, in agreeing to the principles of the Bill at stage 1, Parliament would be agreeing in principle to the establishment of South of Scotland Enterprise, I would intend to lay the order on 29 March 2019, shortly after the stage 1 debate on 26 March 2019.

I hope the Committee agrees that these proposals represent a sensible approach to establishing the new body ensuring a timely and effective way. I have also written to the Convener of the Delegated Powers and Law Reform Committee.



FERGUS EWING

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