



# Employment and Training Act 1973

## 1973 CHAPTER 50

### *The Manpower Services Commission and the Employment Service and Training Services Agencies*

#### **1 Establishment of the Commission and Agencies**

- (1) There shall be three bodies corporate, to be called the Manpower Services Commission, the Employment Service Agency and the Training Services Agency, each of which shall have perpetual succession and a common seal and shall be constituted in accordance with the following provisions of this section.
- (2) The said Commission (hereafter in this Act referred to as " the Commission ") shall consist of ten persons appointed by the Secretary of State to be members of the Commission, of whom the members specified in each of the following paragraphs shall be appointed by him after consultation with such of the organisations mentioned in that paragraph as he considers appropriate, that is to say—
  - (a) as to three members, organisations representing employers;
  - (b) as to three other members, organisations representing employees;
  - (c) as to two other members, organisations representing local authorities; and
  - (d) as to one other member, organisations concerned with education (excluding organisations mentioned in the preceding paragraph).
- (3) The Secretary of State shall appoint as the chairman of the Commission the member about whose appointment no consultation is required by virtue of the preceding subsection and may appoint one of the other members as the deputy chairman of the Commission.
- (4) The said Agencies (hereafter in this Act referred to jointly as " the Agencies ") shall each consist of three persons of whom one shall be appointed by the Commission with the approval of the Secretary of State to be the director of the Agency in question and the others shall be appointed by the Commission after consultation with the said director.
- (5) The provisions of Schedule 1 to this Act shall have effect with respect to the Commission and the Agencies.

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- (6) The Secretary of State may with the consent of the Treasury, at any time during the period of five years beginning with the day when subsection (1) of this section comes into force, by order transfer to and vest in the Commission or either of the Agencies—
- (a) any interest of the Crown or a government department in land which in the opinion of the Secretary of State is occupied by him or the Commission or either of the Agencies for a purpose connected with the functions of any of those bodies ; and
  - (b) any rights and liabilities to which the Crown or a government department is entitled or subject in connection with such an interest;
- but nothing in section 12 of the Finance Act 1895 (which requires certain Acts and certain instruments relating to the vesting of property by virtue of an Act to be stamped as conveyances on sale) shall apply to this Act or an order made in pursuance of this subsection, and stamp duty shall not be payable on such an order.
- (7) It is hereby declared that the Commission and the Agencies are not to be regarded as servants or, subject to subsection (2)(a) of the following section, as agents of the Crown or as enjoying any status, privilege or immunity of the Crown or, subject to the preceding subsection, as exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local, and that their property is not to be regarded as property of or held on behalf of the Crown; but nothing in this Act shall be construed as derogating from any privilege, immunity or exemption of the Crown in relation to any matter as respects which the Commission or either of the Agencies acts as agent of the Crown by virtue of the said subsection (2)(a).

## 2 Functions of the Commission and Agencies

- (1) In addition to the functions conferred on the Commission by virtue of provisions of this Act other than this section but subject to subsection (3) of this section, it shall be the duty of the Commission to make such arrangements as it considers appropriate for the purpose of assisting persons to select, train for, obtain and retain employment suitable for their ages and capacities and to obtain suitable employees (including partners and other business associates).
- (2) Arrangements in pursuance of this section may—
- (a) include agreements between the Commission and a Minister of the Crown for the Commission to perform, on behalf of the Minister, functions exercisable by the Minister, whether by virtue of an enactment or otherwise, which are connected with employment, unemployment or training for employment (excluding a function of making regulations or other instruments having the force of law);
  - (b) include arrangements for encouraging increases in the opportunities available to women and girls for employment and training;
  - (c) be made in respect of employment or training in the United Kingdom or elsewhere ;
  - (d) include provision for the making of payments by the Commission, by way of grant or loan or otherwise, to persons who provide facilities in pursuance of the arrangements, to persons who use those facilities and to other persons specified in pursuance of the arrangements ;
  - (e) include provision for the making of payments to the Commission by other parties to the arrangements and by persons who use those facilities, including payments for publications issued in pursuance of the arrangements but

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excluding other payments by persons in respect of the seeking or obtaining for them of employment under contracts of service or apprenticeship;

- (f) without prejudice to the generality of the preceding provisions of this section, include arrangements for the appointment of persons to advise the Commission in connection with any of its functions;

and it is hereby declared that nothing in the preceding subsection restricts the arrangements which may be made by virtue of this subsection.

- (3) It shall be the duty of the Commission—

- (a) to submit to the Secretary of State from time to time particulars of what it proposes to do for the purpose of performing its functions ; and  
(b) subject to the following paragraph, to ensure that its activities are in accordance with proposals approved by the Secretary of State ; and  
(c) to give effect to any directions given to it by the Secretary of State;

and the Commission may give to either of the Agencies at any time such directions as the Commission thinks fit with respect to the performance by the Agency of its functions.

- (4) In addition to any other functions conferred on either of the Agencies by virtue of this Act, it shall be the duty of each of the Agencies—

- (a) to exercise on behalf of the Commission such of the Commission's functions as the Commission directs the Agency to exercise; and  
(b) to give effect to any directions given to it by the Commission otherwise than in pursuance of the preceding paragraph.

- (5) The Commission and each of the Agencies shall, subject to any directions given to it in pursuance of this Act, have power to do anything (except borrow money) which is calculated to facilitate, or is conducive or incidental to, the performance of any function of the Commission or, as the case may be, the Agency (including a function conferred on it by virtue of this subsection).

### **3 Control of the Commission by Secretary of State**

- (1) Subject to the following subsection, the Secretary of State may—

- (a) approve, with or without modifications, any proposals submitted to him in pursuance of the preceding section;  
(b) give to the Commission at any time such directions as he thinks fit with respect to its functions (including directions modifying its functions or any arrangements made in pursuance of the preceding section except directions conferring on it functions other than any of which it was deprived by previous directions given by virtue of this paragraph).

- (2) The Secretary of State shall not approve proposals submitted to him in pursuance of the preceding section for arrangements which include such provision as is mentioned in subsection (2)(d) of that section and shall not modify any such provision unless the amounts of the payments mentioned in the provision, or in the provision as proposed to be modified, and the terms on which the payments are to be made are approved by the Treasury in the case of payments otherwise than by way of subsistence or travelling allowances payable to advisers appointed in pursuance of subsection (2)(f) of the preceding section or compensation for loss of remunerative time so payable and by the Minister for the Civil Service in the case of payments by way of such allowances or compensation.

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- (3) Subject to the following subsection, it shall be the duty of the Secretary of State to exercise the powers of approving proposals and giving directions which are conferred on him by this section so as to ensure that the arrangements made by the Commission in pursuance of the preceding section are in his opinion appropriate for the purpose mentioned in subsection (1) of that section.
- (4) If the Secretary of State considers that any action for the purpose so mentioned should be taken in pursuance of this Act otherwise than by or only by the Commission he may, after consulting the Commission about the matter, make arrangements for the action to be taken or taken also by himself or some other person, and paragraphs (c) to (e) of subsection (2) of the preceding section shall apply to arrangements in pursuance of this subsection as they apply to arrangements in pursuance of that section but with the substitution for references to the Commission of references to the Secretary of State.
- (5) The Secretary of State shall not make any arrangements in pursuance of the preceding subsection which include provision for the making of payments by him otherwise than in pursuance of section 5(2)(b) of this Act unless the amounts of the payments and the terms on which the payments are to be made are approved by the Treasury.

#### **4 Obtaining and disclosure of information by the Commission and Agencies etc.**

- (1) The Commission shall be a competent authority for the purposes of the Statistics of Trade Act 1947, and the reference in section 1(1) of that Act to the discharge by government departments of their functions shall include a reference to the discharge by the Commission of its functions.
- (2) Without prejudice to the generality of subsection (1)(b) of the preceding section, the Secretary of State may give directions to the Commission requiring it to furnish to a government department, in a form specified in the directions, any information so specified which has been obtained by the Commission by virtue of the preceding subsection or otherwise.
- (3) Nothing in section 9 of the said Act of 1947 (which restricts the disclosure of information obtained under that Act) shall prevent or penalise—
  - (a) the disclosure by the Secretary of State of relevant information to the Commission or either of the Agencies;
  - (b) the disclosure by the Commission or either of the Agencies of relevant information to a government department;
  - (c) the disclosure by the Commission to either of the Agencies or a board of relevant information which is of a kind specified in a notice in writing given to the Commission and the recipient of the information by the Secretary of State in pursuance of this paragraph;
  - (d) the disclosure by either of the Agencies to the Commission or the other Agency or a board of relevant information which is of a kind specified in a notice in writing given to the disclosing Agency and the recipient of the information by the Secretary of State in pursuance of this paragraph ;
  - (e) the disclosure by the Secretary of State, the Commission or either of the Agencies of relevant information, consisting of the name and address of any establishment, the numbers of persons of different descriptions employed there and the nature of the activities carried on there, to an officer of any of the following bodies who is authorised by that body to receive the information, namely, a local education authority, a local planning authority within the

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meaning of the Town and Country Planning Act 1971 or the Town and Country Planning (Scotland) Act 1972 and a development corporation within the meaning of the New Towns Act 1965 or the New Towns (Scotland) Act 1968;

- (f) the disclosure by the Secretary of State, to a person to whom a notice in writing is given in pursuance of this paragraph by the Secretary of State and the Commission acting jointly, of statistics compiled wholly or partly from relevant information about the numbers of persons employed in any activity or area.

- (4) In the preceding subsection—

" a board " means an industrial training board within the meaning of the Industrial Training Act 1964; and

" relevant information " means information obtained under the said Act of 1947 ;

and any reference in that subsection to the Secretary of State, a government department, the Commission, either of the Agencies or such a board includes respectively a reference to an officer of his or of that body and also, in the case of a reference to such a board, a reference to any committee appointed by the board, to any officer of such a committee and to any person entitled to take part in proceedings of the board.

- (5) A person to whom information is disclosed in pursuance of subsection (3) of this section shall not use the information for a purpose other than—

- (a) in a case falling within paragraph (a) of that subsection, a purpose of the Commission or, as the case may be, of the Agency in question ;
- (b) in a case falling within paragraph (b) of that subsection, a purpose of the government department in question ;
- (c) in a case falling within paragraph (c), (d) or (f) of that subsection, a purpose specified in the notice given with respect to the information in pursuance of that paragraph;
- (d) in the case of information given to an officer of a local education authority or a local planning authority, the purposes of the functions conferred on the authority by section 8 of this Act or, as the case may be, by Part II of the said Act of 1971 or 1972 (which relate to development plans);
- (e) in the case of information given to an officer of a development corporation, the purposes of functions conferred on the corporation by section 3 of the said Act of 1965 or 1968 (which relate to the laying out and development of new towns);

and a person who contravenes the provisions of this subsection shall be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding £400.

- (6) Any reference to an officer of the Department of Employment in section 58 of the Finance Act 1969 (which provides for the disclosure by the Board of Inland Revenue, subject to the safeguards provided by that section, of names and addresses and other information in connection with the statistical surveys there mentioned) shall include a reference to an officer of the Commission and an officer of either of the Agencies ; and in subsection (4)(a) of that section for the word " another" there shall be substituted the word " an ".