



# Employment Act 1988

## 1988 CHAPTER 19

### PART II

#### EMPLOYMENT AND TRAINING

#### **25 Functions of the Secretary of State and of the Commission.**

- (1) For sections 2 and 3 of the 1973 Act (functions of the Commission and control of the Commission by the Secretary of State) there shall be substituted the following sections—

##### **“2 Functions of the Secretary of State.**

- (1) The Secretary of State shall make such arrangements as he considers appropriate for the purpose of assisting persons to select, train for, obtain and retain employment suitable for their ages and capacities or of assisting persons to obtain suitable employees (including partners and other business associates).
- (2) Arrangements under this section may—
- (a) include arrangements for providing temporary employment for persons in Great Britain who are without employment;
  - (b) include arrangements for encouraging increases in the opportunities for employment and training that are available to women and girls or to disabled persons;
  - (c) subject to the restriction of paragraph (a) of this subsection to persons in Great Britain, be made in respect of employment and training anywhere in the United Kingdom or elsewhere;
  - (d) include provision for the making of payments by the Secretary of State, 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 or determined under the arrangements;

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- (e) include provision for the making of payments to the Secretary of State by other parties to the arrangements and by persons who use those facilities;
  - (f) include arrangements for securing that assistance in relation to the matters mentioned in subsection (1) of this section is provided by persons other than the Secretary of State.
- (3) The payments for which arrangements under this section may provide—
- (a) shall include the payment to a person by the Secretary of State of an allowance pending a time when payments will be or may be made to that person in respect of his use of facilities which will be or may be made available to him under any such arrangements;
  - (b) shall not include the payment of any such allowance to a person—
    - (i) for any period after that person has attained the age of eighteen years; or
    - (ii) for any period for which child benefit is payable in respect of that person;

and
  - (c) shall not include any payment by any person to the Secretary of State, other than a payment for publications issued in pursuance of the arrangements, in respect of the seeking or obtaining for that person of any employment under a contract of service or apprenticeship.
- (4) Without prejudice to paragraph (f) of subsection (2) of this section, the Secretary of State may wholly or partly perform his duty under subsection (1) of this section by authorising or directing the Commission to act on his behalf—
- (a) in the making of arrangements under this section in such cases or for such purposes as may be specified in or determined under the authorisation or direction;
  - (b) in the taking of such steps for the purposes of, or in connection with, the carrying out of any arrangements under this section (including any made otherwise than by the Commission) as may be so specified or determined;
  - (c) in the carrying out of such of the Secretary of State's functions under sections 11(3) and 12(4) of this Act as may be so specified or determined.
- (5) No payments shall be made by or on behalf of the Secretary of State by virtue of any power conferred by this section, other than payments under section 11(3) or 12(4) of this Act, unless the Treasury have approved—
- (a) the amounts of the payments or the manner of determining those amounts; and
  - (b) the terms on which they are made or the manner of determining those terms.
- (6) The powers of any Minister of the Crown to give authorisations or directions under this section or the following section shall include power to revoke or vary any authorisation or direction so given.

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### **3 Functions of the Commission.**

- (1) Subject to the following provisions of this Act, the functions of the Commission shall be—
    - (a) a power to do all such things as it is authorised to do under the preceding section and to do such other things in connection with training for employment, or otherwise with employment or unemployment, as it may be authorised to do by any Minister of the Crown;
    - (b) a duty to do all such things as it is required to do under that section and to do all such other things in connection with training for employment, or otherwise with employment or unemployment, as may be specified in or determined under a direction given to it by any Minister of the Crown.
  - (2) The Commission shall—
    - (a) from time to time submit to the Secretary of State particulars of what it proposes to do for the purpose of carrying out its functions; and
    - (b) ensure that all its activities are in accordance with such proposals submitted by it to the Secretary of State as have been approved by him and with such modifications (if any) of any proposals so submitted as are notified to the Commission by the Secretary of State.
  - (3) The Secretary of State shall have power to give directions to the Commission imposing such general or specific requirements on it as to the carrying out of any of its functions as may be specified in or determined under the directions.
  - (4) The Commission shall have power to do anything (except borrow money) which is calculated to facilitate, or is conducive or incidental to, the carrying out of any of its functions.
  - (5) The power of a Minister of the Crown by virtue of paragraph (a) or (b) of subsection (1) of this section to authorise or direct the Commission to do anything shall include the power to delegate powers conferred on him by any enactment; but nothing in this section shall authorise any Minister of the Crown to delegate a power to make subordinate legislation (within the meaning of the Interpretation Act 1978).”
- (2) Schedule 2 to this Act (which for purposes connected with the provisions of subsection (1) above further amends the 1973 Act and provides for transitional and other matters) shall have effect.

**Changes to legislation:**

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