



# Enterprise and New Towns (Scotland) Act 1990

## 1990 CHAPTER 35

### PART I

#### SCOTTISH ENTERPRISE AND HIGHLANDS AND ISLANDS ENTERPRISE

##### *Establishment and Functions*

## **2 Functions in relation to training for employment etc.**

- (1) Without prejudice to section 17 of this Act, exercise of the general functions mentioned in section 1(a)(ii) and (b)(ii) of this Act shall only be in accordance with arrangements made under subsection (3) below.
- (2) Scottish Enterprise and Highlands and Islands Enterprise shall each—
  - (a) from time to time submit to the Secretary of State particulars of what it proposes to do for the purpose of carrying out such of its general functions as are mentioned in subsection (1) above;
  - (b) ensure that all its activities in relation to those functions 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 those proposals as are notified to the body in question by him.
- (3) Scottish Enterprise and Highlands and Islands Enterprise shall each, to such extent as it considers appropriate, make arrangements for the purpose of—
  - (a) assisting persons to train so that they may obtain and retain employment suitable for their ages and capacities;
  - (b) improving and developing any such training; <sup>F1</sup> . . .
  - (c) assisting persons to establish themselves as self-employed persons [<sup>F2</sup>; and
  - (d) providing temporary employment for persons who are without employment.]
- (4) Arrangements under subsection (3) above may—

*Changes to legislation: There are currently no known outstanding effects for the Enterprise and New Towns (Scotland) Act 1990, Section 2. (See end of Document for details)*

- (a) include arrangements for encouraging increases in the opportunities for (and types of) [<sup>F3</sup>employment and training] that are available to women and girls, to disabled persons or to persons of any racial group (as defined in [<sup>F4</sup>section 9 of the Equality Act 2010]) which constitutes a minority within the population of Scotland;
  - (b) be made in respect of training anywhere in the United Kingdom or elsewhere;
  - (c) include provision for the making of payments by Scottish Enterprise or Highlands and Islands Enterprise, 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; and
  - (d) include provision for the making of payments to Scottish Enterprise or Highlands and Islands Enterprise by other parties to the arrangements and by persons who use those facilities.
- (5) The payments for which, by virtue of subsection (4)(c) or (d) above, arrangements under subsection (3) above may provide—
- (a) shall include the payment to a person by Scottish Enterprise or Highlands and Islands Enterprise 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; and
  - (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.
- (6) Other than under section 15 of this Act, no payments shall be made by or on behalf of Scottish Enterprise or Highlands and Islands Enterprise by virtue of any power conferred by subsection (4) above unless the Secretary of State <sup>F5</sup>. .has 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.
- (7) An education authority shall provide Scottish Enterprise or Highlands and Islands Enterprise with such information in the possession of the authority as the body in question may, by written notice to the authority, reasonably require in connection with the determination of questions relating to the exercise by the body of any power which it has by virtue of subsection (4)(c) above to make payments to any person.

#### Textual Amendments

- F1** Word in s. 2(3) repealed (30.8.1993) by 1993 c. 19, s. 51, **Sch. 10**; S.I. 1993/1908, art. 2(1), **Sch. 1**.
- F2** S. 2(3): word and s. 2(3)(d) inserted (30.8.1993) by 1993 c. 19, s. 47(4)(a); S.I. 1993/1908, art. 2(1), **Sch. 1**.
- F3** Words in s. 2(4) substituted (30.8.1993) by 1993 c. 19, s. 47(4)(b); S.I. 1993/1908, art. 2(1), **Sch. 1**.
- F4** Words in s. 2(4)(a) substituted by 2010 c. 15 Sch. 26 Pt. 1 para. 20 (as inserted) (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 1 para. 5** (see S.I. 2010/2317, art. 2)
- F5** Words in s. 2(6) repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 100(2)**, Pt.IV

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**Modifications etc. (not altering text)**

**C1** S. 2(4)(c) excluded (7.10.1996) by [S.I. 1996/207](#), reg. 103(2), [Sch. 7 para. 14](#).

**Changes to legislation:**

There are currently no known outstanding effects for the Enterprise and New Towns (Scotland) Act 1990, Section 2.