



# Trade Union Reform and Employment Rights Act 1993

## 1993 CHAPTER 19

### PART III

#### OTHER EMPLOYMENT MATTERS

##### *Training etc. in Scotland*

#### **47 Employment and training functions of Scottish Enterprise and Highlands and Islands Enterprise**

(1) In section 2 of the Employment and Training Act 1973 (functions of the Secretary of State), after subsection (3) there shall be inserted—

“(3A) Without prejudice to subsection (2)(f) of this section, the Secretary of State may wholly or partly perform his duty under subsection (1) of this section in relation to Scotland by authorising or directing Scottish Enterprise or Highlands and Islands Enterprise 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 Scottish Enterprise or Highlands and Islands Enterprise) as may be so specified or determined,

and the power under this subsection to give authorisations or directions shall include power to revoke or vary any authorisation or direction so given.

(3B) Where Scottish Enterprise or Highlands and Islands Enterprise make arrangements under this section in pursuance of an authorisation or direction made by the Secretary of State under subsection (3A)(a) above, they shall, at such times as the Secretary of State may require, report to him what

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*Status: This is the original version (as it was originally enacted).*

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provision, if any, they have included in those arrangements in relation to disabled persons.”.

- (2) The Enterprise and New Towns (Scotland) Act 1990 shall be amended in accordance with the following provisions of this section.
- (3) In paragraphs (a)(ii) and (b)(ii) of section 1 (Scottish Enterprise and Highlands and Islands Enterprise), after the word “Act,” there shall be inserted the words “maintaining and”.
- (4) In section 2 (functions in relation to training for employment etc.)—
  - (a) in subsection (3), after paragraph (c) there shall be inserted “; and
    - (d) providing temporary employment for persons who are without employment.”, and
  - (b) in subsection (4), for the word “training”, in both places where it occurs, there shall be substituted the words “employment and training”.
- (5) After section 14 there shall be inserted—

**“14A Power of Ministers to confer or impose functions**

- (1) Without prejudice to the foregoing provisions of this Act, the functions of each of Scottish Enterprise and Highlands and Islands Enterprise shall include—
  - (a) a power to do anything in connection with unemployment, training for employment or employment which it is authorised to do by a Minister of the Crown; and
  - (b) a duty to do anything in connection with unemployment, training for employment or employment which it is required to do by or under a direction given to it by a Minister of the Crown.
- (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 the functions conferred or imposed upon it by or under subsection (1) above; and
  - (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) The power of a Minister of the Crown by virtue of subsection (1) above to authorise or direct Scottish Enterprise or Highlands and Islands Enterprise 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).”.