

Changes to legislation: There are currently no known outstanding effects for the Scotland Act 1998, Cross Heading: Head H – Employment. (See end of Document for details)

SCHEDULES

SCHEDULE 5

RESERVED MATTERS

PART II

SPECIFIC RESERVATIONS

Head H – Employment

H1. Employment and industrial relations

Section H1.

Employment rights and duties and industrial relations, including the subject-matter of—

- (a) the Employers' Liability (Compulsory Insurance) Act 1969,
- (b) the Employment Agencies Act 1973,
- (c) the Pneumoconiosis etc. (Workers' Compensation) Act 1979,
- (d) the Transfer of Undertakings (Protection of Employment) Regulations 1981,
- (e) the Trade Union and Labour Relations (Consolidation) Act 1992,
- (f) [^{F1}the Employment Tribunals Act 1996],
- (g) the Employment Rights Act 1996, and
- (h) the National Minimum Wage Act 1998.

Exception

The subject-matter of the Agricultural Wages (Scotland) Act 1949.

Textual Amendments

- F1** Words in Sch. 5 Pt. II Section H1 substituted (E.W.S.) (1.8.1998) by 1998 c. 8, s. 1(2)(c) (with s. 16(2)); S.I. 1998/1658, art. 2(1), Sch. 1

Textual Amendments

- F1** Words in Sch. 5 Pt. II Section H1 substituted (E.W.S.) (1.8.1998) by 1998 c. 8, s. 1(2)(c) (with s. 16(2)); S.I. 1998/1658, art. 2(1), Sch. 1

H2. Health and safety

Section H2.

The subject-matter of

[^{F2} Part I of the Health and Safety at Work etc. Act 1974

The Health and Safety Commission, the Health and Safety Executive and the Employment Medical Advisory Service

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Interpretation

For the purposes of the reservation of the subject-matter of Part I of the Health and Safety at Work etc. Act 1974—

- (a) “work” and “at work” in that Part are to be taken to have the meaning they have on the principal appointed day;
 - (b) that subject-matter includes—
 - (i) process fire precautions;
 - (ii) fire precautions in relation to petroleum and petroleum spirit; ^{F3} and]
 - (iii) fire safety on ^{F4} . . . ships and hovercraft, in mines and on offshore installations;
^{F5} . . .
 - ^{F5}(iv)
- but does not include any other aspect of fire safety.]

Textual Amendments

- F2** Sch. 5 Pt II Section H2: words substituted (1.7.1999) by [S.I. 1999/1749](#), [arts. 1, 6\(1\)](#); [S.I. 1998/3178](#), [art. 3](#)
- F3** Sch. 5 Pt. 2 Section H2: word in para. (b)(ii) inserted (23.3.2005) by [The Scotland Act 1998 \(Modifications of Schedule 5\) Order 2005 \(S.I. 2005/865\)](#), [arts. 1, 2\(a\)](#)
- F4** Sch. 5 Pt. 2 Section H2: words in para. (b)(iii) repealed (23.3.2005) by [The Scotland Act 1998 \(Modifications of Schedule 5\) Order 2005 \(S.I. 2005/865\)](#), [arts. 1, 2\(b\)](#)
- F5** Sch. 5 Pt. 2 Section H2: para. (b)(iv) and preceding word repealed (23.3.2005) by [The Scotland Act 1998 \(Modifications of Schedule 5\) Order 2005 \(S.I. 2005/865\)](#), [arts. 1, 2\(c\)](#)

Textual Amendments

- F2** Sch. 5 Pt II Section H2: words substituted (1.7.1999) by [S.I. 1999/1749](#), [arts. 1, 6\(1\)](#); [S.I. 1998/3178](#), [art. 3](#)
- F3** Sch. 5 Pt. 2 Section H2: word in para. (b)(ii) inserted (23.3.2005) by [The Scotland Act 1998 \(Modifications of Schedule 5\) Order 2005 \(S.I. 2005/865\)](#), [arts. 1, 2\(a\)](#)
- F4** Sch. 5 Pt. 2 Section H2: words in para. (b)(iii) repealed (23.3.2005) by [The Scotland Act 1998 \(Modifications of Schedule 5\) Order 2005 \(S.I. 2005/865\)](#), [arts. 1, 2\(b\)](#)
- F5** Sch. 5 Pt. 2 Section H2: para. (b)(iv) and preceding word repealed (23.3.2005) by [The Scotland Act 1998 \(Modifications of Schedule 5\) Order 2005 \(S.I. 2005/865\)](#), [arts. 1, 2\(c\)](#)

H3. Job search and support

Section H3.

The subject-matter of—

- (a) the Disabled Persons (Employment) Act 1944, and
- (b) the Employment and Training Act 1973, except so far as relating to training for employment.

^{F6}*Exceptions]*

^{F7}**Exception 1**

The making by a person of arrangements for, or arrangements for the purposes of or in connection with a scheme for, any of the following purposes—

- (a) assisting disabled persons to select, obtain and retain employment;

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- (b) assisting persons claiming reserved benefits who are at risk of long-term unemployment to select, obtain and retain employment, where the assistance is for at least a year;
- (c) assisting employers to obtain suitable employees who are persons referred to in paragraph (a) or (b).

The arrangements referred to in this exception include—

- (a) securing that the assistance referred to in this exception is provided by another person;
- (b) providing or arranging for the provision of facilities, support or services to any person;
- (c) the making of payments to any person.

The assistance referred to in this exception includes—

- (a) work search support,
- (b) skills training, and
- (c) work placements for the benefit of the community.

In this exception—

- (a) “disabled person” has the same meaning as it has in the Equality Act 2010 as at 28 May 2015 (the date of introduction into Parliament of the Bill for the Scotland Act 2016);
- (b) “reserved benefit” means a benefit which is to any extent a reserved matter.]

[^{F8}Exception 2]

The subject-matter of—

- (a) sections 8 to 10A of the Employment and Training Act 1973 (careers services), and
- (b) the following sections of Part I of the Enterprise and New Towns (Scotland) Act 1990 (Scottish Enterprise and Highlands and Islands Enterprise)—
 - (i) section 2(3)(c) (arrangements for the purpose of assisting persons to establish themselves as self-employed persons), and
 - (ii) section 12 (disclosure of information).

Textual Amendments

- F6** Words in Sch. 5 Pt. II s. H3 substituted (5.9.2016) by [Scotland Act 2016 \(c. 11\), ss. 31\(2\), 72\(4\)\(b\); S.I. 2016/759, reg. 3\(h\)](#)
- F7** Words in Sch. 5 Pt. II s. H3 inserted (5.9.2016) by [Scotland Act 2016 \(c. 11\), ss. 31\(3\), 72\(4\)\(b\); S.I. 2016/759, reg. 3\(h\)](#)
- F8** Words in Sch. 5 Pt. II s. H3 inserted (5.9.2016) by [Scotland Act 2016 \(c. 11\), ss. 31\(4\), 72\(4\)\(b\); S.I. 2016/759, reg. 3\(h\)](#)

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