

1974 No. 398 (C.9)
TERMS AND CONDITIONS OF EMPLOYMENT
INDUSTRIAL TRAINING
**The Employment and Training Act 1973 (Commencement No. 2)
Order 1974**

Made - - - - *11th March 1974*

The Secretary of State, in exercise of the powers conferred on him by sections 13(4) and 15(2) of the Employment and Training Act 1973(a) and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and interpretation

1.—(1) This Order may be cited as the Employment and Training Act 1973 (Commencement No. 2) Order 1974.

(2) In this Order—

“the 1973 Act” means the Employment and Training Act 1973; and

“the 1964 Act” means the Industrial Training Act 1964(b).

Appointed day

2. The provisions mentioned in the first column of the Schedule to this Order (which relate to the matters specified in the second column of that Schedule) shall come into operation on 1st April 1974.

Supplemental

3. Where any function of a Minister of the Crown connected with the training of persons for employment ceases on 1st April 1974 to be a function performed by the Minister and becomes a function performed by or on behalf of the Manpower Services Commission—

(a) anything done before that date by the Minister in the performance of that function shall, if in force on 1st April 1974, have effect as if similarly done by or on behalf of the said Commission;

(b) anything which on that date is in process of being done by or in relation to the Minister in connection with the performance of that function may be continued by or in relation to the said Commission or (in the case of a function to be performed on behalf of the said Commission by the Training Services Agency) the said Agency; and

(c) any reference in any document connected with the performance of that function shall, so far as may be necessary in connection with the transfer of that function to the said Commission, have effect as if for any reference to, or to the department or any officer of, the Minister there were substituted a reference to, or to an officer of, the said Commission or (in the case of a function to be performed on behalf of the said Commission by the Training Services Agency) the said Agency.

(a) 1973 c. 50.

(b) 1964 c. 16.

Variation of the Employment and Training Act 1973 (Commencement No. 1) Order 1973

4. The Employment and Training Act 1973 (Commencement No. 1) Order 1973(a) (hereinafter referred to as "the Commencement No. 1 Order") shall be varied by:—

(a) the insertion after Article 5 of the following Article:—

"Transitional provision

5A. The coming into operation on 1st April 1974 of so much of paragraph 2 of Part III of Schedule 2 to the 1973 Act as relates to the substitution of the words " 'the Minister' means the Ministers concerned with agriculture in England, Scotland and Wales acting jointly" for the definition "the Minister" in section 1(2) of the 1964 Act shall have effect in relation to section 8(3) of the 1964 Act (accounts and reports of industrial training boards) only in relation to accounts and reports which relate to a period commencing on or after 1st April 1974.";

(b) the substitution of the words "1st September 1974" for the words "1st August 1974" where they occur in relation to the Engineering Industry Training Board in column 3 of Schedule 3 to the Commencement No. 1 Order.

Signed by order of the Secretary of State.

Albert Booth,
Minister of State,
Department of Employment.

11th March 1974.

Article 2.

SCHEDULE

Provisions of the 1973 Act coming into operation on 1st April 1974

Provisions	Subject matter of provisions
Section 1(1) (so far as it relates to the Training Services Agency).	Establishment of Training Services Agency.
Section 1(4) and (5) (so far as aforesaid).	Constitution of Training Services Agency.
Section 1(6) (so far as aforesaid).	Power to transfer property to Training Services Agency.
Section 1(7) (so far as aforesaid).	Status of Training Services Agency.

(a) S.I. 1973/2063 (1973 III, p. 7093).

Provisions	Subject matter of provisions
Section 2(4) (so far as aforesaid).	Duty of Training Services Agency.
Section 2(5) (so far as aforesaid).	Incidental powers of Training Services Agency.
Section 7(1) to (4) (so far as aforesaid).	Modification and exclusion of enactments relating to redundancy payments, employers' liability insurance and contracts of employment.
Section 8 (except in relation to Scotland).	Provision of careers services.
Section 9(1), (2), (5) and (6) (except in relation to Scotland).	Records of vocational advice.
Section 10(1) (except in relation to Scotland).	Control of local education authorities by Secretary of State.
Section 10(2).	Arrangements for constituting a body to perform functions on behalf of the Secretary of State under section 10(1).
Section 11(1) (so far as it relates to payments to the Training Services Agency).	Finance.
Section 12(2) (so far as it relates to local education authorities in England and Wales).	Duty to furnish information relating to social security questions.
Section 12(3) (except in relation to Scotland).	Arrangements for performance by Commission of certain duties of local education authorities under section 12(2).
Section 14 (so far as it relates to the provisions of Schedules 3 and 4 mentioned below).	Minor amendments of other enactments and repeals.
Schedule 1 (so far as it relates to the Training Services Agency).	Constitution of Training Services Agency.
Schedule 3, the following provisions:— paragraphs 1, 6 (except in relation to Scotland), 7(2), 8 and 11(1).	Minor amendments of other enactments.
Schedule 4, the following repeals:— The Unemployment Insurance Act 1935(a)—section 80;	Repeals.
The Employment and Training Act 1948(b)— sections 3 and 8, sections 9 to 13 (except in relation to Scotland), sections 14(2) and 15 and Schedule 1;	

(a) 1935 c. 8.

(b) 1948 c. 46.

TERMS AND CONDITIONS OF EMPLOYMENT
INDUSTRIAL TRAINING

Provisions	Subject matter of provisions
The Agriculture (Miscellaneous Provisions) Act 1949(a)— section 8(5);	
The London Government Act 1963(b)— section 34;	
The National Insurance (Industrial Injuries) Act 1965(c)— section 72;	
The Agriculture Act 1970(d)— section 104; and	
The Local Government Act 1972(e)— section 209.	

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order brings into operation on 1st April 1974—

- (a) the provisions of the Employment and Training Act 1973 which relate to the establishment and functions of the Training Services Agency;
- (b) the provisions (other than section 9(3) and (4)) of that Act which relate to the provision of careers services by local education authorities in England and Wales; and
- (c) certain repeals and minor amendments of other enactments contained in that Act.

The Order also varies the Employment and Training Act 1973 (Commencement No. 1) Order 1973 by providing that the reports and accounts of the Agricultural Training Board shall be submitted to the Ministers concerned with agriculture in England, Wales and Scotland acting jointly only in relation to periods commencing on or after 1st April 1974. The Order further varies the Commencement No. 1 Order by substituting "1st September 1974" for "1st August 1974" in column 3 of Schedule 3 to that Order in relation to the Engineering Industry Training Board. The effect of this is to change the date on and after which the functions of that Board are to be exercised in accordance with proposals submitted to the Manpower Services Commission and in relation to the exercise of functions on and after that date the Board is to submit proposals to the Commission.

(a) 1949 c. 37.
(c) 1965 c. 52.
(e) 1972 c. 70.

(b) 1963 c. 33.
(d) 1970 c. 40.

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