

Status: Point in time view as at 23/03/2005.

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} . . .
 - (iv) ^{F5}
 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.

Exception

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)—

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- (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).

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