

---

## EXPLANATORY NOTE

*(This note is not part of the Order)*

The Order, made under the Scotland Act 1998 (“the Scotland Act”), provides for certain functions conferred on the Secretary of State by section 2 of the Employment and Training Act 1973 (“the 1973 Act”) to make arrangements to help young people retain employment, so far as they are exercisable in or as regards Scotland, to be exercisable concurrently by the Scottish Ministers.

It also provides that these functions are exercisable concurrently to the extent that they are not otherwise exercisable by Scottish Ministers. The Section H3 Job search and support reservation, in Schedule 5 to the Scotland Act, reserves the subject matter of the 1973 Act except insofar as relating to training for employment, and the matters listed in Exceptions 1 and 2 to Section H3. These excepted functions are exercisable by the Scottish Ministers by virtue of section 53 of the Scotland Act.

When the functions are exercised by the Scottish Ministers, the requirement for Treasury consent under section 2(5) of the Employment and Training Act 1973 does not apply (see section 63(2) of the Scotland Act).

Articles 3 and 4 modify three enactments, in connection with the provisions made by this Order. This will enable the sharing of Revenue and Customs information and social security information with the Scottish Ministers in connection with any arrangements they make by virtue of this Order to help young people retain employment.

Section 117 of the Scotland Act allows statutory references to a Minister of the Crown to be read as (or as including) references to the Scottish Ministers in connection with the Scottish Ministers’ exercise of a devolved function nominally conferred on a Minister of the Crown. Article 5 applies section 117 to the Scottish Ministers’ exercise of the functions which they are concurrently empowered to exercise by virtue of this Order. This means that, in this context, the various references to the Secretary of State in section 2 of the 1973 Act can be read as including references to the Scottish Ministers.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.