

**2014 No. 1892**

**CONSTITUTIONAL LAW**

**DEVOLUTION, SCOTLAND**

**EMPLOYMENT**

**The Scotland Act 1998 (Agency Arrangements) (Specification)  
Order 2014**

*Made* - - - - - *16th July 2014*

*Laid before Parliament* *23rd July 2014*

*Laid before the Scottish Parliament* *23rd July 2014*

*Coming into force* - - - *3rd November 2014*

At the Court at Buckingham Palace, the 16th day of July 2014

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by sections 93(3) and 113(3) of the Scotland Act 1998(a), is pleased, by and with the advice of Her Privy Council, to order as follows:

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Scotland Act 1998 (Agency Arrangements) (Specification) Order 2014 and shall come into force on 3rd November 2014.

(2) This Order does not extend to Northern Ireland.

**Specification of functions**

2.—(1) The functions of the Secretary of State under the following provisions are specified for the purposes of section 93(1) of the Scotland Act 1998—

- (a) section 2 of the Employment and Training Act 1973(b), in so far as those functions may be exercised by the Secretary of State to make arrangements for the delivery of services providing for—

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(a) 1998 c.46; section 93 was amended by section 23 of the Scotland Act 2012 (c.11).

(b) 1973 c.50; section 2 was substituted by section 25(1) of the Employment Act 1988 (c.19) and amended by Part 1 of Schedule 7 to the Employment Act 1989 (c.38) and by section 47(1) of the Trade Union Reform and Employment Rights Act 1993 (c.19).

- (i) occupational health assessments in relation to persons resident in Scotland who are absent from employment, or at risk of being absent from employment, due to sickness;
- (ii) advice to persons in connection with those assessments;
- (iii) occupational health and related advice;
- (b) section 3 of the Social Security Act 1998(a), in so far as those functions may be exercised by the Secretary of State for the purposes of, or for any purposes connected with, those services.

(2) In this article “employment” has the same meaning as in section 13 of the Employment and Training Act 1973(b).

*Richard Tilbrook*  
Clerk of the Privy Council

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(a) 1998 c.14; section 3 was amended by paragraphs 1 and 4 of Schedule 6 and Schedule 8 to the Employment Act 2002 (c.22), paragraph 1 of Schedule 10 to the Pensions Act 2004 (c.35), paragraph 3 of Schedule 7 to the Child Maintenance and Other Payments Act 2008 (c.6), section 63 of the Pensions Act 2008 (c.30), section 127 of the Welfare Reform Act 2012 (c.5), paragraph 21 of Schedule 1 to the Mesothelioma Act 2014 (c.1) and by S.I. 2012/2007.

(b) The definition of “employment” was amended by Schedule 18 to the Employment Protection Act 1975 (c.71).

## **EXPLANATORY NOTE**

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

This Order specifies, for the purposes of section 93(1) of the Scotland Act 1998, functions of the Secretary of State. Section 93(1) allows a Minister of the Crown to make arrangements for any of the specified functions to be exercised on behalf of the Minister of the Crown by the Scottish Ministers.

The functions of the Secretary of State which are specified in this Order are certain of the functions under section 2 of the Employment and Training Act 1973 (assisting persons to obtain and retain employment) and under section 3 of the Social Security Act 1998 (use of information).

An impact assessment has not been prepared for this Order as it has no impact on business or civil society organisations.

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