
STATUTORY INSTRUMENTS

1991 No. 387

EMPLOYMENT AND TRAINING

**The Enterprise (Scotland)
Consequential Amendments Order 1991**

<i>Made</i>	- - - -	<i>28th February 1991</i>
<i>Laid before Parliament</i>		<i>11th March 1991</i>
<i>Coming into force</i>	- -	<i>1st April 1991</i>

Whereas the consequential modifications of provisions in subordinate legislation effected by this Order appear to the Secretary of State to be necessary or expedient in connection with functions becoming, by section 1(a)(ii) and (b)(ii) of the Enterprise and New Towns (Scotland) Act 1990⁽¹⁾, functions of Scottish Enterprise and Highlands and Islands Enterprise:

Now, therefore, the Secretary of State, in exercise of the powers conferred upon him by section 38(3) of the said Act and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Enterprise (Scotland) Consequential Amendments Order 1991 and shall come into force on 1st April 1991.

General amendments

2. Each of the instruments specified in column (1) of the Schedule to this Order shall be amended by inserting in the instrument, where indicated in column (3) of that Schedule, the words “or section 2 of the Enterprise and New Towns (Scotland) Act 1990”.

The Social Security (Credits) Regulations 1975

3. The Social Security (Credits) Regulations 1975⁽²⁾ shall be amended as follows:—
- (a) in regulation 7(2)(b), after “1973” there shall be added the words “or the Enterprise and New Towns (Scotland) Act 1990”; and
 - (b) in regulation 8(1)(a)(ii)(a), after “1973” there shall be added the words “or section 2(3) of the Enterprise and New Towns (Scotland) Act 1990”.

(1) 1990 c. 35.

(2) S.I. 1975/556; relevant amending instruments are S.I. 1988/1439 and 1989/1627.

The Social Security (Attendance Allowance) (No. 2) Regulations 1975

4. At the end of the Schedule to the Social Security (Attendance Allowance) (No. 2) Regulations 1975(3) there shall be added the following entry:—

“1990 c. 35	The Enterprise and New Towns (Scotland) Act 1990	Section 2(3) and (4)(c)”. Section 2(3) and (4)(c)”. Section 2(3) and (4)(c)”.
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The Social Security (Overlapping Benefits) Regulations 1979

5. The Social Security (Overlapping Benefits) Regulations 1979(4) shall be amended as follows:

- (a) in the definition of “training allowance” in regulation 2(1), the words “Scottish Enterprise, Highlands and Islands Enterprise or” shall be added after the words “on behalf of” (in all three places where they appear); and
- (b) in regulation 10(1)(h), after “1973” there shall be added the words “, or by Scottish Enterprise or Highlands and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990,”.

The Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983

6. The Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983(5) shall be amended as follows:—

- (a) in regulation 1(2)—
 - (i) in the definition of “employment or training programme”, after “1973” there shall be added the words “, or by Scottish Enterprise or Highlands and Islands Enterprise under section 2(3) of the Enterprise and New Towns (Scotland) Act 1990,”;
 - (ii) in the definition of “training allowance”, after “1973” there shall be added the words “or the Enterprise and New Towns (Scotland) Act 1990”; and
 - (iii) in the definition of “training course”, after “1973” there shall be added the words “, or by Scottish Enterprise or Highlands and Islands Enterprise pursuant to section 2(3) of the Enterprise and New Towns (Scotland) Act 1990,”;
- (b) in regulation 7(1)(f)—
 - (i) in head (i), after the words “behalf of” there shall be added the words “Scottish Enterprise, Highlands and Islands Enterprise or”;
 - (ii) in head (ii), after the words “made with” there shall be added the words “Scottish Enterprise, Highlands and Islands Enterprise or”; and
 - (iii) after the words “made by or on behalf of” there shall be added the words “Scottish Enterprise, Highlands and Islands Enterprise,”; and
- (c) in regulation 12D(1)(f), after “1973” there shall be added the words “, or by Scottish Enterprise or Highlands and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990,”.

(3) S.I. 1975/598; relevant amending instrument is S.I. 1983/1741.

(4) S.I. 1979/597; relevant amending instruments are S.I. 1982/1173 and 1988/1446.

(5) S.I. 1983/1598; relevant amending instruments are S.I. 1989/872 and 1324.

The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1985

7. Regulation 2(1) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1985(6) shall be amended by adding at the end of each of the definitions of “training” and “work” the words “or by or on behalf of Scottish Enterprise or Highlands and Islands Enterprise”.

The Students' Allowances (Scotland) Regulations 1987

8. Regulation 2(6)(a) of the Students' Allowances (Scotland) Regulations 1987(7) shall be amended by substituting for the words “or the Secretary of State” the words “,the Secretary of State, Scottish Enterprise or Highlands and Islands Enterprise”.

The Income Support (General) Regulations 1987

9. The Income Support (General) Regulations 1987(8) shall be amended as follows:—
- (a) in the definition of “training allowance” in regulation 2(1), the words “, Scottish Enterprise or Highlands and Islands Enterprise” shall be inserted at the end of each of paragraphs (a) and (c);
 - (b) in regulation 9(2), the words “Scottish Enterprise, Highlands and Islands Enterprise or” shall be inserted after the words “on behalf of” where they appear in sub-paragraphs (a) (ii) and b(i);
 - (c) in regulation 17(6A), after the words “that section” there shall be inserted the words “of the 1973 Act”;
 - (d) in paragraph 7(1)(b) of Schedule 2, there shall be added after “1973” the words “or by Scottish Enterprise or Highlands and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990,”;
 - (e) in paragraph 9(a)(v) of column 1 of Schedule 7, after the words “that section” there shall be added the words “of the 1973 Act”;
 - (f) in Schedule 8, the words “of the 1973 Act” shall be inserted after the words “that section” in each place where they appear in—
 - (i) paragraph 4(7)(a)(ii);
 - (ii) paragraph 4(7)(c); and
 - (iii) paragraph 6(2C)(a);
 - (g) in paragraph 13 of Schedule 9—
 - (i) there shall be added after the words “that section” the words “of the 1973 Act”; and
 - (ii) for the words “of that Act” (in both places where they appear) there shall be substituted the words “of the 1973 Act or section 2(4)(c) of the 1990 Act”; and
 - (h) in paragraph 30 of Schedule 10, after the words “that section” there shall be inserted the words “of the 1973 Act”.

The Income Support (Transitional) Regulations 1987

10. Regulation 14(1E) of the Income Support (Transitional) Regulations 1987(9) shall be amended by adding after the words “that section” the words “of the 1973 Act”.

(6) S.I. 1985/2023, to which there are amendments not relevant to this Order.

(7) S.I. 1987/864; relevant amending instrument is S.I. 1990/1348.

(8) S.I. 1987/1967; relevant amending instruments are S.I. 1988/663 and 1445 and 1989/1678.

(9) S.I. 1987/1969; relevant amending instrument is S.I. 1989/1626.

The Housing Benefit (General) Regulations 1987

- 11.** The Housing Benefit (General) Regulations 1987(**10**) shall be amended as follows:—
- (a) in the definition of “training allowance” in regulation 2(1), the words “, Scottish Enterprise or Highlands and Islands Enterprise” shall be added at the end of each of paragraphs (a) and (c);
 - (b) in the definition of “training course” in regulation 5(9), before the words “a government” there shall be added the words “Scottish Enterprise, Highlands and Islands Enterprise,”;
 - (c) in regulation 51(2)(b), after the words “behalf of” there shall be added the words “Scottish Enterprise, Highlands and Islands Enterprise or”;
 - (d) in paragraph 7(1)(b) of Schedule 2, after “1973” there shall be added the words “, or by Scottish Enterprise or Highlands and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990,”;
 - (e) in paragraph 11 of Schedule 4—
 - (i) there shall be added after the words “that section” the words “of the 1973 Act”; and
 - (ii) for the words “of that Act” (in both places where they appear) there shall be substituted the words “of the 1973 Act or section 2(4)(c) of the 1990 Act”;
 - (f) in paragraph 33 of Schedule 5, for the words “that section” there shall be substituted the words “either of those sections”.

The Family Credit (General) Regulations 1987

- 12.** The Family Credit (General) Regulations 1987(**11**) shall be amended as follows:—
- (a) in paragraph 11 of Schedule 2—
 - (i) there shall be added after the words “that section” the words “of the 1973 Act”; and
 - (ii) for the words “of that Act” (in both places where they appear) there shall be substituted the words “of the 1973 Act or section 2(4)(c) of the 1990 Act”;
 - (b) in paragraph 32 of Schedule 3, for the words “that section” there shall be substituted the words “either of those sections”.

The European Communities (Iron and Steel Employees Re-adaptation Benefits Scheme) (No.2) Regulations 1988

- 13.** Schedule 1 to the European Communities (Iron and Steel Employees Re-adaptation Benefits Scheme) (No.2) Regulations(**12**) shall be amended as follows:—
- (a) in paragraph 1—
 - (i) the following definition shall be added after the definition of “the 1986 Act”:—

““the 1990 Act” means the Enterprise and New Towns (Scotland) Act 1990;”;

and
 - (ii) in paragraph (a) of the definition of “relevant course of training”, there shall be added after the word “Act” the words “or the 1990 Act”; and
 - (b) at the end of each of paragraphs 7(8) and 8(3), there shall be added the words “, or by or on behalf of Scottish Enterprise or Highlands and Islands Enterprise under any provision of the 1990 Act”.

(10) S.I. 1987/1971; relevant amending instruments are S.I. 1988/909 and 1971 and 1990/546 and 1775.

(11) S.I. 1987/1973; relevant amending instruments are S.I. 1988/660, 1438 and 1970.

(12) S.I. 1988/538.

The Social Security (Payments on account, Overpayments and Recovery) Regulations 1988

14. In regulation 8(1)(f) of the Social Security (Payments on account, Overpayments and Recovery) Regulations 1988(13), the words “Scottish Enterprise, Highlands and Islands Enterprise or” shall be added after the words “behalf of” and also after the words “approved by”.

The Education Authority Bursaries (Scotland) Regulations 1988

15. Regulation 2(6)(a) of the Education Authority Bursaries (Scotland) Regulations 1988(14) shall be amended by substituting, for the words “or the Secretary of State”, the words “, the Secretary of State, Scottish Enterprise or Highlands and Islands Enterprise”.

The Social Security (Employment Training: Payments) Order 1988

16. Article 2 of the Social Security (Employment Training: Payments) Order 1988(15) shall be amended by substituting for the words “that section” (in both places where they appear) the words “either of those sections”.

The Local Government Act 1988 (Defined Activities) (Exemptions) (Scotland) Order 1988

17. Article 6 of the Local Government Act 1988 (Defined Activities) (Exemptions) (Scotland) Order 1988(16) shall be amended as follows:—

(a) the following words shall be inserted after the words “Act 1973,”:—

“or pursuant to an agreement made with Scottish Enterprise or Highlands and Islands Enterprise which is an agreement made by virtue of any provision of the Enterprise and New Towns (Scotland) Act 1990,”; and

(b) for the words “or the Secretary of State” (where they appear for the second time), there shall be inserted the words “, the Secretary of State, Scottish Enterprise or Highlands and Islands Enterprise”.

The Community Charge Benefits (General) Regulations 1989

18. The Community Charge Benefits (General) Regulations 1989(17) shall be amended as follows:—

(a) in the definition of “training allowance” in regulation 2(1), the words “, Scottish Enterprise or Highlands and Islands Enterprise” shall be inserted at the end of each of paragraphs (a) and (c);

(b) in paragraph 11 of Schedule 3—

(i) after the words “that section” there shall be added the words “of the 1973 Act”; and

(ii) for the words “of that Act” (in both places where they appear) there shall be substituted the words “of the 1973 Act or section 2(4)(c) of the 1990 Act”; and

(c) in paragraph 33 of Schedule 4, for the words “that section” there shall be substituted the words “either of those sections”.

(13) S.I. 1988/664, to which there are amendments not relevant to this Order.

(14) S.I. 1988/1042; relevant amending instrument is S.I. 1990/1347.

(15) S.I. 1988/1409.

(16) S.I. 1988/1415, amended by S.I. 1990/1485.

(17) S.I. 1989/1321; relevant amending instrument is S.I. 1990/834.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

The Home Energy Efficiency Grants Regulations 1990

19. Regulation 11(4) of the Home Energy Efficiency Grants Regulations 1990(**18**) shall be amended by adding after “1973” the words “or section 2(3) of the Enterprise and New Towns (Scotland) Act 1990”.

St. Andrew’s House,
Edinburgh
28th February 1991

Allan Stewart
Parliamentary Under Secretary of State, Scottish
Office

SCEDULE

Article 2

Column (1) Title of Instrument	Column (2) Reference	Column (3) Place for Insertion
The Child Benefit (General) Regulations 1976	S.I. 1976/965 (19)	Regulation 1(2) – in paragraph (a) of the definition of “youth training scheme” after the word “State”.
The Social Security (Overlapping Benefits) Regulations 1979	S.I. 1979/597 (20)	Regulation 2(1) – in paragraph (b) of the definition of “training allowance” after “1973”.
The Income Support (General) Regulations 1987	S.I. 1987/1967 (21)	(a) (a) Regulation 7(2) – after “1973”; (b) Regulation 17(6A) – after “1973”; (c) Regulation 37(1) – after “1973”; (d) Schedule 3, paragraph 11(7)(b) – after “1973”; (e) Schedule 7, column 1, paragraph 9(a)(v) – after “1973”; (f) Schedule 8, paragraph 4(7)(a)(ii) – after “1973”; (g) Schedule 8, paragraph 4(7)(c) – after “1973”; (h) Schedule 8, paragraph 6(2C)(a) – after “1973”; (i) Schedule 9, paragraph 13 – after “1973”; (j) Schedule 10, paragraph 30 – after the “State”.
The Social Security (Claims and Payments) Regulations 1987	S.I. 1987/1968 (22)	Schedule 7, paragraph 7(1) – after “1973”.

(19) The relevant amending instrument is S.I. [1988/1227](#).(20) The relevant amending instrument is S.I. [1988/1446](#).(21) The relevant amending instruments are S.I. [1988/663](#) and [1445](#) and [1989/534](#), [1323](#) and [1678](#).(22) The relevant amending instrument is S.I. [1990/2208](#).

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Column (1) Title of Instrument	Column (2) Reference	Column (3) Place for Insertion
The Income Support (Transitional) Regulations 1987	S.I. 1987/1969 (23)	Regulation 14(1E) – after “1973”.
The Housing Benefit (General) Regulations 1987	S.I. 1987/1971 (24)	(a) (a) Regulation 30 – after “1973”; (b) Regulation 63(7)(b) – after “1973”; (c) Schedule 4, paragraph 11 – after “1973”; (d) Schedule 5, paragraph 33 – after the “State”.
The Family Credit (General) Regulations 1987	S.I. 1987/1973 (25)	(a) (a) Regulation 21(1) – after “1973”; (b) Schedule 2, paragraph 11 – after “1973”; (c) Schedule 3, paragraph 32 – after the word “State”.
The Social Security (Employment Training: Payments) Order 1988	S.I. 1988/1409	Article 2 – after “1973”.
The Fire Precautions (Factories, Offices, Shops and Railway Premises) Order 1989	S.I. 1989/76	Article 5(3)(c) – after “1973”.
The Community Charge Benefits (General) Regulations 1989	S.I. 1989/1321 (26)	(a) (a) Regulation 20 – after “1973”; (b) Schedule 1, paragraph 7(b) – after “1973”; (c) Schedule 1, paragraph 13(5) – after “1973”; (d) Schedule 1, paragraph 13(7) – after “1973”; (e) Schedule 3, paragraph 11 – after “1973”;

(23) The relevant amending instrument is S.I. [1989/1626](#).

(24) The relevant amending instruments are S.I. [1988/909](#) and [1971](#) and [1990/546](#).

(25) The relevant amending instruments are S.I. [1988/660](#), [1438](#) and [1970](#).

(26) The relevant amending instruments are S.I. [1990/834](#) and [1773](#).

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Column (1) Title of Instrument	Column (2) Reference	Column (3) Place for Insertion
		(f) Schedule 4, paragraph 33 – after the word “State”.
The Sex Discrimination Act 1975 (Exemption of Special Treatment for Lone Parents) Order 1989	S.I. 1989/2140	Article 2 – in the definition of “Employment Training” after “1973”.
The Personal Community Charge (Qualifying Courses of Education) Regulations 1990	S.I. 1990/712	(a) (a) Regulation 2(3)(b) – after “1973”; (b) Schedule – in the heading after “1973”.
The Personal Community Charge (Exemptions) (Qualifying Courses of Education) (Scotland) Regulations 1990	S.I. 1990/1178	(a) (a) Regulation 2(2)(b)(ii) – after “1973”; (b) Schedule 2 – in the heading after “1973”.

EXPLANATORY NOTE

(This note is not part of the Order)

The Enterprise and New Towns (Scotland) Act 1990 created in Scotland two new public bodies to be known as Scottish Enterprise and Highlands and Islands Enterprise. As from 1st April 1991, these bodies will assume responsibility for training arrangements in Scotland previously made by the Secretary of State for Employment under the Employment and Training Act 1973 (c. 50). This Order consequentially amends references in subordinate legislation to the Secretary of State and that 1973 Act so as to include, as from 1st April 1991, references to Scottish Enterprise and Highlands and Islands Enterprise and to the Enterprise and New Towns (Scotland) Act 1990.