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STATUTORY INSTRUMENTS

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1988 No. 1087 (N.I. 10)

NORTHERN IRELAND

**The Employment and Training (Amendment)  
(Northern Ireland) Order 1988**

*Made* 22nd June 1988

*Laid before Parliament* 6th July 1988

*Coming into operation* 23rd August 1988

At the Court at Buckingham Palace, the 22nd day of June 1988

Present,

The Queen's Most Excellent Majesty in Council

Whereas this Order is made only for purposes corresponding to those of the provisions of the Employment Act 1988 to which section 34(4) of that Act applies: 1988 c. 19

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (as modified by section 34(4) of the said Act of 1988) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:— 1974 c. 28

*Title and commencement*

1. This Order may be cited as the Employment and Training (Amendment) (Northern Ireland) Order 1988 and shall come into operation on the expiration of two months from the day on which it is made.

*Interpretation*

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly. 1954 c. 33 (N.I.)

(2) In this Order—

“the Department” means the Department of Economic Development;

“statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

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*General functions of the Department as to employment and training  
for employment*

1950 c. 29 (N.I.)

**3.** In section 1 of the Employment and Training Act (Northern Ireland) 1950 for subsections (1) and (1A) there shall be substituted the following subsections—

“(1) The Department of Economic Development (in this Act referred to as “the Department”) shall make such arrangements as it considers appropriate for the purpose of assisting persons to select, train for, obtain and retain employment suitable for their ages and capacities or of assisting persons to obtain suitable employees (including partners and other business associates).

(1A) Arrangements under this section may—

- (a) include arrangements for providing temporary employment for persons in Northern Ireland who are without employment;
- (b) include arrangements for encouraging increases in the opportunities for employment and training that are available to women and girls or to disabled persons;
- (c) subject to the restriction of paragraph (a) to persons in Northern Ireland, be made in respect of employment and training anywhere in the United Kingdom or elsewhere;
- (d) include provision for the making of payments by the Department, by way of grant or loan or otherwise, to persons who provide facilities in pursuance of the arrangements, to persons who use those facilities and to other persons specified in or determined under the arrangements;
- (e) include provision for the making of payments to the Department by other parties to the arrangements and by persons who use those facilities;
- (f) include arrangements for securing that assistance in relation to the matters mentioned in subsection (1) is provided by persons other than the Department.

(1B) The payments for which arrangements under this section may provide—

- (a) shall include the payment to a person by the Department of an allowance pending a time when payments will be or may be made to that person in respect of his use of facilities which will be or may be made available to him under any such arrangements;
- (b) shall not include the payment of any such allowance to a person—
  - (i) for any period after that person has attained the age of eighteen years; or
  - (ii) for any period for which child benefit is payable in respect of that person; and

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- (c) shall not include any payment by any person to the Department, other than a payment for publications issued in pursuance of the arrangements, in respect of the seeking or obtaining for that person of any employment under a contract of service or apprenticeship.

(1C) No payments shall be made by the Department by virtue of any power conferred by this section unless the Department of Finance and Personnel has approved—

- (a) the amounts of the payments or the manner of determining those amounts; and
- (b) the terms on which they are made or the manner of determining those terms.”.

*Status of trainees*

4.—(1) Where it appears to the Department that provision has been made under section 1 of the Employment and Training Act (Northern Ireland) 1950 for persons using facilities provided in pursuance of arrangements under that section to receive payments from the Department in connection with their use of those facilities, the Department may by order provide—

1950 c. 29 (N.I.)

- (a) that those persons are, for the purposes and in the cases specified or described in or determined under the order, to be treated in respect of their use of those facilities as being or as not being employed;
  - (b) that where those persons are treated as being employed they are to be treated as being the employees of the persons so specified, described or determined and of no others;
  - (c) that where those persons are treated as not being employed they are to be treated as being trained, or are to be treated in such other manner as may be so specified, described or determined; and
  - (d) that those payments are to be treated for the purposes of such statutory provisions as may be so specified, described or determined in such manner as may be so specified, described or determined.
- (2) An order under this Article—
- (a) may modify any statutory provision (including this Order and any such provision passed or made after the making of this Order),
  - (b) may contain such incidental, consequential and transitional provision as appears to the Department to be appropriate; and
  - (c) shall be subject to negative resolution.

*Amendment of Social Security (Northern Ireland) Act 1975 with respect to the refusal of training*

5.—(1) Section 20 of the Social Security (Northern Ireland) Act 1975 (disqualification of certain persons for receiving unemployment

1975 c. 15

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benefit) shall be amended as follows.

(2) In subsection (1), for paragraph (e) there shall be substituted the following paragraphs—

“(e) he has lost his place on an approved training scheme through his misconduct, or has voluntarily left such a place without good cause;

(f) after a place on an approved training scheme has been properly notified to him as vacant or about to become vacant, he has without good cause refused or failed to apply for that place or refused to accept that place when offered to him; or

(g) he has neglected to avail himself of a reasonable opportunity of a place on an approved training scheme.”

(3) In subsection (5)—

(a) in paragraph (a), after “subsection (1)(b)” there shall be inserted “and (f)”; and

(b) after paragraph (b) there shall be inserted the following paragraph—

“(ba) ‘approved training scheme’, in subsection (1)(e), (f) and (g), means a scheme under which persons—

(i) are trained for employment; or

(ii) acquire work-experience for the purpose of becoming or keeping fit for entry to or return to regular employment,

and which is approved by the Department of Economic Development for the purposes of this section.”.

*Repeals*

6. The following statutory provisions are hereby repealed, namely—

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| 1975 c. 15 | (a) in section 20(1) of the Social Security (Northern Ireland) Act 1975 the word “or” at the end of paragraph (d); |
| 1977 NI 11 | (b) Article 18(6) of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977;                 |
| 1980 NI 13 | (c) Article 7(7) of the Social Security (No. 2) (Northern Ireland) Order 1980;                                     |
| 1987 NI 9  | (d) Article 24 of the Industrial Relations (Northern Ireland) Order 1987.  |

*G. I. de Deney*  
Clerk of the Privy Council

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**EXPLANATORY NOTE**

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

This Order is made only for purposes corresponding to those of provisions of the Employment Act 1988 to which section 34(4) of that Act applies. It amends the law with respect to persons to whom facilities for work experience and training for employment are made available.