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STATUTORY INSTRUMENTS

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**1989 No. 2413 (N.I. 22)**

**NORTHERN IRELAND**

**The Youth Service (Northern Ireland) Order 1989**

*Made* - - - - - *19th December 1989*

*Coming into operation* *20th January 1990*

At the Court at Buckingham Palace, the 19th day of December 1989

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974(1) 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:—

*Introductory*

**Title and commencement**

1.—(1) This Order may be cited as the Youth Service (Northern Ireland) Order 1989.

(2) This Order shall come into operation on the expiration of one month from the day on which it is made.

**Interpretation**

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

(2) In this Order—

“the Department” means the Department of Education;

“officer” includes servant;

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(1) 1974 c. 28

(2) 1954 c. 33 (N.I.)

“voluntary organisation” means any person or body of persons, whether corporate or unincorporated, carrying on or proposing to carry on, an undertaking otherwise than for profit (and includes a voluntary headquarter organisation);

“the Youth Council” means the Youth Council for Northern Ireland.

*The Youth Council for Northern Ireland*

**Establishment**

3.—(1) There shall be established a body to be known as the Youth Council for Northern Ireland.

(2) The Schedule (which makes provision for the constitution of the Youth Council and other matters) shall have effect.

**Functions**

4.—(1) In accordance with arrangements approved by the Department, the Youth Council shall—

- (a) advise the Department, education and library boards and other bodies on the development of the youth service;
- (b) encourage cross-community activity by the youth service;
- (c) encourage the provision of facilities for the youth service and facilities which are especially beneficial to young persons; and
- (d) encourage and assist the co-ordination and efficient use of the resources of the youth service.

(2) The Youth Council may assist the efficient provision of administrative services (including training, equipment, and travel expenses) by voluntary headquarter organisations—

- (a) which provide facilities for the youth service; and
- (b) whose activities are exercisable or whose services are available throughout Northern Ireland and not only in some particular locality.

(3) For the purposes of its functions, the Youth Council, with the approval of the Department, may—

- (a) receive donations and make charges for its services;
- (b) organise, or assist in the organisation of, conferences, seminars or courses of training;
- (c) print, publish and disseminate information relating to the youth service;
- (d) visit other parts of the United Kingdom and other countries;
- (e) co-operate with other bodies in the exercise or pursuit of any of its functions;
- (f) carry out, or assist or co-operate with other persons in carrying out, research into and studies concerning matters relating to the youth service.

(4) The Department may, notwithstanding the provisions of any enactment rendering the performance of a function contingent upon the opinion of the Youth Council, give such directions as to the performance of the functions of the Youth Council as appear to the Department to be expedient.

(5) If the Youth Council fails to carry out any of its functions under this Order, the Department may direct the Youth Council to carry out those functions and the direction may specify how the functions are to be carried out.

(6) The Youth Council shall comply with any direction given to it under this Article.

## **Grants**

5.—(1) The Department may, subject to such conditions as the Department thinks fit, make grants towards the expenses of the Youth Council.

(2) The Youth Council shall provide the Department with such information as the Department may require for the purposes of paragraph (1).

## **Accounts**

6.—(1) The Youth Council shall keep, in such form as the Department may direct, accounts of all moneys received and all moneys paid out by it.

(2) In respect of each financial year—

- (a) the Youth Council shall prepare and submit to the Comptroller and Auditor General for Northern Ireland a statement of accounts before such date in such form and containing such information as the Department, with the approval of the Department of Finance and Personnel, may direct and shall before that date send a copy thereof to the Department;
- (b) the Comptroller and Auditor General for Northern Ireland shall examine and certify the statement of accounts submitted to him by the Youth Council; and
- (c) the Department shall lay before the Northern Ireland Assembly a copy of the certified statement of accounts of the Youth Council together with a copy of any report thereon of the Comptroller and Auditor General for Northern Ireland.

(3) The Comptroller and Auditor General for Northern Ireland in the discharge of his functions under this Article shall have right of access to the books, accounts and records of the Youth Council and may require from any member or officer or former member or officer of the Youth Council such information relating to the affairs of the Council as he may think necessary for the proper performance of those functions.

### *Grants and training facilities for the youth service*

## **Power of Department to make grants**

7.—(1) The Department may, in accordance with arrangements approved by the Department of Finance and Personnel, make grants—

- (a) towards the approved expenses of a voluntary organisation in providing facilities for the youth service;
- (b) to persons who are or wish to be employed in connection with the youth service and who are following approved courses of training.

(2) Grants under paragraph (1) shall be at such rates or of such amounts as the Department, with the approval of the Department of Finance and Personnel, may determine.

(3) Except in such cases as may be agreed between the Department and the Youth Council, the Department shall refer to the Youth Council applications for grants under paragraph (1).

(4) The Youth Council shall make recommendations on applications referred to it in accordance with paragraph (3) and the Department shall consider any such recommendations.

(5) In paragraph (1)(a) and (b) and in Article 8(2) and (3), “approved” means approved by the Department for the purposes of this Order.

**Further provisions relating to grants under Article 7**

8.—(1) The Department, when making a grant under Article 7(1), may attach to the grant such conditions as the Department thinks proper and, without prejudice to the generality of the foregoing, shall attach conditions—

- (a) for securing the continuity of the undertaking assisted;
- (b) for repayment, in circumstances specified by the Department, of the whole or part of the grant; and
- (c) for payment, where paragraph (2) applies (and in addition to any amount repayable under sub-paragraph (b)), of such sum as the Department may require under paragraph (3).

(2) This paragraph applies where any land or building in respect of which the Department has paid a grant under Article 7 towards the approved expenses of a voluntary organisation in providing facilities for the youth service—

- (a) is disposed of;
- (b) ceases, in the opinion of the Department, to be used in accordance with the conditions attaching to the grant; or
- (c) ceases, in the opinion of the Department, to be required for providing such facilities;

within such period as the Department shall specify in the grant conditions.

(3) Where paragraph (2) applies, there shall be payable to the Department by the voluntary organisation to which the grant was paid a sum which the Department considers equitable, but which does not exceed the sum determined by the calculation—

$$(V - C) \times \frac{G}{C}$$

where—

V is the current value of the land or building determined in accordance with paragraph (4);

G is the amount of the grant; and

C is the approved cost of acquisition or provision of the land or building.

(4) For the purposes of paragraph (3) the current value of any land or building shall be taken to be the amount which the land or building might be expected to realise if sold in the open market on the date when the land or building is disposed of or ceases to be used or required as described in paragraph (2)(b) or (c), and where the Department certifies that it is not possible to reach agreement as to such value, the dispute as to such value may be referred to and determined by the Lands Tribunal.

(5) The voluntary organisation shall pay interest upon the amount of grant repayable and the sum payable under paragraph (3), at such rate as is determined by an order made by the Department of Finance and Personnel under paragraph 18(2) of Schedule 6 to the Local Government Act (Northern Ireland) 1972(3), from the relevant date until the date of payment of the money and interest to the Department.

(6) Any sum which falls to be paid to the Department by virtue of any condition attached to a grant may be recovered by the Department as a debt due to it.

(7) In paragraph (2) the reference to Article 7 includes a reference to Article 11 of the Recreation and Youth Service (Northern Ireland) Order 1986(4).

(8) In paragraph (5) “the relevant date” means—

(3) 1972 c. 9 (N.I.)

(4) 1986 NI 25

- (a) in any case where the land or building is disposed of before the Department serves notice on the voluntary organisation of its determination under sub-paragraph (b), the date of the disposal;
- (b) in any other case, such date as the Department may determine.

### **Power of Department to arrange training facilities**

9. The Department may make arrangements for the provision of facilities for training persons who are, or wish to be, employed in connection with the youth service.

### *Supplementary*

### **Regulations**

10.—(1) The Department may make all such regulations as appear to it to be necessary or proper for giving full effect to this Order and in particular, but without prejudice to the generality of the foregoing words, may make regulations prescribing conditions to be attached to the making of grants under this Order.

- (2) All regulations made under this Order shall be subject to negative resolution.

### **Consequential amendments and repeals**

11.—(1) In each of the following provisions—

- (a) paragraph 6 of Schedule 2 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951<sup>(5)</sup> as substituted by the Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) (Northern Ireland) Order 1979<sup>(6)</sup>; and
- (b) Article 128 of the Education and Libraries (Northern Ireland) Order 1986<sup>(7)</sup>;

after the reference to the Recreation and Youth Service (Northern Ireland) Order 1986<sup>(8)</sup> there shall be added a reference to this Order.

(2) In Article 11(1) of the Recreation and Youth Service (Northern Ireland) Order 1986<sup>(9)</sup> (power of Department to make grants)—

- (a) in sub-paragraphs (b) and (c), for the words “, sport or the youth service” there shall be substituted the words “or sport”;
- (b) in sub-paragraph (d), after the word “sport,” there shall be inserted the word “or”.

(3) The following provisions of that Order shall cease to have effect—

- (a) Article 9;
- (b) in Article 11(1) the words “Subject to Article 9(3) and (4),” and in sub-paragraph (d) the words “or the youth service”;
- (c) Schedule 2.

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(5) 1951 c. 65  
(6) S.I.1979/291  
(7) 1986 NI 3  
(8) 1986 NI 25  
(9) 1986 NI 25

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

SCHEDULE

Article 3(2).

THE YOUTH COUNCIL FOR NORTHERN IRELAND

1.—(1) The Youth Council shall be a body corporate and, subject to the provisions of this Order, section 19 of the Interpretation Act (Northern Ireland) 1954<sup>(10)</sup> shall apply to it.

(2) The Youth Council shall not acquire, hold or dispose of land without the consent of the Department.

2.—(1) The Youth Council shall consist of such persons as the Head of the Department, after consultation with such persons as appear to him to represent district councils, education and library boards and voluntary youth organisations, may appoint and the persons so appointed shall hold office for such terms and upon such conditions as to retirement, ceasing to hold office and re-appointment as the Head of the Department may from time to time determine.

(2) A member shall be deemed to have vacated his office and the Youth Council shall declare his place vacant in the following circumstances—

- (a) where he gives to the Head of the Department a notice in writing of his resignation;
- (b) where he becomes bankrupt or makes a composition with his creditors;
- (c) where in the opinion of the Head of the Department he becomes incapacitated to hold office and the Head of the Department so informs the Youth Council in writing;
- (d) where he is convicted of an indictable offence and is sentenced to a term of imprisonment of not less than three months; or
- (e) where he has been absent from meetings of the Youth Council or a committee of the Youth Council for a period longer than twelve consecutive months without the permission of the Youth Council.

(3) The Head of the Department shall appoint—

- (a) one of the members of the Youth Council to be chairman who, in the case of an equality of votes, shall have a second or casting vote; and
- (b) another member to be vice-chairman who in the absence of the chairman shall, in the case of an equality of votes, have a second or casting vote.

(4) The Department may appoint assessors to the Youth Council and such assessors shall have the right to receive notice of and to attend meetings of the Youth Council and to speak but not to vote at such meetings.

3.—(1) In accordance with arrangements approved by the Department, the Youth Council may appoint committees to assist it in the discharge of such of its functions or to perform such functions as it may delegate to such committees.

(2) The Youth Council may appoint as members of any committee established under subparagraph (1) or authorise any such committee to co-opt as members of the committee persons who are not members of the Youth Council.

4. The proceedings of the Youth Council or of any committee or sub-committee shall not be invalidated by any vacancy in the membership of the Youth Council, or of any committee or sub-committee, or by any defect in the appointment of a member.

5.—(1) Without prejudice to section 19(1)(a)(v) of the Interpretation Act (Northern Ireland) 1954<sup>(11)</sup>, the Youth Council shall make standing orders relating to the convening of meetings of the

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<sup>(10)</sup> 1954 c. 33 (N.I.)

<sup>(11)</sup> 1954 c. 33 (N.I.)

Youth Council, and of committees, the fixing of the quorum, the conduct of business at meetings, the keeping of minutes, accounts and other records, the signing of cheques, the custody of deeds and other documents, the duties of officers and such other matters connected with the conduct of its business as it thinks fit.

(2) The common seal of the Youth Council shall, when applied to a document, be attested by the signatures of any two members of the Youth Council authorised by the Youth Council to act for that purpose.

**6.—**(1) The Youth Council may, if the Department so approves, pay to its chairman and vice-chairman a salary of such amount as the Department may, with the approval of the Department of Finance and Personnel, determine.

(2) The Youth Council may pay travelling and subsistence allowances and other expenses necessarily incurred by members of the Youth Council and committees thereof in the performance of their functions under this Order and such allowances and expenses shall be paid at such rates as the Department may determine.

**7.—**(1) The right of the Youth Council under section 19(1)(a)(vi) of the Interpretation Act (Northern Ireland) 1954 to employ staff shall be exercised subject to any direction which may be given by the Department with respect to the number and terms and conditions of service of persons employed or to be employed by the Youth Council.

(2) The remuneration of persons employed by the Youth Council shall be at such rate as the Youth Council may, with the consent of the Department, determine.

(3) The Youth Council may, in accordance with arrangements determined by the Department, make provision for the payment on death or retirement of pensions, gratuities or other like benefits to or in respect of the service of officers of the Youth Council.

**8.—**(1) The Youth Council shall, after consultation with the Department, appoint a fit person to be its chief officer.

(2) Before making an appointment under sub-paragraph (1), the Youth Council shall supply to the Department particulars of the names, previous experience and qualifications of the persons from whom it proposes to make a selection.

(3) If the Department considers that any person whose name is submitted under sub-paragraph (2) is not a fit person to be the chief officer of the Youth Council, the Department may give directions prohibiting his appointment.

**9.** The Commissioner for Complaints Act (Northern Ireland) 1969<sup>(12)</sup> shall apply to the Youth Council and accordingly the Youth Council shall be added to the list of public bodies specified in Part II of Schedule 1 to that Act; and references in sections 19 and 21 of the Northern Ireland Constitution Act 1973<sup>(13)</sup> to that Schedule shall be construed as references to it as so amended.

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<sup>(12)</sup> 1969 c. 25 (N.I.)

<sup>(13)</sup> 1973 c. 36

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## **EXPLANATORY NOTE**

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

This Order establishes the Youth Council for Northern Ireland, which replaces the Youth Committee under the Recreation and Youth Service (Northern Ireland) Order 1986. Articles 7 and 8 re-enact the provisions of that Order, so far as they relate to the youth service, which enable the Department of Education to make grants to voluntary organisations and to persons following approved courses of training.