STATUTORY INSTRUMENTS

1989 No. 2413 (N.I. 22)

The Youth Service (Northern Ireland) Order 1989

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

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[F1] 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;

"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.

Annotations:
F1 1954 c. 33 (N.I.)

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, **[**F2the Education Authority**]** 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.

Annotations:

F2 Words in art. 4(1)(a) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), s. 7(2)(c), **Sch. 3 para. 12(1)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)

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.

Para. (3) rep. by 2003 NI 5

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—

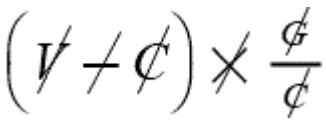
(a) is disposed of;

(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—



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[F3] , 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[F4] .

(8) In paragraph (5) "the relevant date" means—

(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.

Annotations:

F3 1972 c. 9 (N.I.)

F4 1986 NI 25

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