STATUTORY INSTRUMENTS

1986 No. 2232 (N.I. 25)

The Recreation and Youth Service (Northern Ireland) Order 1986 [F1]

- - - - - - *16th December 1986*

F1 functions transferred SR 1999/481

Title and commencement

1. This Order may be cited as the Recreation and Youth Service (Northern Ireland) Order 1986 and shall come into operation on the expiration of 2 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.

(2) In this Order—

"central voluntary organisation" means a voluntary organisation whose activities are exercisable throughout Northern Ireland and not only in some particular locality;

"the Department" means the Department of Education, and "Head of the Department" shall be construed accordingly;

"officer" includes servant;

"the Sports Council" means the Sports Council for Northern Ireland;

"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;

"the Youth Committee" means the Youth Committee for Northern Ireland.

The Sports Council

3.—(1) The council for the furtherance of sport and physical recreation known as the Sports Council for Northern Ireland shall continue in being as such.

(2) The Sports Council shall be constituted in accordance with Part I of Schedule 1 and Part II of that Schedule shall apply to it.

(3) The functions of the Sports Council shall, in accordance with arrangements approved by the Department, be—

(a) on matters relating to sport and physical recreation, to advise the Department and other government departments, education and library boards, district councils and other bodies interested in sport and physical recreation;

(b) to encourage the provision of facilities for, and participation in, sport and physical recreation;

(c) to assist, subject to paragraph (4)—

(i) the provision of administrative services, equipment, coaching and instruction; and

(ii) the organising or supporting of, or participating in, international or other events,

by bodies providing facilities for sport or physical recreation or organising such activities; and

(d) to assist, subject to paragraph (4), bodies providing supportive services in connection with sport and physical recreation.

(4) Except with the consent of the Department, the Sports Council shall not under paragraph (3)(c) or (d) assist by way of financial contributions any body which is not a voluntary organisation.

(5) For the purposes of its functions, the Sports 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, courses of training, sport and physical recreation;

(c) provide and manage, or assist in the provision and management of, centres for sport and physical recreation;

(d) print, publish and disseminate information relating to sport and physical recreation;

(e) visit other parts of the United Kingdom and other countries;

(f) co-operate with other bodies in the exercise or pursuit of any of its functions;

(g) carry out, or assist or co-operate with other persons in carrying out, research into and studies concerning matters relating to sport and physical recreation.

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

(7) The Department may, notwithstanding the provisions of any enactment rendering the performance of a function contingent upon the opinion of the Sports Council, give such directions as to the performance of the functions of the Sports Council as appear to the Department to be expedient and where the Sports Council fails to carry out any of its functions under this Order, the Department may direct it to carry out those functions and the direction may specify how the functions are to be carried out.

(8) The Sports Council shall comply with any direction given to it under paragraph (7).
Para. (9) rep. by 1996 NI 17

Loans to officers of the Sports Council for purchase of motor cars and motor cycles

4.—(1) Subject to paragraph (2), the Sports Council may make loans to its officers for the purpose of facilitating them in the purchase of motor cars and motor cycles essential to the efficient carrying out of their official duties.

(2) Such loans shall be made—

(a) in accordance with a scheme prepared by the Sports Council and approved by the Department;

(b) only to such officers or officers of such description as are specified in the scheme; and

(c) subject to such conditions and at such rates of interest as the Department may, with the approval of the Department of Finance and Personnel, determine.

[F2 Grants

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

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

F2 1991 NI 6

Borrowing powers of the Sports Council

6.—(1) The Sports Council may, by means of a bank overdraft or by such other means, within such limits and subject to such conditions as may be approved by the Department, borrow such sums as may be necessary for the purpose of defraying**[**F3 the expenditure of the Sports Council**]**.
Paras. (2), (3) rep. by 1991 NI 6

F3 1991 NI 6

Accounts of the Sports Council

7.—(1) The Sports 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 Sports 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 Sports Council; and

(c) the Department shall lay before the Northern Ireland Assembly a copy of the certified statement of accounts of the Sports 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

Annual report on exercise of functions by the Sports Council

8. The Sports Council shall prepare and transmit to the Department an annual report on the exercise by the Council of its functions and the Department shall lay a copy of that report before the Northern Ireland Assembly.

Art. 9 rep. by 1989 NI 22

Provision by district councils of facilities for recreational, social, physical and cultural activities

10 [F4]**.**—(1) Each district council shall secure the provision for its area of adequate facilities for recreational, social, physical and cultural activities and for that purpose may, either alone or together with another district council or any other person—

(a) establish, maintain and manage any such facilities;

(b) organise any such activities;

(c) assist, by financial contributions or otherwise, any person to establish, maintain and manage any such facilities or to organise any such activities;

(d) provide, or assist by financial contribution or otherwise in the provision of, leaders for such activities; and

(e) defray or contribute towards the expenses of any persons taking part in any such activities.

(2) A district council shall, in carrying out its functions under paragraph (1), have regard to the facilities provided by other district councils or by other persons.

(3) A district council may, with the approval of the Department and the Department of the Environment, provide a facility such as is referred to in paragraph (1) for the whole of Northern Ireland or for an area or areas outside its own area.

(4) A district council may make bye-laws for all or any of the following purposes—

(a) regulating the use and management of any lands or buildings provided by it for any of the purposes mentioned in paragraph (1);

(b) regulating the days and times of, and charges for, admission to such lands and buildings;

(c) the preservation of order and prevention of nuisance in such lands and buildings;

and, without prejudice to section 93 of the Local Government Act (Northern Ireland) 1972, such bye-laws may authorise persons employed by the district council and members of the Royal Ulster Constabulary after due warning to remove or exclude from any place with respect to which any such bye-laws are for the time being in force a person who commits, or who is reasonably suspected of committing, in that place an offence against any such bye-law or against section 4 of the Vagrancy Act 1824.

(5) A district council may acquire land otherwise than by agreement for the purposes of this Article.

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Grants

11 [F5]**.**—(1) [F6]. . . the Department may, in accordance with arrangements approved by the Department of Finance and Personnel, make grants—

(a) towards the approved expenses of a district council in carrying out its functions under Article 10(1) and (3);

(b) towards the approved expenses of a voluntary organisation in providing facilities for recreation**[**[F6] or sport,**]** or for social, physical or cultural activities;

(c) to a central voluntary organisation whose objects include the provision of facilities for recreation**[**[F6] or sport,**]** or for social, physical or cultural activities to assist either the whole of its work in connection with any of those matters or any specified part of that work;

(d) to persons following approved courses of training for employment in connection with recreation, sport,**[**[F6] or**]** social or cultural activities[F6]. . . .

(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) The Department, when making a grant under paragraph (1), may attach thereto such conditions as it 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 (4) applies (and in addition to any amount repayable under sub-paragraph (b)), of such sum as the Department may require under paragraph (5).

(4) This paragraph applies where any land or building in respect of which the Department has, at any time after the date of the coming into operation of this Order, paid a grant under this Article for any of the purposes described in paragraph (1)(a), (b) or (c)—

(a) is disposed of;

(b) ceases, in the opinion of the Department, to be used in accordance with conditions attaching to the grant under paragraph (3); or

(c) ceases, in the opinion of the Department, to be required for the purposes described in paragraph (1)(a), (b) or (c);

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

(5) Where paragraph (4) applies, there shall be payable to the Department by the district council or 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—

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

where—
V is the current value of the land or building determined in accordance with paragraph (6);
G is the amount of the grant; and
C is the approved cost of acquisition or provision of the land or building.

(6) For the purposes of paragraph (5) 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 cease to be used or required as aforesaid; 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.

(7) The district council or voluntary organisation shall pay interest upon the amount of grant repayable and the sum payable under paragraph (5), 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 (Northern Ireland) Act 1972, from the relevant date until the date of payment of the money and interest to the Department.

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

(9) In paragraph (1)(a), (b) and (d) and in paragraph (5), "approved" means approved by the Department for the purposes of this Order.

(10) In paragraph (7) "the relevant date" means—

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