Employment and Training Act (Northern Ireland) 1950

1950 CHAPTER 29

An Act to make provision with respect to employment and the training of persons for employment; and for purposes connected therewith. [21st December 1950]

Modifications etc. (not altering text)

C1 Functions transf. by SR 1999/481

C2 Act (except ss. 4, 10(1)): transfer of functions (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 4 Pt. 2** (with art. 9(2))

[F2]1 General functions of [[F1]Department] as to employment and training for employment.

[[F3](1) The **[**[F4]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 **[**[F5]any person**]**, 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 specied 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

(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.**]**

[F6(2) For the purpose of advising and assisting it in the performance of its functions under this Act, the Department may appoint such advisory bodies as it thinks fit.

(3) The Department may by regulations make provision for—

(a) the constitution and functions of any such advisory body;

(b) the name by which any such advisory body is to be known.**]**

[F7(4) The Department must make arrangements under this section for providing careers guidance for such persons as the Department considers appropriate.

(5) The guidance must—

(a) be provided in an impartial manner; and

(b) be in the best interests of the person receiving it.

(6) The Department may by regulations make such provision concerning arrangements under subsection (4) as the Department considers appropriate, including provision requiring the guidance to be delivered or otherwise provided by a person who has such qualifications as the Department may determine.

(7) In this section "careers guidance" means guidance on—

(a) what employments are available to and suitable for the persons receiving the guidance; and

(b) what education and training may be available to those persons to prepare them for those employments.**]**

[F8(8) The Department may by regulations provide that arrangementsmust be made under this section for providing apprenticeships and traineeships for such persons as may be specified in the regulations subject to such conditions as may be so specified.

(9) Regulations under subsection (8) may make provision as to the components of apprenticeships and traineeships.**]**

F1 Word in s. 1 heading substituted (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 6 para. 26(a)** (with art. 9(2))
F2 1974 NI 7
F3 1988 NI 10
F4 Words in s. 1(1) substituted (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 6 para. 26(b)** (with art. 9(2))
F5 Words in s. 1(1A)(d) substituted (3.8.2010) by Employment Act (Northern Ireland) 2010 (c. 12), ss. 7(1), 8(2), **Sch. 1 para. 1**
F6 1990 NI 8
F7 S. 1(4)-(7) inserted (20.9.2021) by Employment Act (Northern Ireland) 2016 (c. 15), **ss. 20**, 29(2); S.R. 2021/253, art. 2(d)
F8 S. 1(8)(9) added (20.9.2021) by Employment Act (Northern Ireland) 2016 (c. 15), **ss. 21**, 29(2); S.R. 2021/253, art. 2(e)

[F9 1A Restriction on section 1 arrangements: sex industry

(1) Arrangements made by the Department under section 1 may not include arrangements in respect of employment for sexual purposes.

(2) For the purposes of this section employment is for sexual purposes if—
(a) it involves the employee engaging in an activity, and
(b) the employee's activity, or the way in which it is performed, may reasonably be assumed to be intended solely or principally to stimulate one or more other persons sexually (by whatever means).

(3) The Department may by order subject to negative resolution specify exceptions to subsection (1).**]**

F9 S. 1A inserted (17.2.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **132**; S.R. 2016/46, art. 3(5)(c)

2 Employment exchanges and employment services.

(1) The **[**F10Department**]** may establish and maintain, in such places as it thinks fit, employment exchanges, that is to say, offices or places for the collection and furnishing of information, either by the keeping of registers or otherwise, respecting persons who seek to engage employees and persons who seek employment.

(2) Without prejudice to the provisions of the last foregoing sub-section, the **[**F11Department**]** may make such arrangements F12 as it considers expedient, whether by means of employment exchanges or otherwise, for the collection and furnishing of information, and the provision of advice, guidance or other services for persons of any class (whether employed or not) for any of the purposes mentioned in section one of this Act.

(3) Subject to the approval of the Ministry of Finance, the **[**F13Department**]** may defray or contribute towards expenditure incurred by any local authority under any enactment other than this Act in the provision of any such services as are mentioned in the last

foregoing sub-section, and may make such contributions as it may, with the consent of the Ministry of Finance, determine towards the funds of any voluntary association having among its objects the provision of any such services.

(4) The **[**F14Department**]** may make regulations with respect to the management of employment exchanges provided by it under this section, and otherwise with respect to the exercise of its functions thereunder.

(5) No person shall be disqualified or otherwise prejudiced in respect of facilities provided at any employment exchange as aforesaid on account of his refusal to accept employment found for him through such an exchange if the ground of his refusal is that a trade dispute which affects his trade exists, or that the wages offered are lower than those current in the trade in the district where the employment is found.

(6) Subject to the approval of the Ministry of Finance, the **[**F15Department**]** may, in such cases and subject to such conditions as it thinks fit, make payments by way of grant or loan to persons travelling to or attending at any employment exchange or other place for the purpose of availing themselves of services provided under this section, and may pay to medical practitioners, in respect of the examination of persons availing themselves of such services, such fees as it may determine.

(7) If any person, for the purpose of obtaining employment or procuring employees, knowingly or recklessly makes any false statement or false representation to an officer of any employment exchange provided by the **[**F16Department**]** under this section, or to any person acting for or for the purposes of any such exchange, he shall (without prejudice to his liability under any other enactment) be guilty of an offence and liable on summary conviction to a fine not exceeding**[**F17 level 2 on the standard scale**]**.

(8) The **[**F18Department**]** shall, so far as practicable, make arrangements with employers for the notification by them to employment exchanges of situations in their employment which are or are about to become vacant.

F10 Word in s. 2(1) substituted (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 6 para. 27(a)** (with art. 9(2))
F11 Word in s. 2(2) substituted (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 6 para. 27(a)** (with art. 9(2))
F12 1984 NI 9
F13 Word in s. 2(3) substituted (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 6 para. 27(b)** (with art. 9(2))
F14 Word in s. 2(4) substituted (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 6 para. 27(c)** (with art. 9(2))
F15 Word in s. 2(6) substituted (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 6 para. 27(d)** (with art. 9(2))
F16 Word in s. 2(7) substituted (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 6 para. 27(e)** (with art. 9(2))
F17 1984 NI 3
F18 Word in s. 2(8) substituted (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 6 para. 27(e)** (with art. 9(2))

3 Provisions as to training for employment.

(1) The **[**F19Department**]** may provide such training courses for persons, whether employed or not, who are above the upper limit of compulsory school age as it thinks necessary or expedient for any of the purposes mentioned in section one of this Act.

(2) For the purposes aforesaid, the **[**F20Department**]** may, in such cases and subject to such conditions as it may with the approval of the Ministry of Finance determine, defray or contribute towards the cost of training courses provided (whether in Northern Ireland or elsewhere) by any other authority or person for any such persons as are mentioned in the last foregoing sub-section.

(3) References in this section to the provision of a training course shall be construed as including references—

(a) to the making of payments to persons who attend at any such course, in respect of their maintenance or in respect of their travelling expenses;

(b) to the provision of residential accommodation, board and facilities for recreation and welfare for such persons;

(c) to the provision of any other facilities or services incidental to the purposes of the course.

(4) Without prejudice to the foregoing provisions of this section, where, in pursuance of arrangements made with the **[**F21Department**]** , provision is made by an employer for the training of persons in his employment, the **[**F21Department**]** may, with the approval of the Ministry of Finance, make any payment or provide any facility or service to or for the benefit of those persons which it could make or provide if they were attending at a training course provided by the **[**F21Department**]** under this section.

Subs. (5) rep. by 1984 NI 9; subs. (6) rep. by 1980 NI 8

F19 Word in s. 3(1) substituted (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 6 para. 28(a)** (with art. 9(2))
F20 Word in s. 3(2) substituted (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 6 para. 28(b)** (with art. 9(2))
F21 Word in s. 3(4) substituted (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 6 para. 28(c)** (with art. 9(2))

4 Schemes for promoting regularity of employment.

(1) Where any scheme for promoting greater regularity of employment in any industry is approved by the **[**F22Department**]** on the joint application of an organisation representing employers and an organisation representing workmen in that industry, the **[**F22Department**]** may, in accordance with arrangements made with the consent of the Ministry of Finance, assist the administration of the scheme by attaching officers of the **[**F22Department**]** to help in the administration thereof, and by such other means as the **[**F22Department**]** thinks fit.

(2) The **[**F23Department**]** may, in accordance with such arrangements as aforesaid, issue on behalf of employers to persons to whom any such scheme applies any sums payable to those persons whether by way of wages or otherwise:

Provided that any arrangements making provision for the issue of any such sums shall also make provision for paying to the **[**F23Department**]** any sums so issued by it and any expenses incurred by it which are attributable to the scheme.

(3) If an organisation representing employers and an organisation representing workmen in any industry make to the **[**F24Department**]** a joint representation as to any difficulty in the operation of any scheme for promoting greater regularity of employment in the industry or in making any further scheme for that purpose for the industry, the