
STATUTORY INSTRUMENTS

1974 No. 2144 (N.I. 7)

NORTHERN IRELAND

The Youth Employment Service (Northern Ireland)
Order 1974

Laid before Parliament in draft

Made

18th December 1974

Coming into operation on a day to be appointed under Article 1

ARRANGEMENT OF ORDER

Article

1. Title and commencement.
2. Interpretation.
3. Dissolution of Youth Employment Service Board.
4. Transfer of officers of Board.
5. Compensation of transferred officers.
6. Transfer of assets and liabilities of Board.
7. Youth Careers Guidance Committee.
8. Extension of Department's powers under 1950 c. 29.
9. Regulations.
10. Repeals.

SCHEDULE—ENACTMENTS REPEALED.

At the Court at Buckingham Palace, the 18th day of December 1974

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 (a), 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:—

Title and commencement

1. This Order may be cited as the Youth Employment Service (Northern Ireland) Order 1974 and shall come into operation on such day as the Head of the Department of Manpower Services may by order appoint.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(a) 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—

“appointed day” means the day appointed under Article 1 for the coming into operation of this Order;

“Board” means the Youth Employment Service Board established under the Youth Employment Service Act (Northern Ireland) 1961 (b);

“Department” means the Department of Manpower Services;

“Departments” means the Department of Manpower Services and the Department of Education;

“school” has the meaning assigned to that expression by Article 2 (2) of the Education and Libraries (Northern Ireland) Order 1972 (c);

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

“transferred officer” means an officer transferred to the employment of the Department under Article 4 (1).

Dissolution of Youth Employment Service Board

3. On the appointed day the Board shall be dissolved.

Transfer of officers of Board

4.—(1) Every officer who immediately before the appointed day is employed by the Board shall on that date be transferred to the employment of the Department.

(2) A transferred officer shall, so long as he continues in the employment of the Department by virtue of the transfer and until he is served with a statement in writing setting out his new terms and conditions of employment, enjoy terms and conditions of employment (including those relating to superannuation benefits) not less favourable than those he enjoyed immediately before the appointed day.

(3) The new terms and conditions referred to in paragraph (2) shall be such that—

(a) as long as a transferred officer is engaged in duties reasonably comparable to those in which he was engaged immediately before the date of his transfer, the scale of his salary or remuneration; and

(b) the other terms and conditions of his employment;

are, taken as a whole, not less favourable than those he enjoyed immediately before the appointed day.

(4) Where any question—

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

(b) 1961 c. 8 (N.I.).

(c) S.I. 1972/1263 (N.I.12).

(a) arises as to—

- (i) whether a person was, immediately before the appointed day, employed by the Board;
 - (ii) whether the duties of a transferred officer are reasonably comparable to those in which he was engaged immediately before the appointed day;
 - (iii) whether the terms and conditions of a transferred officer which are mentioned in paragraph (3) (b) are, taken as a whole, not less favourable than those he enjoyed before the appointed day; or
 - (iv) any other matter mentioned in paragraphs (1) to (3);
- (b) is reported by the person concerned to the Department within the period specified in relation to that question by paragraph (5); and
- (c) is not otherwise determined:

the Department shall refer the question for determination by a tribunal appointed by the Department for that purpose.

(5) In relation to a question referred to in paragraph (4) (a) (i) or (4) (a) (iv) the period referred to in paragraph (4) (b) is 28 days from the appointed day and in relation to a question referred to in paragraph (4) (a) (ii) or (4) (a) (iii) that period is 28 days from the date on which the transferred officer is served with a statement in writing setting out his new terms and conditions.

(6) For the purposes of Regulation 33 of the Local Government (Superannuation) Regulations (Northern Ireland) 1962 (a) (return of contributions) a transferred officer shall not be regarded as having ceased to be employed by an employing authority.

(7) In this Article “terms and conditions of employment” includes any restriction under a statutory provision on the termination of the employment of any person.

Compensation of transferred officers

5.—(1) The Department may by regulations made with the approval of the Department of Finance make provision for the payment, on such terms and subject to such conditions as may be specified in the regulations, of compensation to, or in respect of, a transferred officer who subsequent to his transfer suffers loss of employment or loss or diminution of emoluments (including superannuation rights) which is attributable to this Order.

(2) Regulations under paragraph (1) may—

- (a) include provision as to the funds out of which and the persons by whom compensation is to be defrayed;
- (b) include provision as to the manner in which and the time within which and the person to whom any claim for compensation is to be made;
- (c) be framed so as to have effect from a date earlier than the making of the regulations but not so as to place any individual in a worse position than he would have been in if the regulations had been framed as to have effect only from the date of their making;
- (d) apply for the purposes of paragraph (1) the provisions of any enactment relating to the payment of compensation subject to the modifications (if any) specified in the regulations;

(a) S.R. & O. (N.I.) 1962 No. 210.

- (e) make provision for the determination of questions arising under the regulations.

Transfer of assets and liabilities of Board

6.—(1) On the appointed day there shall be transferred to the Department or the Department of Finance, as may be agreed between them, by virtue of this Order and without the necessity of any conveyance, assignment, deed of transfer or other instrument all the assets and liabilities to which the Board was entitled or was subject immediately before that date.

(2) Stamp duty shall not be chargeable on this Order or on any instrument or other document executed for the purposes of transferring property under paragraph (1).

(3) A certificate issued by the Department, or the Department of Finance as the case may be, that any asset or liability has by virtue of paragraph (1) been transferred to it shall be accepted as evidence of such transfer and, upon lodgement of such a certificate relating to land, the certificate shall be registered in the Registry of Deeds or, in the case of registered land, the title to which the certificate relates shall be registered in the Land Registry.

Youth Careers Guidance Committee

7.—(1) There shall be established a Youth Careers Guidance Committee (in this Article referred to as "the Committee") which shall be constituted in accordance with paragraph (2) and shall exercise such functions as are conferred on it by paragraph (3).

(2) The Committee shall consist of the following persons appointed jointly by the Departments, namely—

(a) a chairman; and

(b) not less than 20 nor more than 23 other members of whom—

- (i) 5 shall be appointed after consultation with such organisations or associations of organisations representative of employers as appear to the Department to be appropriate;
- (ii) 5 shall be appointed after consultation with such organisations or associations of organisations representative of employees as appear to the Department to be appropriate;
- (iii) 3 shall be appointed after consultation with the Education and Library Boards established under the Education and Libraries (Northern Ireland) Order 1972;
- (iv) 7 shall be appointed after consultation with such organisations representative of other educational interests as appear to the Department of Education to be appropriate; and
- (v) up to 3 may be appointed as appears to the Departments to be appropriate;

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 Departments may from time to time determine.

(3) The functions of the Committee shall be to keep under review and advise the Departments in respect of the following matters, namely—

- (a) the services provided for careers guidance in schools;

- (b) the services provided for the placement in employment of school leavers;
- (c) the arrangements in operation for providing links between services provided for careers guidance in schools and those for placing persons in employment; and
- (d) other related matters.

(4) The Departments may appoint assessors to the Committee who shall be entitled to take part in the proceedings of the Committee and receive copies of all documents distributed to the members of the Committee, but shall have no vote.

(5) The Committee may appoint sub-committees to assist it in the discharge of its functions and may appoint as members of any such sub-committee, or authorise any such sub-committee to co-opt as members, persons who are not members of the Committee.

(6) The Departments may pay to the members of the Committee and to the members of a sub-committee thereof such allowances for expenses incurred in connection with the discharge of their duties as the Departments with the approval of the Department of Finance may determine.

Extension of Department's powers under 1950 c. 29

8. In the exercise of its functions under section 1 of the Employment and Training Act (Northern Ireland) 1950(a), the Department may, with the consent of the Department of Education, make arrangements for the furnishing by schools of such particulars, relating to the health, ability, educational attainments and aptitudes of pupils leaving school or who, while attending school, attain such age as may be specified by the Department, as the Department considers appropriate for enabling it to fulfill its functions under the said section 1 in relation to those pupils.

Regulations

9.—(1) The Department may make such regulations as appear to it to be necessary or proper for giving full effect to Articles 3 to 7.

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

Repeals

10. The enactments set out in the Schedule are hereby repealed to the extent specified in column 3 of that Schedule.

N. E. Leigh

(a) 1950 c. 29 (N.I.).

SCHEDULE
ENACTMENTS REPEALED

Chapter or Number	Short Title	Extent of Repeal
1961 c. 8.	The Youth Employment Service Act (Northern Ireland) 1961.	The whole Act.
1964 c. 18.	The Industrial Training Act (Northern Ireland) 1964.	In section 2 (1), in paragraph (f) the words from "or in arrangements" to the end of the paragraph. Section 16 (b) and the word "and" immediately preceding it.
1966 c. 6.	The National Insurance Act (Northern Ireland) 1966.	In section 81(1)(b)(iv), the words "or section 6 (2) of the Youth Employment Service Act (Northern Ireland) 1961".
1968 c. 13.	The Youth Employment Service (Amendment) Act (Northern Ireland) 1968.	The whole Act.
1969 c. 16.	The Theft Act (Northern Ireland) 1969.	In Part I of Schedule 3, the entry relating to the Youth Employment Service Act (Northern Ireland) 1961.
1969 c. 25.	The Commissioner for Complaints Act (Northern Ireland) 1969.	In Part II of Schedule 1, the words "The Northern Ireland Youth Employment Service Board".
S.I. 1972/1263 (N.I. 12).	The Education and Libraries (Northern Ireland) Order 1972.	In Schedule 15, the entries relating to the Youth Employment Service Act (Northern Ireland) 1961.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order dissolves the Youth Employment Service Board, transfers the officers of the Board to the Department of Manpower Services and makes other provision consequential on the dissolution of the Board.