
STATUTORY INSTRUMENTS

1986 No. 2232 (N.I. 25)

NORTHERN IRELAND

**The Recreation and Youth Service
(Northern Ireland) Order 1986**

Laid before Parliament in draft

Made

16th December 1986

Coming into operation in accordance with Article 1

ARRANGEMENT OF ORDER

Article

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SCHEDULES:

Schedule 1—The Sports Council for Northern Ireland.

Schedule 2—The Youth Committee for Northern Ireland.

Schedule 3—Repeals.

At the Court at Buckingham Palace, the 16th day of December 1986

Present,

The Queen's Most Excellent Majesty in Council

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

1974 c. 28 Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 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 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

1954 c. 33 (N.I.) 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).
- (9) The Commissioner for Complaints Act (Northern Ireland) 1969 shall apply to the Sports Council and accordingly the Sports Council

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1973 c. 36

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 to that Schedule shall be construed as references to it as so amended.

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.

Estimates of expenses of, and payment of grants to, the Sports Council

5.—(1) The Sports Council shall, at such times, in such form and in respect of such periods as the Department may direct, prepare and submit to the Department estimates of its receipts and payments for each such period and shall submit such other information relating to those estimates as the Department may require.

(2) The Sports Council may at any time submit a supplementary or revised estimate to the Department.

(3) The Department may approve an estimate submitted under paragraph (1) or a supplementary or revised estimate submitted under paragraph (2) either in whole or in part or subject to such modifications or conditions as the Department may think fit.

(4) The Sports Council shall not incur expenditure otherwise than in accordance with an estimate or a supplementary or revised estimate approved under paragraph (3).

(5) The Department shall, at such times, in such manner and subject to such conditions as the Department may think fit, pay to the Sports Council such sums as the Department considers necessary to defray net approved expenditure incurred by it.

(6) In paragraph (5) “net approved expenditure” means expenditure approved by the Department and incurred in accordance with an estimate or a supplementary or revised estimate approved under paragraph (3) less the amount of any sums received by the Sports Council otherwise than from the Department.

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 net approved expenditure incurred by it.

(2) Any sum borrowed by the Sports Council under paragraph (1) shall be repaid by the Sports Council before the end of the financial year in which it is borrowed.

(3) In paragraph (1) “net approved expenditure” has the meaning given in Article 5(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.

(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 Sports Council and may require from any member or officer or former member or officer of the Sports Council such information relating to the affairs of the Council as he may think necessary for the proper performance of those functions.

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.

The Youth Committee

9.—(1) There shall continue to be a Youth Committee for Northern Ireland (in this Order referred to as “the Youth Committee”)

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which shall be constituted in accordance with Schedule 2.

(2) The functions of the Youth Committee shall, in accordance with arrangements approved by the Department, be—

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

and with the approval of the Department and for the purposes of its functions the Committee may organise conferences, conduct surveys, visit other parts of the United Kingdom and other countries and print, publish and disseminate information relating to the youth service.

(3) Except in such cases as may be agreed between the Department and the Youth Committee, the Department shall refer to the Youth Committee applications for grants under Article 11 in respect of the youth service.

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

(5) The Department may provide secretarial assistance for the Youth Committee and may appoint assessors thereto and such assessors shall have the right to receive notice of and to attend meetings of the Committee and to speak but not to vote at such meetings.

(6) The Department may defray the expenses incurred by the Youth Committee in the discharge of its functions under this Article including expenses of members of the Committee and sub-committees of the Committee necessarily incurred by them in the discharge of their duties.

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

10.—(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.

1972 c. 9 (N.I.)

1824 c. 83

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

Grants

11.—(1) Subject to Article 9(3) and (4), 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, sport or the youth service or for social, physical or cultural activities;

(c) to a central voluntary organisation whose objects include the provision of facilities for recreation, sport or the youth service 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, social or cultural activities or the youth service.

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(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—

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

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.

1972 c. 9 (N.I.)

(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 subparagraph (b), the date of the disposal;
- (b) in any other case, such date as the Department may determine.

Regulations

12.—(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

13.—(1) In section 36 of the Local Government (Ireland) Act 1898 (powers of district councils as to recreation grounds and public walks) there shall continue to be inserted the following subsection—

1898 c. 37

"(6) A district council may acquire land otherwise than by agreement for the purposes of this section."

(2) In each of the following provisions—

- (a) paragraph 6 of Schedule 2 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 as substituted by the Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) (Northern Ireland) Order 1979; and

1951 c. 65

S.I. 1979/291

- (b) Article 128 of the Education and Libraries (Northern Ireland) Order 1986;

1986 NI 3

for the reference to the Recreation and Youth Service (Northern Ireland) Order 1973 there shall be substituted a reference to this Order.

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Repeals

14. The statutory provisions mentioned in Schedule 3 are repealed to the extent shown in column 3 of that Schedule.

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

SCHEDULES

SCHEDULE 1

Article 3(2).

THE SPORTS COUNCIL FOR NORTHERN IRELAND

PART I

CONSTITUTION OF THE SPORTS COUNCIL

1.—(1) The Sports Council shall be a body corporate with perpetual succession and, subject to the provisions of this Order, section 19 of the Interpretation Act (Northern Ireland) 1954 shall apply to it.

1954 c. 33 (N.I.)

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

2.—(1) The 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 participants in sport and physical recreation, may appoint thereto 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 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 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 fails, without leave of the Council, to attend any meetings of the Council, or of a committee thereof of which he is a member, for a period of twelve consecutive months.

(3) The Head of the Department shall appoint—

- (a) one of the members of the Sports Council to be chairman of the Council 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) In accordance with arrangements approved by the Department, the Sports 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.

(5) The Sports Council may appoint as members of any committee established under sub-paragraph (4) or authorise any such committee to co-opt as members thereof, persons who are not members of the Sports Council.

(6) The proceedings of the Council or of any committee or sub-committee shall not be invalidated by any vacancy in the membership of the Council, or

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of any committee or sub-committee, or by any defect in the appointment of a member.

PART II

FUNCTIONS OF, AND EMPLOYMENT OF PERSONS BY, THE SPORTS COUNCIL

1954 c. 33 (N.I.) 3.—(1) Without prejudice to section 19(1)(a)(v) of the Interpretation Act (Northern Ireland) 1954, the Sports Council shall make standing orders relating to the convening of meetings of the 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 Council shall, when applied to a document, be attested by the signatures of any two members of the Council authorised by the Council to act for that purpose.

4. The Sports Council may pay travelling and subsistence allowances and other expenses necessarily incurred by members of the 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.

5. The 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.

6.—(1) The right of the 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 Council.

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

(3) The 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 Council.

(4) The Council shall, after consultation with the Department, appoint a fit person to be its chief officer and, before making an appointment under this sub-paragraph, the 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 and if the Department considers that any person whose name is submitted is not a fit person to be the chief officer of the Council, the Department may give directions prohibiting his appointment.

Article 9(1).

SCHEDULE 2

THE YOUTH COMMITTEE FOR NORTHERN IRELAND

1.—(1) The Youth Committee 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, appoints thereto 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) The Head of the Department shall appoint one of the members of the Youth Committee to be chairman of the Committee who, in the case of an equality of votes, shall have a second or casting vote.

(3) A member shall be deemed to have vacated his office and the Youth Committee 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 Committee 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 fails, without leave of the Committee, to attend any meetings of the Committee, or of a sub-committee thereof of which he is a member, for a period of twelve consecutive months.

2. The Youth 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 thereof, persons who are not members of the Committee.

SCHEDULE 3

Article 14.

REPEALS

Chapter or Number	Short title or Title	Extent of Repeal
1973 NI 12.	The Recreation and Youth Service (Northern Ireland) Order 1973.	The whole Order.
1974 c. 2.	The Financial Provisions Measure (Northern Ireland) 1974.	In Schedules 1 and 2, the entry in each place relating to the Recreation and Youth Service (Northern Ireland) Order 1973.
1975 NI 6.	The Recreation (Northern Ireland) Order 1975.	The whole Order.
1978 NI 10.	The Education (Northern Ireland) Order 1978.	Articles 1, 2(1) and 17.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends and consolidates the law relating to recreation and youth service in Northern Ireland.

The Sports Council and the Youth Committee are continued in being. The functions of the Sports Council are altered and in particular it is empowered—

- (a) to assist bodies which provide supportive services in connection with sport and physical recreation;
- (b) to make loans to certain of its officers to enable them to purchase motor cars essential for their official business; and
- (c) to borrow money (subject to the approval of the Department of Education) to meet its net approved expenditure.

Under Article 11 the Department of Education may make grants to district councils and voluntary organisations to assist them in the provision of facilities in connection with sport, recreation and other similar activities. Where grant-aided facilities consisting of land or buildings are no longer used or required for the purposes for which they were provided and the value of those facilities has increased since the time when the grant was paid, the Department is empowered to recover the grant and a share of the enhanced value of the facilities.

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