
STATUTORY INSTRUMENTS

1990 No. 1200 (N.I. 8)

NORTHERN IRELAND

**The Industrial Training
(Northern Ireland) Order 1990**

Made

7th June 1990

Coming into operation in accordance with Article 1(2) and (3)

At the Court at Buckingham Palace, the 7th day of June 1990

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 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:—

1974 c. 28

Title and commencement

1.—(1) This Order may be cited as the Industrial Training (Northern Ireland) Order 1990.

(2) Except as provided by paragraph (3), this Order shall come into operation on such day as the Head of the Department may by order appoint.

(3) The following provisions of this Order shall come into operation on the date prescribed by the Department by order under paragraph 1 of Schedule 1 as the date of dissolution, namely—

- (a) Article 7(1);
- (b) Article 7(3), so far as it relates to Part II of Schedule 2;
- (c) Part II of Schedule 2.

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.

1954 c. 33 (N.I.)

(2) In this Order—

“the appointed day” means the day appointed by order under Article 1(2);

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“the Department” means the Department of Economic Development;

“the 1984 Order” means the Industrial Training (Northern Ireland) Order 1984.

Winding up of Northern Ireland Training Authority

3.—(1) The following provisions of the 1984 Order (which confer functions on the Northern Ireland Training Authority) shall cease to have effect, namely—

- (a) Article 4 (review by Authority of training needs of industry);
- (b) Article 5 (encouragement by Authority of provision of training);
- (c) Article 6 (duty of Authority to develop and promote certain training);
- (d) Article 7 (provision by Authority of advice and courses, etc.);
- (e) Article 8 (duty of Authority to provide services to industrial training boards);
- (f) Article 9 (co-operation by Authority with public sector);
- (g) Article 10 (power to give directions to Authority);
- (h) Article 11 (financial provisions relating to Authority).

(2) On the appointed day all assets and liabilities to which the Northern Ireland Training Authority is entitled or subject immediately before that day shall be transferred to the Department; and, accordingly, as from that day, by virtue of this Order and without any further conveyance, transfer or assignment, those assets shall vest in, and those liabilities shall become liabilities of, the Department.

(3) On the appointed day there shall be transferred to the employment of the Department all persons who immediately before that day were employed by the Northern Ireland Training Authority.

1965 c. 19 (N.I.)

(4) A person transferred under paragraph (3) shall not be taken to have been dismissed from his employment by the Northern Ireland Training Authority by reason of redundancy and, for the purposes of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 and the Industrial Relations (Northern Ireland) Orders 1976 to 1987, his period of employment by the Authority shall count as a period of employment by the Department.

(5) A person transferred under paragraph (3) shall be exempt from the requirement in Article 4(1) of the Civil Service (Northern Ireland) Order 1986 (certificate of qualification to be issued before appointment to civil service).

(6) References in paragraphs (3) and (4) to employment by the Department are references to employment in the civil service of Northern Ireland under or for the purposes of the Department.

(7) Schedule 1 shall have effect in relation to the winding up of the Northern Ireland Training Authority.

Winding up of industrial training boards

4.—(1) In Article 19 of the 1984 Order after paragraph (7) there shall be inserted the following paragraph—

“(7A) Without prejudice to the generality of paragraph (7), a revocation order may—

(a) make provision for the transfer to the employment of the Department of persons who immediately before the date on which the industrial training board is wound up are employed by that board;

(b) contain provision in relation to persons so transferred corresponding to the provision made by paragraphs (4) and (5) of Article 3 of the Industrial Training (Northern Ireland) Order 1990 in relation to persons transferred under that Article;

and paragraph (6) of that Article shall apply for the purposes of this paragraph as it applies for the purposes of paragraphs (3) and (4) of that Article.”.

(2) In Article 19 of the 1984 Order for paragraph (8) (which, among other things, requires the Department to consult certain bodies before making a revocation order) there shall be substituted the following paragraph—

“(8) A revocation order shall be subject to negative resolution.”.

(3) In Article 2(2) of that Order at the end of the definition of “industrial training order” there shall be added the words “, except a revocation order within the meaning of Article 19”.

Appointment by Department of advisory bodies

5. In section 1 of the Employment and Training Act (Northern Ireland) 1950 for subsections (2) and (3) (appointment of advisory committees) there shall be substituted the following subsections—

1950 c. 29 (N.I.)

“(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.”.

Provision by Enterprise Ulster of training for employment

6. In Article 4(1) of the Enterprise Ulster (Northern Ireland) Order 1973 (functions of Enterprise Ulster) after the word “creating” there shall be inserted the words “, or providing training for,”.

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Amendments and repeals

7.—(1) In Article 28 of the 1984 Order in paragraphs (8) and (9)(a) and (b) for “(2) or (3)” there shall be substituted “or (2)”.

(2) In Schedule 2 to the 1984 Order in paragraph 13—

(a) for the words from the beginning to “exercise” there shall be substituted the words “The exercise by an industrial training board”;

(b) at the end there shall be added the words “shall be subject to the consent of the Department”.

(3) The statutory provisions set out in Schedule 2 are hereby repealed to the extent specified in column 3 of that Schedule.

G. I. de Deney
Clerk of the Privy Council

SCHEDULES

SCHEDULE 1

Article 3(7).

WINDING UP OF NORTHERN IRELAND TRAINING AUTHORITY

Interpretation

1. In this Schedule—

“the Authority” means the Northern Ireland Training Authority;

“the date of dissolution” means such date as the Department may by order subject to negative resolution prescribe;

“the interim period” means the period beginning on the day before the appointed day and ending on the date of dissolution.

Functions of Authority in the interim period

2.—(1) In the interim period the Authority shall, subject to the following provisions of this paragraph, make arrangements for the winding up of its affairs.

(2) Arrangements made by the Authority under this paragraph may include—

(a) arrangements for continuing, for such period as the Department may approve, the provision by the Authority to an industrial training board of any secretarial or administrative services which, immediately before the appointed day, were provided to that board by the Authority under Article 8 of the 1984 Order;

(b) arrangements for facilitating the provision of such services by another person or body (including an industrial training board) in place of the Authority.

(3) The Authority may make charges for any secretarial or administrative services provided by it in pursuance of arrangements made under this paragraph.

(4) The Department may, after consultation with the Authority, give the Authority directions of a general or specific character in relation to, or connected with, the winding up of the Authority's affairs and it shall be the duty of the Authority to give effect to any such directions.

(5) It shall be the duty of the Authority before the date of dissolution to comply with Article 12 of the 1984 Order (reports and accounts); but, in relation to any time after 31st March 1990, that Article shall have effect as if for references to a financial year there were substituted references to the period beginning on that date and ending on the appointed day.

(6) The Department may make available to the Authority during the interim period any assets or staff transferred to the Department under Article 3(2) or (3).

(7) The Department may, with the approval of the Department of Finance and Personnel, make grants to the Authority during the interim period.

Dissolution of the Authority

3.—(1) The Authority shall be dissolved on the date of dissolution.

(2) An order under paragraph 1 prescribing the date of dissolution may make such provision as the Department thinks fit—

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- (a) for the transfer to any body or person specified in the order of any assets or liabilities to which the Authority is entitled or subject immediately before its dissolution;
- (b) for the carrying on and completion by or on behalf of the Department of any thing commenced by or on behalf of the Authority; and
- (c) otherwise in relation to, or connected with, the dissolution of the Authority.

Article 7(3).

SCHEDULE 2

PART I

REPEALS HAVING EFFECT ON THE APPOINTED DAY

Chapter or Number	Short Title	Extent of Repeal
1984 NI 9	The Industrial Training (Northern Ireland) Order 1984.	Articles 4 to 11. In Articles 32 and 33 the words "the Authority" wherever they occur. In Schedule 1, paragraphs 12 to 14.

PART II

REPEALS HAVING EFFECT ON THE DATE OF DISSOLUTION OF THE AUTHORITY

Chapter or Number	Short Title	Extent of Repeal
1969 c. 25 (N.I.)	The Commissioner for Complaints Act (Northern Ireland) 1969.	In Part II of Schedule 1 the entry relating to the Northern Ireland Training Authority.
1975 c. 25.	The Northern Ireland Assembly Disqualification Act 1975.	In Part III of Schedule 1 the entry relating to the paid chairman or other paid member of the Northern Ireland Training Authority.
1984 NI 9.	The Industrial Training (Northern Ireland) Order 1984.	In Article 2(2) the definition of "the Authority". Article 3. Articles 12 and 13.

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Chapter or Number	Short Title	Extent of Repeal
1986 NI 9.	The Companies Consolidation (Consequential Provisions) (Northern Ireland) Order 1986.	<p>In Article 28—</p> <p>(a) paragraph (3);</p> <p>(b) paragraph (5)(c) and the word “or” immediately preceding it;</p> <p>(c) in paragraph (7) the words “or (3)”.</p> <p>In Article 29(3) the words “the Authority or”.</p> <p>In Schedule 1, paragraphs 1 to 11.</p> <p>In Schedule 3, paragraphs 4(b) and 6(b).</p> <p>In Schedule 1, the amendment to Article 12(2) of the 1984 Order.</p>

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the winding up of the Northern Ireland Training Authority, amends the procedure for making orders to wind up industrial training boards and enables such orders to provide for the transfer of staff. The Order also provides for the appointment by the Department of advisory bodies in relation to its functions under the Employment and Training Act (Northern Ireland) 1950 and empowers Enterprise Ulster to provide training for employment.