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*Number 30 of 1997*

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**YOUTH WORK ACT, 1997**

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ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
2. Youth work.
3. Functions of Minister.
4. Youth work functions of education board.
5. Removal of youth work functions of education board.
6. Youth Work Development Plan.
7. Review of Development Plan.
8. Provision of youth work programmes and youth work services by Minister.
9. Assessment by Minister.
10. National Youth Work Advisory Committee.
11. Membership of Advisory Committee.
12. Youth Work Budget.
13. Supervision of Youth Work Budget.
14. Voluntary Youth Council.
15. Composition, election, etc. of Voluntary Youth Council.
16. Meetings, etc. of Voluntary Youth Council.
17. Youth work committee.
18. Membership of youth work committee.
19. Grants.
20. Withdrawal or reduction of grant.

[No. 30.]

*Youth Work Act, 1997.*

[1997.]

Section

21. Directions.
22. Regulations.
23. Designation of local voluntary youth work organisation.
24. Designation of education board.
25. Laying of orders and regulations before Houses of Oireachtas.
26. Expenses.
27. Short title and commencement.

#### SCHEDULE

National Youth Work Advisory Committee

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Act Referred to

Comptroller and Auditor General (Amendment) Act, 1993

1993, No. 8



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*Number 30 of 1997*

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**YOUTH WORK ACT, 1997**

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AN ACT TO EXTEND THE FUNCTIONS OF EDUCATION BOARDS IN RELATION TO YOUTH WORK, TO MAKE PROVISION FOR THE MAKING OF GRANTS IN RESPECT OF YOUTH WORK, TO ESTABLISH VOLUNTARY YOUTH COUNCILS, TO PROVIDE FOR THE DEVELOPMENT AND CO-ORDINATION OF ORGANISATIONS AND PERSONS ENGAGED IN YOUTH WORK AND IN THE PROVISION OF YOUTH WORK PROGRAMMES AND YOUTH WORK SERVICES, AND FOR THAT PURPOSE TO ESTABLISH A NATIONAL YOUTH WORK ADVISORY COMMITTEE AND TO PROVIDE FOR RELATED MATTERS. [20th May, 1997]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—(1) In this Act, except where the context otherwise requires— Interpretation.

“Advisory Committee” means the body appointed under *section 10*;

“designated local voluntary youth work organisation” has the meaning assigned to it by *section 23*;

“Development Plan” has the meaning assigned to it by *section 6*;

“education board” means any board for an area within the State (in this Act referred to as an “education region”) established by or under statute, whether before or after the passing of this Act, concerning any matter relating to education and in respect of which an order under *section 24* has been made;

“financial year” has the meaning assigned to it by *section 12 (8)*;

“functions” includes powers and duties and a reference to the performance of functions includes, as respects powers and duties, a reference to the exercise of powers and the carrying out of duties;

“the Minister” means the Minister for Education;

“prescribed” means prescribed by regulations made by the Minister under *section 22* and cognate words shall be construed accordingly;

“prescribed national voluntary youth work organisation” has the meaning assigned to it by *section 22 (2) (b)*;

- S.1 “Voluntary Youth Council” means a body appointed by the Minister under *section 14*;
- “voluntary youth work organisation” means an organisation which provides a youth work programme or a youth work service or both on a basis that is otherwise than for profit;
- “young persons” means persons who have not attained the age of 25 years;
- “youth work” has the meaning assigned to it by *section 2*;
- “Youth Work Budget” has the meaning assigned to it by *section 12*;
- “youth work committee” means a youth work committee appointed under *section 17*;
- “youth work programme” means a structured programme of youth work;
- “youth work service” means a service which, directly or indirectly, assists in the provision of youth work.

(2) In this Act a reference to a section or a Schedule is a reference to a section of, or a Schedule to, this Act unless it is indicated that reference to some other enactment is intended.

(3) In this Act a reference to a subsection or a paragraph is a reference to the subsection or paragraph of the provision in which the reference occurs unless it is indicated that reference to some other provision is intended.

Youth work. **2.**—In this Act “youth work” means a programme of activity that is designed for the purpose of providing developmental and educational training so as to assist the personal and social development of young persons which—

- (a) requires the voluntary participation of young persons, and
- (b) is complementary to academic or vocational training,

and cognate words shall be construed accordingly.

Functions of Minister. **3.**—(1) The Minister, in so far as it is practicable, shall—

- (a) ensure the development and co-ordination of policies relating to youth work programmes and youth work services,
- (b) co-ordinate youth work programmes and youth work services with education programmes and other programmes that provide services for young persons,
- (c) provide, from within the financial resources available to the Minister, moneys in each financial year to assist in the provision of youth work programmes and youth work services,

[1997.]

*Youth Work Act, 1997.*

[No. 30.]

- (d) conduct research or cause research to be conducted in respect of youth work, including youth work programmes and youth work services in one or more education regions, S.3
- (e) monitor, at least once in each financial year, a youth work programme or a youth work service that is in receipt of moneys under this Act, including a youth work programme or a youth work service provided by a voluntary youth work organisation that is in receipt of moneys under *section 4(1)(a)*,
- (f) carry out an assessment, at least once in every 3 years, on a youth work programme or a youth work service provided by an organisation specified in *paragraph (b) or (c) of subsection (1) of section 19* and is in receipt of moneys under that section,
- (g) carry out an assessment, at least once in every 3 years, on a youth work programme or a youth work service that is in receipt of moneys under *section 4(1)(a)*,
- (h) carry out an assessment, at least once in every 3 years, on a youth work programme or a youth work service that is provided in accordance with *section 4(2)*, and
- (i) establish a National Youth Work Advisory Committee.

(2) Without prejudice to the generality of *paragraphs (a), (b) and (d) of subsection (1)*, the Minister, in performing such functions, shall have regard to—

- (a) the treatment of male and female young persons in relation to access to youth work, and
- (b) the number of male and female young persons who are likely to participate in such youth work programmes and youth work services.

(3) Without prejudice to the generality of *paragraph (c) of subsection (1)*, the Minister shall endeavour to ensure that particular regard is had to the youth work requirements of persons who are aged between 10 and 21 years and are socially or economically disadvantaged.

(4) Without prejudice to the generality of *paragraphs (e), (f), (g) and (h) of subsection (1)*, in such monitoring and assessment of a youth work programme or a youth work service, the Minister shall have regard to an evaluation of the expenditure incurred in the provision of such youth work programme or youth work service.

(5) The Minister may, following an assessment under *paragraph (f) of subsection (1)*, make recommendations to the organisation providing the youth work programme or youth work service so assessed in relation to the manner in which such youth work programme or youth work service is provided and that organisation shall comply with such recommendations.

(6) The Minister may, following an assessment under *paragraph (g) of subsection (1)*, make recommendations to the organisation providing the youth work programme or the youth work service so

S.3

assessed in relation to the manner in which such youth work programme or youth work service is provided and that organisation shall comply with such recommendations.

(7) The Minister may, following an assessment under *paragraph (h) of subsection (1)*, make recommendations to the education board concerned in relation to the manner in which such youth work programme or youth work service is provided and the education board concerned shall comply with such recommendations.

Youth work  
functions of  
education board.

**4.—(1)** In addition to the functions conferred on it by or under any Act establishing an education board, such education board shall, in so far as it is practicable and within the financial resources available to it—

- (a) ensure the provision, within the education region concerned, of youth work programmes or youth work services or both by—
  - (i) co-ordinating with prescribed national voluntary youth work organisations and designated local voluntary youth work organisations within the education region concerned so as to ensure the provision of youth work programmes and youth work services by such organisations, and
  - (ii) providing assistance, including financial assistance, to a prescribed national voluntary youth work organisation or a designated local voluntary youth work organisation or both, and the provision of such financial assistance shall be subject to any terms and conditions as the education board may determine,
- (b) ensure that in the provision of youth work programmes or youth work services or both under *paragraph (a)* particular regard is had to the youth work requirements of persons who are aged between 10 and 21 years and are socially or economically disadvantaged, and
- (c) monitor and assess, without prejudice to *paragraphs (e) and (g) of subsection (1) of section 3*, the youth work programmes or youth work services or both that are in receipt of moneys under this section and in particular shall have regard to an evaluation of the expenditure incurred in the provision of such youth work programmes or youth work services.

(2) An education board may provide a youth work programme or a youth work service in respect of which a resolution under *subsection (8)* in favour of such provision has been passed by the education board.

(3) Without prejudice to the generality of *subsection (1)(a)(i)*, an education board, in so co-ordinating, shall have regard to—

- (a) the treatment of both male and female young persons in relation to access to youth work, and
- (b) the number of male and female young persons who are likely to participate in such youth work programmes and youth work services.

(4) Where an organisation in receipt of financial assistance under this section does not comply with—

- (a) a term or condition attached under *subsection (1)(a)(ii)* to such financial assistance, or
- (b) a recommendation under *subsection (6) of section 3*,

the education board concerned may, subject to *subsections (5) and (6)*, withdraw or reduce the amount of such financial assistance.

(5) Where an education board proposes to withdraw or reduce the amount of financial assistance provided under this section it shall inform the organisation concerned by notice in writing that—

- (a) a withdrawal or reduction is being considered, and
- (b) the reasons for the proposed withdrawal or reduction,

and the organisation concerned may, within the next 14 days beginning on the date when such notice is given, or such longer period as the education board may determine, make representations in writing to the education board.

(6) Where an education board, having considered the representations made under *subsection (5)*, decides, by a resolution of such education board, to withdraw or reduce the amount of such financial assistance the education board shall inform the organisation concerned by notice in writing of such withdrawal or reduction and the reasons therefor.

(7) Where an education board considers that a youth work programme or a youth work service is required to be provided within the education region concerned but such youth work programme or youth work service is not so provided by a prescribed national voluntary youth work organisation or a designated local voluntary youth work organisation, the education board shall—

- (a) publish a notice, in not less than 2 newspapers circulating within the education region concerned, inviting prescribed national voluntary youth work organisations and designated local voluntary youth work organisations to submit a proposal for the provision of that youth work programme or youth work service specifying—
  - (i) an estimate of the financial expenditure required for such provision,
  - (ii) an estimate of the period, where applicable, for which the youth work programme or youth work service is to be provided,
  - (iii) an estimate of the financial assistance required for the purpose of such provision, and
  - (iv) any other information as may be required by the education board concerning the provision of the youth work programme or youth work service,
- (b) consult with the youth work committee for the education region concerned in relation to the proposals submitted in accordance with *paragraph (a)*, and

S.4

(c) prepare a report regarding the suitability of the proposals submitted in accordance with *paragraph (a)*.

(8) Where the education board specifies in a report prepared under *paragraph (c) of subsection (7)* that the proposals submitted under that subsection are not suitable for the purposes of providing the youth work programme or youth work service concerned, the education board may provide that youth work programme or youth work service if a resolution in favour of such provision is passed by the education board.

(9) An education board that provides a youth work programme or youth work service in accordance with *subsections (7) and (8)*—

(a) shall not continue to provide that youth work programme or youth work service for a period in excess of 3 years from the date of commencement of such provision unless it is satisfied that a prescribed national voluntary youth work organisation or a designated local voluntary youth work organisation cannot make suitable provision for the youth work programme or youth work service concerned, and

(b) shall, before the end of the second year of such provision, apply the procedure set out in *paragraphs (a) to (c) of subsection (7)* and in *subsection (8)* for the purposes of ascertaining whether suitable provision, as referred to in *paragraph (a)*, can be made for that youth work programme or youth work service.

Removal of youth work functions of education board.

5.—(1) Where an education board, in the opinion of the Minister, has failed to perform or is failing to perform its functions under this Act in an effective manner the Minister may, by order, remove any such function from the education board concerned as the Minister may specify in the order and transfer such function to the Director or to such other person as the Minister may specify in the order for such period as the Minister shall, at the making of such order, determine, but in no case shall such function be removed from an education board for a continuous period exceeding 2 years.

(2) Where the Minister proposes to make an order under this section the Minister shall inform the Director and the education board, by notice in writing, that he or she is considering making an order and the reasons therefor and the Director or the education board or both may, within the period of the next 14 days beginning on the date on which the notice is given or such longer period as the Minister may determine, make representations in writing to the Minister.

(3) If, after considering any representations made under *subsection (2)*, the Minister is of the opinion that an order pursuant to *subsection (1)* should be made, the Minister shall so make the order and shall, by notice in writing, inform the Director and the education board of the making thereof and the reasons therefor.

(4) Where a function of an education board under this Act stands transferred under this section, the education board shall not perform, or supervise, direct or control the exercise of the function but shall be kept informed of matters arising from the exercise of that function by the person to whom that function stands transferred.

[1997.]

*Youth Work Act, 1997.*

[No. 30.]

(5) The Minister may by order amend or revoke an order under S.5 this section.

(6) In this section “Director” means a chief executive officer of an education board.

**6.—**(1) An education board shall, at such times and in respect of every period to which *subsection (2)* relates, prepare a Youth Work Development Plan (in this Act referred to as a “Development Plan”).

Youth Work  
Development Plan.

(2) A Development Plan shall be prepared in respect of the period beginning on the commencement of this section and ending on the last day of the third next financial year and thereafter a Development Plan shall be prepared in respect of each subsequent 3 year period.

(3) A Development Plan prepared in accordance with this section shall be submitted to the Minister for approval as soon as may be after such preparation.

(4) In preparing a Development Plan an education board shall—

- (a) specify the youth work requirements of the education region concerned, having particular regard to the youth work requirements of persons who are aged between 10 and 21 years and are socially or economically disadvantaged,
- (b) specify the measures required to meet such youth work requirements, having particular regard to the youth work requirements of persons who are aged between 10 and 21 years and are socially or economically disadvantaged,
- (c) provide estimates of the financial expenditure required for the implementation of the measures specified under *paragraph (b)*,
- (d) provide estimates of the income and financial resources of such education board for the purposes of this Act, including the sources of such resources, for each financial year of the period of the Development Plan,
- (e) comply with any directions issued by the Minister from time to time, including directions requiring consultation by the education board with specified persons or bodies, and
- (f) consult with the youth work committee.

(5) A Development Plan shall be deemed to be adopted when it has been approved in writing by the Minister.

(6) The Minister may amend a Development Plan that has been submitted for approval under this section and the education board shall comply with any such amendment.

(7) Without prejudice to the generality of *paragraph (b)* of *subsection (4)*, when specifying the measures concerned an education board shall have regard to—

- (a) the treatment of both male and female young persons in relation to access to youth work, and

S.6

- (b) the numbers of male and female young persons who are likely to participate in such youth work programmes and youth work services.

(8) An education board shall make a copy of a Development Plan approved by the Minister under this section available for inspection by members of the public during business hours at its principal place of business.

Review of  
Development Plan.

7.—(1) In each financial year an education board shall, in respect of the preceding financial year—

- (a) cause an examination to be made of—
- (i) the implementation of a Development Plan that has been adopted under *section 6*,
  - (ii) the effect of the youth work programmes and youth work services provided within the education region concerned,
  - (iii) the efficiency of the youth work programmes and youth work services provided within the education region concerned,
  - (iv) the treatment of male and female young persons in relation to access to youth work, and
  - (v) the numbers of male and female young persons who participated in the youth work programmes and youth work services provided within the education region concerned, and
- (b) cause an evaluation to be made of the youth work programmes and youth work services provided within the education region concerned in relation to the matters specified in the Development Plan,

and shall set out the comments in respect of each of the matters specified in *paragraphs (a) and (b)* in a Youth Work Report (in this section referred to as the “Annual Report”) and submit such Annual Report to the Minister.

(2) The Minister may issue directions to an education board in relation to the preparation of the Annual Report and such education board shall comply with such directions.

(3) An education board shall consult with the youth work committee in relation to the preparation of an Annual Report.

Provision of youth  
work programmes  
and youth work  
services by  
Minister.

8.—Without prejudice to the functions of an education board in relation to youth work under *section 4*, the Minister may take such steps as, in the opinion of the Minister, are necessary to ensure the provision of—

- (a) a youth work programme or a youth work service or both in 2 or more education regions in which, in the opinion of the Minister, such youth work programme or youth work service is required, by providing assistance, including financial assistance, to one or more than one prescribed national voluntary youth work organisation or

other organisation which, in the opinion of the Minister, S.8  
is engaged from time to time in the provision of youth  
work, and

- (b) a supplementary youth work programme or supplementary youth work service or both in an education region in which, in the opinion of the Minister, such supplementary youth work programme or youth work service is required, by providing assistance, including financial assistance, to one or more than one prescribed national voluntary youth work organisation, designated local voluntary youth work organisation or other organisation which, in the opinion of the Minister, is engaged from time to time in the provision of youth work.

**9.—(1)** Where the Minister proposes to assess a youth work programme or youth work service in accordance with *paragraphs (f), (g) and (h) of subsection (1) of section 3*, the Minister shall authorise a person (in this section referred to as an “authorised person”) to carry out such assessment and to submit a report to the Minister. Assessment by Minister.

(2) An authorised person may—

- (a) examine the operation of the youth work programme or youth work service concerned, and
- (b) examine any books, accounts and other records that relate to such youth work programme or youth work service.

(3) The provider of a youth work programme or youth work service concerned shall furnish to the authorised person such information or documents as may be required for the purposes of this section.

**10.—(1)** The Minister shall appoint a committee to be known as the National Youth Work Advisory Committee (in this Act referred to as the “Advisory Committee”) to advise and consult with the Minister in relation to youth work. National Youth Work Advisory Committee.

(2) Without prejudice to the generality of *subsection (1)*, the Advisory Committee shall advise the Minister in relation to—

- (a) the provision, co-ordination and evaluation of youth work programmes and youth work services,
- (b) the development and implementation of youth work policies referred to in *section 3(1)(a)*,
- (c) the co-ordination of youth work programmes and youth work services with general educational services for young persons,
- (d) the co-ordination of youth work programmes and youth work services with non-educational services for young persons, and
- (e) the treatment of male and female young persons in relation to access to youth work, and in so advising shall, in respect of *paragraphs (a), (b), (c) and (d)*, have regard to

S.10

the number of male and female young persons who are likely to participate in such youth work programmes and youth work services.

(3) When requested by the Minister, the Advisory Committee shall furnish advice and make recommendations to the Minister and shall give priority to such requests when so requested by the Minister.

(4) The Minister shall provide such secretarial and administrative support to the Advisory Committee as the Minister considers necessary.

Membership of  
Advisory  
Committee.

**11.—(1)** The number of members of the Advisory Committee shall be not less than 22 and not more than 24.

(2) The Minister shall appoint a chairperson of the Advisory Committee and at least one but not more than 3 persons to the Advisory Committee and, in so appointing, the Minister shall have regard to the desirability of such persons having knowledge of or experience in youth work.

(3) In addition to the persons appointed under *subsection (2)*, the Minister shall appoint a person of not less than the rank of principal officer in the Department of Education and at least one person who has been nominated to the Minister by each of the following—

- (a) the Minister for Enterprise and Employment,
- (b) the Minister for Social Welfare,
- (c) the Minister for Justice,
- (d) the Minister for Health,
- (e) the Minister for the Environment,
- (f) the Minister for Equality and Law Reform,
- (g) the Minister for Foreign Affairs,
- (h) the Minister for Arts, Culture and the Gaeltacht, and
- (i) An Foras Áiseanna Saothair.

(4) In addition to the persons appointed in accordance with *subsections (2) and (3)*, the Minister shall appoint persons nominated by the organisation prescribed in accordance with *section 22 (2) (a)* and the number of persons so appointed shall be the same as the total number of persons appointed in accordance with *subsection (3)*.

(5) In making appointments to the Advisory Committee, the Minister shall ensure an appropriate gender balance, as determined by the Minister from time to time, among the membership thereof.

(6) In order to achieve the gender balance required under *subsection (5)*, the Minister may require that nominations made under *subsection (3) and subsection (4)* are made in accordance with such balance.

[1997.]

*Youth Work Act, 1997.*

[No. 30.]

(7) The Minister may require the organisation specified in *subsection (4)* to include in such nominations persons engaged in the provision of youth work programmes or youth work services in a voluntary capacity who are not employees of a prescribed national voluntary youth work organisation. S.11

(8) The *Schedule* shall apply to the Advisory Committee.

**12.—**(1) On or before such date as the Minister shall direct, an education board shall prepare and submit to the Minister a report on the estimate of its expenditure and income for the purposes of this Act (in this Act referred to as a “Youth Work Budget”) for the next following financial year. Youth Work Budget.

(2) A Youth Work Budget shall be prepared in such form and contain such information as may be specified in directions issued by the Minister and shall have regard to the most recent Development Plan that has been approved by the Minister.

(3) Without prejudice to the generality of *subsections (1) and (2)*, in preparing a Youth Work Budget an education board shall—

- (a) specify, for the financial year concerned, the youth work programmes and youth work services in respect of which the education board proposes to provide financial assistance,
- (b) provide an estimate of the expenditure in relation to a youth work programme or a youth work service or both that are required to be specified under *paragraph (a)*,
- (c) provide an estimate of the income of the education board, including the sources of such income, for the purposes of this Act, for the financial year concerned, and
- (d) consult with the youth work committee,

and the education board shall not incur any expenditure for the purposes of this Act for the financial year concerned until such Youth Work Budget has been adopted in accordance with this section.

(4) A Youth Work Budget shall be deemed to be adopted when it has been approved in writing by the Minister.

(5) Prior to approving a Youth Work Budget that has been submitted to the Minister for approval in accordance with this section, the Minister may amend such Youth Work Budget and the education board concerned shall comply with any such amendment.

(6) Where an education board does not submit a Youth Work Budget in accordance with this section, the Minister may, after such consultation as the Minister considers necessary, determine the maximum amount of expenditure that may be incurred by the education board for the purposes of this Act for the financial year concerned and shall notify the education board in writing of the amount so determined within 21 days of such determination and shall, in such notice, specify the date on which such Youth Work Budget shall be deemed to have been adopted.

(7) The Minister may issue directions to an education board in relation to the preparation of a Youth Work Budget and such education board shall comply with any such directions.

S.12

(8) In this Act “financial year” means such period of 12 months as may be prescribed.

Supervision of  
Youth Work  
Budget.

**13.—(1)** An education board shall supervise the implementation of a Youth Work Budget in order to ensure that the expenditure for the financial year concerned does not exceed the expenditure approved or determined by the Minister under *subsection (4)* or *(6)* of *section 12* for that financial year.

(2) An education board may, subject to the prior approval in writing of the Minister, amend a Youth Work Budget that has been approved by the Minister in accordance with *section 12*.

(3) If the amount of expenditure incurred by an education board in a financial year is either greater or less than the amount approved or determined by the Minister under *subsection (4)* or *(6)* of *section 12* for that financial year, the education board shall—

- (a) charge the amount of the excess of unapproved expenditure,  
or
- (b) credit the amount of the surplus,

to the Youth Work Budget for the next following financial year.

Voluntary Youth  
Council.

**14.—(1)** The Minister shall appoint, for a functional area as may be prescribed, a Voluntary Youth Council which shall advise such education board as may be prescribed on the preparation or implementation of any matter that is specified in a Development Plan prepared by that education board and relates to such functional area.

(2) A Voluntary Youth Council, in addition to the function conferred on it by *subsection (1)*, shall—

- (a) provide a forum for the voluntary youth work organisations operating within the prescribed functional area to discuss the provision of youth work programmes and youth work services in such prescribed functional area, and
- (b) nominate persons for appointment to a youth work committee.

(3) Without prejudice to the generality of *subsection (1)* and *paragraph (a)* of *subsection (2)*, a Voluntary Youth Council shall, in providing such advice and such forum, have regard to—

- (a) the treatment of male and female young persons in relation to access to youth work, and
- (b) the numbers of male and female young persons who are likely to participate in youth work programmes and youth work services.

(4) The Minister may issue directions to a Voluntary Youth Council in relation to any matter for the purposes of this Act and a Voluntary Youth Council shall comply with any such directions and perform its functions in accordance with any such directions.

[1997.]

*Youth Work Act, 1997.*

[No. 30.]

15.—(1) The members of a Voluntary Youth Council shall be elected in accordance with this section and the number of members of a Voluntary Youth Council shall, subject to *subsection (4)*, be not less than 10 and not more than 30.

Composition,  
election, etc. of  
Voluntary Youth  
Council.

(2) A person who—

- (a) is engaged in the provision of a youth work programme or a youth work service in a voluntary capacity, and
- (b) is not an employee of a prescribed national voluntary youth work organisation or a designated local voluntary youth work organisation,

shall be eligible for election to a Voluntary Youth Council.

(3) An election under this section shall be held in accordance with *subsection (4)* and shall include a class of candidates for—

- (a) persons who have not attained the age of 25 years, and
- (b) persons engaged in the provision of a youth work programme or a youth work service for young persons within the travelling community,

and at least one-fifth of the membership of a Voluntary Youth Council shall consist of the class of candidates referred to in *paragraph (a)*.

(4) An education board may, with the consent of the Minister, issue directions in relation to the election of persons to a Voluntary Youth Council and, without prejudice to the generality of the foregoing, such directions may refer to all or any of the following—

- (a) voting procedures,
- (b) nomination of candidates,
- (c) the appointment of a returning officer for the election of members to a Voluntary Youth Council,
- (d) the requirements for holding a poll or deeming persons elected where the number of candidates is less than or equal to the number of members to be elected to a Voluntary Youth Council,
- (e) the number, in accordance with *subsection (1)*, of members of each Voluntary Youth Council,
- (f) the appointment of an education board to organise and supervise the elections,
- (g) the classification of candidates,
- (h) the voluntary youth work organisations that may nominate persons for election in relation to the classification of candidates,
- (i) the voluntary youth work organisations that may elect persons to a Voluntary Youth Council in relation to the classification of candidates, and
- (j) the filling of casual vacancies.

S.15

(5) A voluntary youth work organisation referred to in *paragraph (h) of subsection (4)*, shall, in nominating candidates for an election under this section, make such nominations in accordance with an appropriate gender balance, as may be determined by the Minister from time to time.

(6) The term of office of a Voluntary Youth Council shall not exceed a period of 3 years.

Meetings, etc. of  
Voluntary Youth  
Council.

**16.—(1)** A Voluntary Youth Council shall appoint one of its members to act as a chairperson and shall appoint a vice-chairperson to carry out the functions of the chairperson in the absence of such chairperson.

(2) A Voluntary Youth Council shall regulate, subject to the provisions of *subsection (3)*, by standing order or otherwise, its procedure and business.

(3) A Voluntary Youth Council shall not hold more than 3 meetings in each financial year without the prior consent in writing of the Minister.

(4) A member of a Voluntary Youth Council shall not receive any remuneration for acting as a member of such Voluntary Youth Council but the education board concerned may make payments, in accordance with a rate determined by such education board, with the consent of the Minister and the Minister for Finance, to a member for travelling and subsistence expenses incurred by the member in respect of the business of the Voluntary Youth Council.

Youth work  
committee.

**17.—(1)** An education board shall appoint a youth work committee which—

(a) shall make recommendations to the education board concerned on the performance by such education board of its functions under this Act, and

(b) may advise the education board on any matter in respect of which the education board has requested such advice.

(2) Where an education board, having considered a recommendation made under *paragraph (a) of subsection (1)*, decides, by a resolution of such education board, not to implement a recommendation made to it by the youth work committee the education board shall, as soon as may be, notify the Minister in writing of, and state the reasons for, such decision.

(3) The Minister may, in relation to the notification of a decision referred to in *subsection (2)*, consult with the education board concerned and issue directions to such education board in relation to such decision and the education board shall comply with any such directions.

(4) An education board may remove a member of the youth work committee from such membership.

(5) A youth work committee shall appoint a member of the committee to act as chairperson and shall appoint a vice-chairperson who shall, in the absence of the chairperson, carry out the functions of the chairperson.

[1997.]

*Youth Work Act, 1997.*

[No. 30.]

(6) A member of a youth work committee shall not receive any remuneration for acting as a member of such youth work committee but the education board concerned may make payments, in accordance with a rate determined by such education board, with the consent of the Minister and the Minister for Finance, to a member for travelling and subsistence expenses incurred by the member in respect of the business of the youth work committee. S.17

(7) A youth work committee shall regulate, by standing order or otherwise, its procedure or business.

(8) The term of office of a youth work committee appointed under this section shall not exceed a period of 3 years.

**18.**—(1) The number of members of a youth work committee shall be not less than 10 and not more than 20 and an education board shall, in appointing members to a youth work committee, appoint one-half of such membership in accordance with *paragraphs (a) and (b) of subsection (2)* and one-half in accordance with *paragraph (c) of subsection (2)*. Membership of youth work committee.

(2) An education board shall appoint—

(a) at least one member of such education board,

(b) at least one person nominated by each of the following—

(i) An Foras Áiseanna Saothair,

(ii) the health board or health boards, as may be prescribed, for the education region concerned, and

(iii) the Juvenile Liaison Service of the Garda Síochána in the education region concerned, and

(c) persons nominated by such Voluntary Youth Council or Voluntary Youth Councils as may be prescribed in relation to that education board,

to the youth work committee in accordance with *subsection (1)*.

(3) In making appointments to the youth work committee an education board shall ensure an appropriate gender balance, as determined by the Minister from time to time, among the membership thereof.

(4) In order to achieve the gender balance required by *subsection (3)*, the persons and bodies specified in *paragraphs (b) and (c) of subsection (2)* shall, in nominating candidates for appointment under this section, make such nominations in accordance with such gender balance.

(5) The Minister may issue directions to an education board and a youth work committee in relation to the administration of the youth work committee and the education board and youth work committee concerned shall comply with any such directions.

**19.**—(1) The Minister may, for the purposes of this Act, in each financial year make a grant, out of moneys provided by the Oireachtas, to all or any of the following— Grants.

S.19

- (a) an education board;
- (b) a prescribed national voluntary youth work organisation or a designated local voluntary youth work organisation;
- (c) an organisation which, in the Minister's opinion, is engaged from time to time in the provision of a youth work programme or a youth work service;

and such payments shall be subject to the consent of the Minister for Finance and be subject to any terms and conditions which the Minister may determine.

(2) A body in receipt of a grant made under this section shall keep, in such form as may be approved by the Minister with the concurrence of the Minister for Finance, all proper accounts and records of moneys received or expended by such body in each financial year and, in particular, shall keep in such form as aforesaid such special accounts and records as the Minister may, with the concurrence of the Minister for Finance, from time to time direct.

(3) Accounts kept in pursuance of *subsection (2)* shall be submitted to the Minister as soon as may be after the end of the financial year and such accounts may be required for examination by the Comptroller and Auditor General for the purposes of the Comptroller and Auditor General (Amendment) Act, 1993.

(4) Where the Minister attaches a term or condition to the payment of a grant under this section, the body in receipt of such grant shall comply with such terms and conditions.

Withdrawal or  
reduction of grant.

**20.**—(1) Where an education board or an organisation specified in *paragraph (b) or (c) of subsection (1) of section 19* does not comply with a term or condition attached to a grant made under *section 19* or a recommendation made under *subsection (5) or (7) of section 3*, the Minister may, subject to this section, withdraw or reduce the amount of such grant.

(2) Where the Minister proposes to withdraw or reduce the amount of a grant, the Minister shall inform such education board or such organisation by notice in writing that—

- (a) such withdrawal or reduction is being considered, and
- (b) the reasons for such proposed withdrawal or reduction,

and the education board or organisation concerned may, within the next 14 days beginning on the date when such notice is given, or such longer period as the Minister may determine, make representations in writing to the Minister.

(3) Where the Minister, having considered the representations made under *subsection (2)*, is of the opinion that a grant made under *section 19* should be withdrawn or reduced, the Minister shall inform such education board or organisation by notice in writing of such withdrawal or reduction and the reasons therefor.

Directions.

**21.**—The Minister may, from time to time, issue such directions in relation to—

[1997.]

*Youth Work Act, 1997.*

[No. 30.]

- (a) the provision, monitoring and evaluation of youth work programmes or youth work services under this Act, and S.21
- (b) any matter for the purposes of this Act,

and a person to whom such directions are issued shall comply with any such directions.

**22.**—(1) The Minister may make regulations for such matters which are expressed to be prescribed by the Minister and may make such other regulations as are necessary for the purpose of giving effect to this Act. Regulations.

(2) Without prejudice to the generality of *subsection (1)*, regulations under this section may prescribe a voluntary youth work organisation to be—

- (a) the organisation representing voluntary youth work organisations for the purposes of *subsection (4)* of *section 11*, and
- (b) a voluntary youth work organisation that provides a youth work programme or a youth work service in 2 or more education regions for the purposes of this Act and “prescribed national voluntary youth work organisation” shall be construed accordingly.

**23.**—An education board may designate, for the purposes of this Act, a voluntary youth work organisation that provides a youth work programme or a youth work service within the education region concerned as a designated local voluntary youth work organisation and “designated local voluntary youth work organisation” shall be construed accordingly. Designation of local voluntary youth work organisation.

**24.**—The Minister may, by order, designate a board established by or under any statute and concerning any matter relating to education to be an education board for the purposes of this Act. Designation of education board.

**25.**—Every order, other than an order made under *section 27 (2)*, or regulation made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order or regulation is passed by either such House within the next subsequent 21 days on which that House has sat after the order or regulation is laid before it, the order or regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder. Laying of orders and regulations before Houses of Oireachtas.

**26.**—Any expenses incurred by the Minister in the administration of this Act shall, to such extent as may be approved of by the Minister for Finance, be paid out of moneys provided by the Oireachtas. Expenses.

**27.**—(1) This Act may be cited as the Youth Work Act, 1997. Short title and commencement.

(2) This Act shall come into operation on such day or days as, by order or orders made by the Minister, may be fixed therefor either generally or with reference to any particular purpose or provision and different days may be so fixed for different purposes and different provisions.

## SCHEDULE

## National Youth Work Advisory Committee

1. The term of office of a member (including the chairperson) shall be fixed by the Minister and shall not be greater than 5 years.

2. A member of the Advisory Committee may at any time be removed from membership of the Advisory Committee by the Minister if, in the Minister's opinion, the member has become incapable through ill-health of performing his or her functions, or has committed stated misbehaviour, or such removal appears to the Minister to be necessary for the effective performance by the Advisory Committee of its functions.

3. A member of the Advisory Committee may at any time resign his or her membership by letter addressed to the Minister and the resignation shall take effect from the date specified therein or upon receipt of the letter by the Minister, whichever is the later.

4. If a member of the Advisory Committee dies, resigns, becomes disqualified or is removed from office, the Minister may appoint a person to be a member of the Advisory Committee to fill the casual vacancy so occasioned and a person appointed under this subsection shall hold office for the remainder of the term of office of the member whose death, resignation, disqualification or removal occasioned the casual vacancy.

5. A member of the Advisory Committee whose period of membership expires by the effluxion of time, including a member appointed to fill a casual vacancy in accordance with *paragraph 4*, shall be eligible for re-appointment as a member of the Advisory Committee.

6. A member of the Advisory Committee shall not receive any remuneration for acting as a member of the Advisory Committee but the Minister may make payments in accordance with a rate determined by the Minister, with the consent of the Minister for Finance, to a member for travelling and subsistence expenses incurred by the member in respect of the business of the Advisory Committee.

7. The Minister shall fix the date, time and place of the first meeting of the Advisory Committee.