Changes to Legislation: as of 12 March 2024, this Act is up to date with all changes known to be in force.



Number 42 *of* 2001

YOUTH WORK ACT 2001

REVISED

Updated to 9 January 2023

This Revised Act is an administrative consolidation of the *Youth Work Act 2001*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including *Local Government (Maternity Protection and Other Measures for Members of Local Authorities) Act 2022* (52/2022), enacted 21 December 2022, and all statutory instruments up to and including *Planning And Development And Foreshore (Amendment) Act 2022 (Commencement) Order 2023* (S.I. No. 1 of 2023), made 9 January 2023, were considered in the preparation of this revision.

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Number 42 *of* 2001

YOUTH WORK ACT 2001

REVISED

Updated to 9 January 2023

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Number 42 *of* 2001

YOUTH WORK ACT 2001

REVISED

Updated to 9 January 2023

AN ACT TO EXTEND THE FUNCTIONS OF VOCATIONAL EDUCATION COMMITTEES IN RELATION TO YOUTH WORK, TO PROVIDE FOR THE MAKING OF GRANTS IN RESPECT OF YOUTH WORK, TO PROVIDE FOR THE APPOINTMENT OF AN ASSESSOR OF YOUTH WORK AND HIS OR HER FUNCTIONS UNDER THE ACT, 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, TO REPEAL THE YOUTH WORK ACT, 1997, AND TO PROVIDE FOR RELATED MATTERS. [1*st December*, 2001]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Annotations

Modifications (not altering text):

C1 Functions transferred and references to "Department of Finance" and "Minister for Finance" construed (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2).

2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

(2) References to the Department of Finance contained in any Act or instrument made thereunder and relating to the administration and business transferred by paragraph (1) shall, on and after the commencement of this Order, be construed as references to the Department of Public Expenditure and Reform.

3. The functions conferred on the Minister for Finance by or under the provisions of —

(a) the enactments specified in Schedule 1, and

(b) the statutory instruments specified in Schedule 2,

are transferred to the Minister for Public Expenditure and Reform.

...

5. References to the Minister for Finance contained in any Act or instrument under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

...

Schedule 1

Enactments

...

Part 2

1922 to 2011 Enactments

Number and Year	Short Title	Provision
...	...	...
No. 42 of 2001	Youth Work Act 2001	Sections 16(8) and (9), 19(8), 23(4) and 34; Schedule, paragraph 6
...	...	...

C2 Functions transferred and references to 'Minister for Health and Children' and 'Department of Health and Children' construed (3.06.2011) by *Office of the Minister for Children and Youth Affairs (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 218 of 2011), arts. 2, 3 and sch, in effect as per art. 1(2).

2.—(1) The administration and business in connection with the exercise, performance or execution of any functions transferred by Article 3 are transferred to the Department of Children and Youth Affairs.

(2) References to the Department of Health and Children contained in any Act or any instrument made thereunder and relating to any administration and business transferred by paragraph (1) shall, from the commencement of this Order, be construed as references to the Department of Children and Youth Affairs.

3.—(1) The functions vested in the Minister for Health and Children by or under the Acts specified in the Schedule are transferred to the Minister for Children and Youth Affairs.

...

(3) References to the Minister for Health and Children contained in any Act or instrument made thereunder and relating to any functions transferred by this Article shall, from the commencement of this Order, be construed as references to the Minister for Children and Youth Affairs.

...

SCHEDULE

Transfer of Functions and References to Functional Areas

...

Youth Work Act 2001 (No. 42 of 2001)

...

C3 Functions transferred and references to "Minister for Education and Science" and "Department of Education and Science" construed (31.12.2008) by *Youth Work (Transfer of Departmental Administration and Ministerial Functions) Order 2008* (S.I. No. 596 of 2008), arts. 3, 4, in effect as per art. 1(2).

3.—(1) The administration and business in connection with the exercise, performance or execution of any functions transferred by Article 4 are transferred to the Department of Health and Children.

(2) References to the Department of Education and Science contained in any Act or instrument made thereunder and relating to any administration and business transferred by this Article shall, from the commencement of this Order, be construed as references to the Department of Health and Children.

4.—(1) The functions vested in the Minister for Education and Science by or under the Youth Work Act 2001 (No. 42 of 2001) are transferred to the Minister for Health and Children.

(2) References to the Minister for Education and Science contained in any Act or instrument made thereunder and relating to any functions transferred by this Article shall, from the commencement of this Order, be construed as references to the Minister for Health and Children.

...

C4 Functions transferred and references to "Minister for Health and Children" and "Department of Health and Children" construed (31.12.2008) by *Youth Work (Transfer of Departmental Administration and Ministerial Functions) (No. 2) Order 2008* (S.I. No. 595 of 2008), arts. 3, 4, in effect as per art. 1(2).

3. (1) The administration and business in connection with the exercise, performance or execution of any functions transferred by Article 4 are transferred to the Department of Education and Science.

(2) References to the Department of Health and Children contained in any Act or instrument made thereunder and relating to any administration and business transferred by this Article shall, from the commencement of this Order, be construed as references to the Department of Education and Science.

4. (1) The functions vested in the Minister for Health and Children by or under section 18(4)(*d*) of the Youth Work Act 2001 (No. 42 of 2001) are transferred to the Minister for Education and Science.

(2) References to the Minister for Health and Children contained in any Act or instrument made thereunder and relating to the function transferred by this Article shall, from the commencement of this Order, be construed as references to the Minister for Education and Science.

...

C5 Functions transferred and specified bodies dissolved (1.01.2005) by *Health Act 2004* (42/2004), ss. 58, 59 and sch. 3 item 60 (S.I. No. 885 of 2004).

Dissolution of health boards and other specified bodies.

58.—The specified bodies are, by this Act, dissolved on the establishment day.

Transfer of functions of specified bodies to Executive.

59.—(1) The functions that, immediately before the establishment day, were the functions of a specified body under or in connection with the enactments referred to in Schedule 3 are, by this Act, transferred to the Executive on that day.

(2) If a provision of an enactment referred to in Schedule 3 , or a provision of an instrument made under such enactment, does not come into effect until on or after the establishment day, a function that on the passing of that enactment or the making of that instrument was assigned under or in connection with that provision to a specified body is, by this Act, transferred to the Executive on the commencement of that provision.

(3) The functions transferred by this Act to the Executive include the functions specified in any enactment referred to in Schedule 3 as a function of the following:

(a) the chief executive officer of a health board;

(b) the Regional Chief Executive of the Eastern Regional Health Authority;

(c) the area chief executive of an Area Health Board.

...

SCHEDULE THREE

Transfer of Functions and References to Functional Areas

Section 59 and 67.

...

60.—Youth Work Act 2001

...

PART 1

Preliminary

Short title and commencement.

1.—(1) This Act may be cited as the Youth Work Act, 2001.

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

Annotations

Editorial Notes:

E1 Power pursuant to section exercised (22.04.2002) by *Youth Work Act 2001 (Commencement) Order 2002* (S.I. No. 189 of 2005).

2. The 22nd day of April 2002 is appointed as the day on which sections 2, 3, 4, 5, 6, 7, 17, 18, 24 of and the schedule to the Youth Work Act 2001 (No. 42 of 2001) shall come into operation.

Interpretation.

2.—(1) In this Act, unless the context otherwise requires—

"Advisory Committee" means the National Youth Work Advisory Committee appointed under *section 17*;

"approved national voluntary youth work organisation" means a voluntary youth work organisation approved to provide a youth work programme or a youth work service in 2 or more F1**[**education and training board areas**]**;

"Assessor of Youth Work" means the person appointed as Assessor of Youth Work under *section 16(1)*, and includes an officer of the Minister appointed under *section 16(2)* to act in the place of the Assessor of Youth Work, while he or she is so acting;

"authorised organisation" means an organisation approved under *section 25*;

"designated local voluntary youth work organisation" means a voluntary youth work organisation designated as such under *section 29*;

"Development Plan" means a Youth Work Development Plan approved by the Minister under *section 13*;

F2**[** "education and training board area" has the same meaning as it has in the Education and Training Boards Act 2013;**]**

F2**[**"Education and Training Boards Ireland" has the same meaning as it has in the Education and Training Boards Act 2013;**]**

"financial year" means a period of 12 months prescribed as a financial year for the purposes of this Act;

"functions" includes powers and duties;

F3**[**...**]**

"Minister" means the Minister for Education and Science;

"prescribed" means prescribed by regulations made under *section 4*;

F3**[**...**]**

F3**[**...**]**

"Voluntary Youth Council" means a body established by *section 21*;

"voluntary youth work organisation" means an organisation providing a youth work programme or a youth work service, or both, otherwise than for profit;

"young person" means a person who has not attained the age of 25 years;

"Youth Work Budget" means a report on the estimate of the income and expenditure of F1**[**an education and training board**]** for the purposes of this Act prepared under *section 32*;

"youth work committee" means a youth work committee appointed under *section 19*;

"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*) 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, and

(*b*) 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.

Annotations

Amendments:

F1 Substituted (1.07.2013) by *Education and Training Boards Act 2013* (11/2013), s. 72 and sch. 6 item 38, S.I. No. 211 of 2013.

F2 Inserted (1.07.2013) by *Education and Training Boards Act 2013* (11/2013), s. 72 and sch. 6 item 38, S.I. No. 211 of 2013.

F3 Deleted (1.07.2013) by *Education and Training Boards Act 2013* (11/2013), s. 72 and sch. 6 item 38, S.I. No. 211 of 2013.

Definition of "youth work".

3.—In this Act "youth work" means a planned programme of education designed for the purpose of aiding and enhancing the personal and social development of young persons through their voluntary participation, and which is—

(*a*) complementary to their formal, academic or vocational education and training; and

(*b*) provided primarily by voluntary youth work organisations.

Regulations.

4.—(1) The Minister may make regulations prescribing any matter or thing referred to in this Act as prescribed or to be prescribed, or in relation to any matter referred to in this Act as the subject of regulation.

(2) Regulations under this section may contain such incidental supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations or for giving full effect to this Act.

Laying of orders and regulations before Houses of the Oireachtas.

5.—Every order (other than an order under *section 1(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 under it.

Expenses of Minister.

6.—Expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Repeal of Youth Work Act, 1997.

7.—The Youth Work Act, 1997 (No. 30 of 1997) is by this section repealed.

PART 2

Youth Work Functions of Minister and F4[Education and Training Boards]

Annotations

Amendments:

F4 Substituted (1.07.2013) by *Education and Training Boards Act 2013* (11/2013), s. 72 and sch. 6 item 38, S.I. No. 211 of 2013.

Youth work functions of Minister.

8.—(1) The Minister, as far as practicable, shall—

(*a*) ensure the development and co-ordination of policies relating to youth work programmes and youth work services in both the Irish and the English languages,

(*b*) ensure the co-ordination of 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,

(*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 F4[education and training board areas],

(*e*) monitor, at least once in each financial year, a youth work programme or a youth work service receiving moneys under this Act, including a youth work programme or a youth work service provided by a voluntary youth work organisation receiving moneys provided under *sections 9(1)(a)* and *34*,

(*f*) subject to *section 16*, carry out an assessment, at least once in every 3 years, of a youth work programme or a youth work service provided by an approved national voluntary youth work organisation, a designated local voluntary youth work organisation or an authorised organisation in receipt of moneys under *section 34*,

(*g*) subject to *section 16*, carry out an assessment, at least once in every 3 years, of a youth work programme or a youth work service referred to in *section 9(1)(a)* and for which moneys are provided by F4[an education and training board],

(*h*) subject to *section 16*, carry out an assessment, at least once in every 3 years, of a youth work programme or a youth work service provided in accordance with a resolution of F4**[**an education and training board**]** under *section 11(5)*, and

(*i*) appoint a National Youth Work Advisory Committee under *section 17*.

(2) Without prejudice to the generality of *subsection (1)*, the Minister, in performing his or her functions, shall have regard to—

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

(*b*) the number of male and female young persons, respectively, who are likely to participate in the youth work programmes and youth work services, and

(*c*) youth work requirements of persons who have attained the age of 10 years but not 21 years who reside in a Gaeltacht area and/or whose first language is Irish.

(3) Without prejudice to the generality of *subsection (1)(c)*, the Minister shall endeavour to ensure—

(*a*) that regard is had to the information needs of young persons, and

(*b*) that particular regard be had to the youth work requirements of—

(i) persons who have attained the age of 10 years but not 21 years, and

(ii) other young persons who are socially or economically disadvantaged.

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

(5) The Minister may, following an assessment under *subsection (1)(f)* and consideration of any representations in writing made by the organisation providing the youth work programme or youth work service so assessed made within 21 days after receipt by the organisation of the report of the assessment, give directions to the organisation in relation to the manner in which the programme or service is provided, and the organisation shall comply with the directions.

(6) The Minister may, following an assessment under *subsection (1)(g)* and consideration of any representations in writing made by the organisation providing the youth work programme or youth work service so assessed made within 21 days after receipt by the organisation of the report of the assessment, give directions to the organisation in relation to the manner in which the youth work programme or youth work service is provided, and the organisation shall comply with the directions.

(7) The Minister may, following an assessment under *subsection (1)(h)* and consideration of any representations in writing made by the F4**[**education and training board**]** providing the youth work programme or youth work service so assessed made within 21 days after receipt by the F4**[**education and training board**]** of the report of the assessment, give directions to the F4**[**education and training board**]** in relation to the manner in which the youth work programme or youth work service is provided, and the F4**[**education and training board**]** shall comply with the directions.

(8) The Minister may, from time to time, by order, direct any 2 or more F4**[**education and training boards**]** to enter into an arrangement for the joint exercise of their powers and functions under this Act subject to such terms and conditions as the Minister considers appropriate and, if a question arises between F4**[**the boards**]** in relation to such an arrangement it shall be referred to the Minister whose decision on the matter shall be final.

(9) The Minister may by order amend or revoke an order under *subsection (8)* and an order under this subsection.

Annotations

Amendments:

F4 Substituted (1.07.2013) by *Education and Training Boards Act 2013* (11/2013), s. 72 and sch. 6 item 38, S.I. No. 211 of 2013.

Youth work functions of F5**[**education and training board**]**.

9.—(1) F5**[**(1) In addition to the functions conferred on it by or under the Education and Training Boards Act 2013, each education and training board shall, as far as practicable and within the financial resources available to it—**]**

(*a*) ensure the provision within its F5**[**education and training board area**]** of youth work programmes or youth work services, or both, by—

(i) co-ordinating its plans, proposals and activities with approved national voluntary youth work organisations, designated local voluntary youth work organisations and authorised organisations within its F5**[**education and training board area**]** so as to ensure the provision of those programmes and services by those organisations, and

(ii) providing assistance, including financial assistance, to an approved national voluntary youth work organisation, a designated local voluntary youth work organisation or an authorised organisation, and the provision of the financial assistance shall be subject to such conditions as may be determined by the F5**[**education and training board**]** in accordance with such guidelines and regulations as may be issued or made by the Minister following consultation with the National Youth Work Advisory Committee,

(*b*) ensure co-ordination within its F5**[**education and training board area**]** of youth work programmes and youth work services with education programmes and other programmes that provide services for young persons,

(*c*) ensure that in the provision of youth work programmes or youth work services, or both, under *paragraph (a)*, particular regard shall be had to the youth work requirements of—

(i) persons who have attained the age of 10 years but not 21 years, and

(ii) other young persons who are socially or economically disadvantaged,

(*d*) without prejudice to *section 8(1)(e)* and *(g)*, monitor and assess the youth work programmes or youth work services, or both, for which moneys are provided under this section and in particular shall have regard to an evaluation of the expenditure incurred in the provision of such programmes or services,

(*e*) prepare a Development Plan in accordance with *section 13* and make all reasonable efforts to ensure that all youth work in its F5**[**education and training board area**]** is provided in accordance with the Development Plan, and

(*f*) consult with and report to, in regard to youth work, such person or persons as the Minister may, from time to time, direct.

(2) Without prejudice to the generality of *subsection (1)(a)* and *(b)*, an F5**[**education and training board**]**, in co-ordinating as provided in those subsections, shall have regard to—

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

(*b*) the number of male and female young persons, respectively, who are likely to participate in the youth work programmes and youth work services.

Annotations

Amendments:

F5 Substituted (1.07.2013) by *Education and Training Boards Act 2013* (11/2013), s. 72 and sch. 6 item 38, S.I. No. 211 of 2013.

Withdrawal or reduction of assistance.

10.—(1) Where an organisation in receipt of financial assistance provided under *section 9* does not comply with—

(*a*) a condition attached under *section 9(1)(a)(ii)* to which it is subject, or

(*b*) a direction under *section 8(6)*,

F6**[**the education and training board**]** may, subject to *section 10(2)* to *(5)*, withdraw or reduce the amount of the financial assistance.

(2) Where F6**[**an education and training board**]** proposes to withdraw or reduce the amount of financial assistance provided under *section 9*, and where the amount to be withdrawn or by which it is to be reduced exceeds such sum as the Minister may from time to time determine, F6**[**the education and training board**]** shall, by notice in writing, inform the organisation that—

(*a*) a withdrawal or reduction is being considered, and

(*b*) the reasons for the proposed withdrawal or reduction.

(3) An organisation may, within the next 21 days beginning on the date when a notice under *subsection (2)* is given to it, or such longer period as F6**[**the education and training board**]** may determine, make representations in writing to the Assessor of Youth Work giving reasons why, in its view, the proposed withdrawal or reduction is not warranted.

(4) The Assessor of Youth Work shall consider any representations made under *subsection (3)* and shall make recommendations to F6**[**the education and training board**]** on the matter.

(5) Where F6**[**an education and training board**]**, having considered the recommendations made by the Assessor of Youth Work under *subsection (4)* decides, by resolution, to withdraw or reduce the amount of financial assistance it shall, in writing, inform the organisation of the withdrawal or reduction and the reasons therefor.

Annotations

Amendments:

F6 Substituted (1.07.2013) by *Education and Training Boards Act 2013* (11/2013), s. 72 and sch. 6 item 38, S.I. No. 211 of 2013.

Provision of programmes and services where none currently provided.

11.—(1) Where F7**[**an education and training board**]** considers that a youth work programme or a youth work service is required to be provided in its F7**[**education and training board area**]** but it is not being provided, F7**[**the education and training board**]** shall—

(*a*) publish a notice in at least 2 newspapers circulating in the F7**[**education and training board area**]** inviting organisations in its F7**[**education and training

board area**]** to submit a proposal for the provision of that youth work programme or youth work service specifying in the proposal such information as F7**[**the education and training board**]** may require concerning the provision of the programme or service, and

(*b*) assess, in accordance with such guidelines or regulations as may be issued or made by the Minister, and following consultation with the youth work committee for the F7**[**education and training board area**]** concerned, the suitability of the proposals submitted in accordance with *paragraph (a)*.

(2) Where the F7**[**education and training board**]** decides, after considering all proposals submitted to it under *subsection (1)*, that none is suitable for the purposes of providing the youth work programme or youth work service concerned, it shall prepare a report regarding that decision and, by notice in writing, inform each organisation that submitted the proposals of its decision and the reasons for its decision.

(3) An organisation may, within the period of 21 days beginning on the date when a notice under *subsection (2)* is given to it, make such representations to the F7**[**education and training board**]** as it considers appropriate and the F7**[**education and training board**]** shall, within a period of 2 months beginning on the date when they were made, consider the representations.

(4) F7**[**An education and training board**]** may, following consideration of representations, if any, made under *subsection (3)*—

(*a*) reject the proposals and inform the organisation concerned of its decision, or

(*b*) accept the proposals, inform the organisation of its decision and allow the organisation to provide the youth work programme or youth work service.

(5) F7**[**An education and training board**]** may, pursuant to a resolution of the committee, provide a youth work programme or a youth work service in respect of which a proposal has been rejected under *subsection (4)(a)*.

(6) F7**[**An education and training board**]** which provides a youth work programme or youth work service under *subsection (5)*—

(*a*) shall not continue to provide the programme or service for a period in excess of 3 years from the date of commencement of its provision unless it is satisfied that there is no organisation that can and is prepared to make suitable arrangements for its provision, and

(*b*) shall, before the end of the second year and every 3 years thereafter of providing the programme or service, apply the procedure set out in *subsection (1)* for the purpose of ascertaining whether suitable arrangements, as referred to in *paragraph (a)*, can be made for its provision.

Annotations

Amendments:

F7 Substituted (1.07.2013) by *Education and Training Boards Act 2013* (11/2013), s. 72 and sch. 6 item 38, S.I. No. 211 of 2013.

Removal of youth work functions of F8**[**education and training board**]**.

12.—(1) Where, in the opinion of the Minister, F8**[**an education and training board**]** fails to perform its functions under this Act in an effective manner, the Minister may, by order, remove the function from F8**[**the education and training board**]** and transfer it to F8**[**the chief executive of the board**]**, or to such other person or body as the Minister may specify in the order, for such period, not exceeding 2 years, as the Minister specifies in the order.

(2) Where the Minister proposes to make an order under this section, the Minister shall, by notice in writing, inform the Chief Executive Officer and F8**[**the education and training board**]** that the Minister is considering making an order and the reasons therefor and the Chief Executive Officer or F8**[**the education and training 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 under *subsection (1)* should be made, the Minister shall make the order and shall, by notice in writing, inform the Chief Executive Officer and F8**[**the education and training board**]** of the making of the order and the reasons for making it.

(4) Where a function of F8**[**an education and training board**]** under this Act is transferred under this section, F8**[**the education and training board**]** shall not perform, supervise, direct or control the exercise of the function but the Chief Executive Officer or other person to whom the function is transferred shall keep it informed of matters arising from the exercise of the function.

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

Annotations

Amendments:

F8 Substituted (1.07.2013) by *Education and Training Boards Act 2013* (11/2013), s. 72 and sch. 6 item 38, S.I. No. 211 of 2013.

PART 3

Youth Work Development Plans, Programmes and Services

Youth Work Development Plan.

13.—(1) F9**[**An education and training board**]** shall, at such times and in respect of every period to which *subsection (2)* relates, prepare a Youth Work Development Plan for its F9**[**education and training board area**]**.

(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 it is prepared.

(4) In preparing a Development Plan, F9**[**an education and training board**]** shall—

(*a*) specify the youth work requirements of its F9**[**education and training board area**]** and the measures required to meet the requirements, having particular regard to the youth work requirements of—

(i) persons who have attained the age of 10 years but not 21 years,

(ii) other young persons who are socially or economically disadvantaged, and

(iii) young persons who are living in a Gaeltacht area and/or whose first language is Irish,

(*b*) have regard to—

(i) all youth work programmes,

(ii) all youth work services in operation, and

(iii) education and other programmes that provide services for young persons,

in its F9**[**education and training board area**]**,

(*c*) provide estimates of the financial expenditure required for the implementation of the measures specified under *paragraph (a)*,

(*d*) provide estimates of its income and financial resources for the purposes of this Act, including the sources of those 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 F9**[**the education and training board**]** with specified persons or bodies, and

(*f*) consult with the youth work committee for its F9**[**education and training board area**]**.

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

(6) The Minister may amend a Development Plan submitted for approval under this section and F9**[**the education and training board**]** shall comply with the Plan as so amended.

(7) Without prejudice to the generality of *subsection (4)(a)*, when specifying measures required to meet youth work requirements, F9**[**an education and training board**]** shall have regard to—

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

(*b*) the numbers of male and female young persons, respectively, who are likely to participate in the relevant youth work programmes and youth work services.

(8) F9**[**An education and training board**]** shall make available for inspection by members of the public during normal business hours at its principal place of business a copy of the Development Plan for its F9**[**education and training board area**]** approved under this section by the Minister.

Annotations

Amendments:

F9 Substituted (1.07.2013) by *Education and Training Boards Act 2013* (11/2013), s. 72 and sch. 6 item 38, S.I. No. 211 of 2013.

Review of Development Plan.

14.—(1) In each financial year F10**[**an education and training board**]** shall in respect of the preceding financial year—

(*a*) cause an examination to be made of—

(i) the implementation of its Development Plan,

(ii) the effect and efficiency of the youth work programmes and youth work services provided within its F10**[**education and training board area**]**,

(iii) the treatment of male and female young persons, respectively, in relation to access to youth work, and

(iv) the numbers of male and female young persons, respectively, who participated in the youth work programmes and youth work services provided within its F10**[**education and training board area**]**,

and

(*b*) cause an evaluation to be made of the youth work programmes and youth work services provided within its F10**[**education and training board area**]** in relation to the matters specified in the Development Plan and the co-ordination of the services under this Act with other youth services in the area in relation to those matters and otherwise,

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 the Annual Report to the Minister.

(2) The Minister may issue directions to F10**[**an education and training board**]** in relation to the preparation of the Annual Report and F10**[**the education and training board**]** shall comply with the directions.

(3) F10**[**An education and training board**]** shall consult with the youth work committee in relation to the preparation of its Annual Report.

Annotations

Amendments:

F10 Substituted (1.07.2013) by *Education and Training Boards Act 2013* (11/2013), s. 72 and sch. 6 item 38, S.I. No. 211 of 2013.

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

15.—Without prejudice to the functions of F11**[**an education and training board**]** under *section 9* in relation to youth work, the Minister may take such steps as, in his or her opinion, are necessary to ensure the provision of—

(*a*) a youth work programme or a youth work service, or both, in 2 or more F11**[**education and training board areas**]** in which, in the opinion of the Minister, they are required, by providing assistance, including financial assistance, to one or more approved national voluntary youth work organisations or authorised organisations, and

(*b*) a supplementary youth work programme or supplementary youth work service, or both, complementary to the approved Development Plan in F11**[**an education and training board area**]** in which, in the opinion of the Minister, they are required, by providing assistance, including financial assistance, to one or more than one approved national voluntary youth work organisation, designated local voluntary youth work organisation or authorised organisation.

Annotations

Amendments:

F11 Substituted (1.07.2013) by *Education and Training Boards Act 2013* (11/2013), s. 72 and sch. 6 item 38, S.I. No. 211 of 2013.

PART 4

Youth Work Officers and Organisations

Assessor of Youth Work

Assessor of Youth Work.

16.—(1) The Minister shall, as the occasion requires, appoint a person, who shall be known as the Assessor of Youth Work, to exercise the functions of the Minister under *section 8(1)(f), (g)*, and *(h)* and the other functions of the Assessor of Youth Work under this Act.

(2) The Minister may appoint an officer of the Minister to act in the office of the Assessor of Youth Work during any absence from the State or from duty of the Assessor of Youth Work or during any vacancy in that office (including any period before the date on which a person is appointed under *subsection (1)*).

(3) The Assessor of Youth Work may, in respect of youth work programmes or youth work services provided from moneys made available by virtue of this Act—

(*a*) examine the operation of those programmes and services, and

(*b*) examine any books, accounts and other records that relate to them.

(4) The provider of such a youth work programme or youth work service concerned shall furnish to the Assessor of Youth Work such information or documents in relation to the programme or service as may be required by the Assessor of Youth Work for the purposes of this section.

(5) Following an examination under *subsection (3)*, the Assessor of Youth Work shall submit to the Minister and to the provider of the youth work programme or youth work service examined a report setting out the Assessor of Youth Work's findings.

(6) The Assessor of Youth Work shall submit to the Minister an annual report (referred to in this section as the "Annual Report of the Assessor") and such other reports as the Minister may from time to time require.

(7) The Annual Report of the Assessor shall contain the results of the assessment of youth work programmes and youth work services carried out in accordance with *section 8(1)(f), (g)* and *(h)* and such other matters as the Minister may determine. The annual report and all such published reports shall be in the Irish and English languages.

(8) An Assessor of Youth Work appointed under *subsection (1)* shall be employed by the Minister in accordance with such terms and conditions, which may include secondment from another office or employment, and receive such remuneration, as the Minister, with the consent of the Minister for Finance, from time to time determines.

(9) The Minister may, with the consent of the Minister for Finance, provide such administrative, secretarial and other support to the Assessor of Youth Work as the Minister considers necessary.

(10) The Minister may at any time, for good and valid reasons, remove from the office the person appointed as Assessor of Youth Work.

National Youth Work Advisory Committee

National Youth Work Advisory Committee.

17.—(1) The Minister shall, in accordance with *section 18*, appoint a committee to be known as the National Youth Work Advisory Committee to advise and consult with the Minister in relation to youth work.

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

(*a*) the provision and co-ordination of youth work programmes and youth work services,

(*b*) the provision and co-ordination of youth work programmes and youth work service in the Gaeltacht and/or to young persons whose first language is Irish,

(*c*) the development and implementation of youth work policies referred to in *section 8(1)(a)*,

(*d*) the co-ordination of youth work programmes and youth work services with general educational services for young persons,

(*e*) the co-ordination of youth work programmes and youth work services with non-educational services for young persons,

(*f*) the treatment of male and female young persons, respectively, in relation to access to youth work, and in so advising shall, in respect of *paragraphs (a), (c), (d)* and *(e)*, have regard to the number of male and female young persons, respectively, who are likely to participate in youth work programmes and youth work services referred to in those paragraphs,

(*g*) the content of such guidelines and regulations as may be issued or made by the Minister as referred to in *section 9(1)(a)(ii)*,

(*h*) criteria which should normally be fulfilled before an organisation can be approved as an approved national voluntary youth work organisation,

(*i*) criteria which should normally be fulfilled before a voluntary youth work organisation is designated under *section 29* as a designated local youth work organisation,

(*j*) the content of such guidelines and regulations as may be made by the Minister in relation to the Voluntary Youth Councils,

(*k*) the manner in which F12**[**education and training boards**]** apply the regulations, guidelines and criteria referred to in *paragraphs (g), (i)* and *(j)*, and

(*l*) the manner in which the Minister applies the criteria referred to in *paragraph (h)*.

(3) The Advisory Committee shall give such advice and make such recommendations to the Minister as the Minister may request and shall give priority to such requests when so requested by the Minister.

Annotations

Amendments:

F12 Substituted (1.07.2013) by *Education and Training Boards Act 2013* (11/2013), s. 72 and sch. 6 item 38, S.I. No. 211 of 2013.

Membership of Advisory Committee.

18.—(1) The number of members of the Advisory Committee, including the chairperson, shall be not fewer than 31 and not more than 33.

(2) The Minister shall appoint a person to be the chairperson of the Advisory Committee and at least one but not more than 2 other persons to be members.

(3) In making an appointment under *subsection (2)*, the Minister shall have regard to the desirability of the persons appointed having knowledge of or experience in youth work.

(4) In addition to the persons appointed under *subsection (2)*, the Minister shall appoint as members of the Advisory Committee 2 officers of the Department of Education and Science (one of whom shall be a member of the Inspectorate appointed under section 13(1) of the Education Act, 1998), and at least one person who has been nominated to the Minister by each of the following:

(*a*) the Minister for Enterprise, Trade and Employment,

(*b*) the Minister for Social, Community and Family Affairs,

(*c*) the Minister for Justice, Equality and Law Reform,

(*d*) the Minister for Health and Children,

(*e*) the Minister for the Environment and Local Government,

(*f*) the Minister for Tourism, Sport and Recreation,

(*g*) the Minister for Arts, Heritage, Gaeltacht and the Islands, and

(*h*) An Foras Áiseanna Saothair.

(5) In addition to the persons appointed in accordance with *subsections (2)* and *(4)*, the Minister shall appoint as members of the Advisory Committee 4 persons nominated by F13**[**Education and Training Boards Ireland**]**.

(6) In addition to the persons appointed in accordance with *subsections (2), (4)* and *(5)*, the Minister shall appoint as members of the Advisory Committee persons nominated by the Prescribed National Representative Youth Work Organisation as provided for in *section 24* and the number of persons so appointed shall be the same as the total number of persons, excluding the chairperson, appointed in accordance with *subsections (2), (4)* and *(5)*.

(7) In making appointments to the Advisory Committee the Minister shall ensure, as far as practicable, an appropriate gender balance, as determined by the Minister from time to time, among the membership thereof and, in order to achieve that balance, the Minister may require that nominations made under *subsections (4), (5)* and *(6)* be made in accordance with such balance.

(8) The Minister may require the Prescribed National Representative Youth Work Organisation referred to in *subsection (6)* to include amongst the persons nominated by it to be members of the Advisory Committee persons engaged in the provisions of youth work programmes or youth work services in a voluntary capacity who are not employees of the Prescribed National Representative Youth Work Organisation, an approved national voluntary youth work organisation, a designated local voluntary youth work organisation or an organisation authorised under *section 25(1)*.

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

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

Annotations

Amendments:

F13 Substituted (1.07.2013) by *Education and Training Boards Act 2013* (11/2013), s. 72 and sch. 6 item 38, S.I. No. 211 of 2013.

Modifications (not altering text):

C6 Functions transferred and references to "Minister for Health and Children" and "Department of Health and Children" construed (31.12.2008) by *Youth Work (Transfer of Departmental*

Administration and Ministerial Functions) (No. 2) Order 2008 (S.I. No. 595 of 2008), arts. 3, 4, in effect as per art. 1(2).

3. (1) The administration and business in connection with the exercise, performance or execution of any functions transferred by Article 4 are transferred to the Department of Education and Science.

(2) References to the Department of Health and Children contained in any Act or instrument made thereunder and relating to any administration and business transferred by this Article shall, from the commencement of this Order, be construed as references to the Department of Education and Science.

4. (1) The functions vested in the Minister for Health and Children by or under section 18(4)(*d*) of the Youth Work Act 2001 (No. 42 of 2001) are transferred to the Minister for Education and Science.

(2) References to the Minister for Health and Children contained in any Act or instrument made thereunder and relating to the function transferred by this Article shall, from the commencement of this Order, be construed as references to the Minister for Education and Science.

...

Youth Work Committees

Youth Work Committees.

19.—(1) F14**[**An education and training board**]** shall, subject to *section 20*, appoint a youth work committee for its F14**[**education and training board area**]** to—

(*a*) make recommendations to F14**[**the education and training board**]** on the performance by F14**[**the education and training board**]** of its functions under this Act, and

(*b*) advise F14**[**the education and training board**]** on any matter on which F14**[**the education and training board**]** requests advice.

(2) Where F14**[**an education and training board**]**, having considered a recommendation made under *subsection (1)(a)*, decides by resolution not to implement the recommendation, it shall, as soon as may be, notify the youth work committee in writing of, and state the reasons for, its decision.

(3) The youth work committee shall, in respect of the notification of the decision referred to in *subsection (2)*, consider the decision and the reasons for it and notwithstanding such decision and reasons may, by resolution, decide to submit the recommendation referred to in *subsection (2)* to the F14**[**education and training board**]** with a request that the recommendation be reconsidered.

(4) The F14**[**education and training board**]** shall reconsider a recommendation submitted to it in accordance with *subsection (3)*, and where a recommendation has been so reconsidered and the F14**[**education and training board**]** decides by resolution not to implement it, it shall, as soon as may be, notify the youth work committee and the Minister in writing of, and state the reasons for, its decision.

(5) The Minister may, in relation to the notification of a decision referred to in *subsection (4)*, consult with the F14**[**education and training board**]** concerned and issue directions to it in relation to the decision, and the F14**[**education and training board**]** shall comply with any such directions.

(6) F14**[**An education and training board**]** may remove a member of the youth work committee from membership of the youth work committee if, in the opinion of F14**[**the education and training board**]**, the member has become incapable through ill-health of performing his or her functions or has committed stated misbehaviour, or such removal appears to F14**[**the education and training board**]** to be necessary for the effective performance by the youth work committee of its functions.

(7) A youth work committee shall, from among the representatives of F14**[**the education and training board**]**—

(*a*) appoint to act as chairperson a person appointed to the committee under *section 20(2)(a)*, and

(*b*) appoint any other member of the committee to act as vice-chairperson to perform the functions of the chairperson in the absence of the chairperson.

(8) A member of a youth work committee shall not receive any remuneration for acting as a member of the committee, but F14**[**the education and training board**]** concerned may, in accordance with a rate determined by F14**[**the education and training board**]**, with the consent of the Minister and the Minister for Finance, make payments to a member for travelling and subsistence expenses incurred by the member in respect of the business of the youth work committee.

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

(10) A youth work committee shall hold at least one meeting in each financial year but shall not hold more than 6 meetings in any financial year without the prior consent in writing of the Minister.

(11) The members of a youth work committee shall hold office for such period, not exceeding 3 years, as is determined by F14**[**the education and training board**]** but are eligible for re-appointment.

Annotations

Amendments:

F14 Substituted (1.07.2013) by *Education and Training Boards Act 2013* (11/2013), s. 72 and sch. 6 item 38, S.I. No. 211 of 2013.

Membership of Youth Work Committees.

20.—(1) Notwithstanding F15**[**section 44(2) of the Education and Training Boards Act 2013, the members of a youth work committee shall number not less than 16 and not more than 20, and an education and training board**]** shall, in appointing members to a youth work committee, appoint one-half of the membership in accordance with *subsection (2)(a)* and *(b)* and one-half in accordance with *subsection (2)(c)*.

(2) F15**[**An education and training board**]** shall appoint as a member of a youth work committee in accordance with *subsection (1)*—

(*a*) at least one member of F15**[**the education and training board**]**,

(*b*) at least one person resident in or whose principal or sole place of full-time employment is within its F15**[**education and training board area**]** , nominated by each of the following:

(i) the Minister for Social, Community and Family Affairs,

(ii) the Minister for Tourism, Sport and Recreation,

(iii) An Foras Áiseanna Saothair,

F16**[**(iv) the F17**[**Child and Family Agency**]**,**]**

(v) each county council or country borough corporation in its F15**[**education and training board area**]** ,

(vi) Údarás na Gaeltachta where F15**[**an education and training board**]** functions in a Gaeltacht area,

(vii) An Garda Síochána,

(viii) the person appointed under section 13(1) of the Education Act, 1998, as Chief Inspector for the purposes of that Act,

and

(*c*) a number of persons nominated by the Voluntary Youth Council in its F15**[**education and training board area**]** equal to the number appointed under *paragraphs (a)* and *(b)*.

(3) In making appointments to the youth work committee F15**[**an education and training board**]** shall as far as practicable ensure such gender balance among the membership of the committee as from time to time determined by the Minister.

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

(5) The Minister may issue directions to F15**[**an education and training board**]** and a youth work committee in relation to the administration of the youth work committee, and F15**[**the education and training board**]** and youth work committee concerned shall comply with those directions.

Annotations

Amendments:

F15 Substituted (1.07.2013) by *Education and Training Boards Act 2013* (11/2013), s. 72 and sch. 6 item 38, S.I. No. 211 of 2013.

F16 Substituted (1.01.2005) by *Health Act 2004* (42/2004), s. 75 and sch. 7, part 13, S.I. No. 887 of 2004.

F17 Substituted (1.01.2014) by *Child and Family Agency Act 2013* (40/2013), s. 97 and sch. 2 part 17 item 1, S.I. No. 502 of 2013.

Modifications (not altering text):

C7 References to "county council" construed (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 9(2), S.I. No. 214 of 2014.

Cesser and amalgamation of certain local government areas

9.— ...

(2) Except where otherwise provided for by this Act, a reference, however expressed, in any enactment—

(*a*) to a county council or a city council (including a reference construed by section 3(2) of, and Schedule 2 to, the Principal Act as a reference to a county council or to a city council, as the case may be) shall, if the context permits, be read as a reference to a county council, a city council or a city and county council, and

(*b*) to a county council and a city council (including a reference so construed) shall, if the context permits, be read as a reference to a county council, a city council and a city and county council.

...

Voluntary Youth Councils

Voluntary Youth Councils.

21.—(1) There shall be for each F18**[**education and training board area**]** a Voluntary Youth Council elected in accordance with *section 22* to advise F18**[**the education and

training board**]** for that area on the preparation or implementation of any matter specified in a Development Plan prepared by F18**[**the education and training board**]**.

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

(*a*) shall be a forum for the voluntary youth work organisations operating in the F19**[**education and training board area**]** to discuss the provision of youth work programmes and youth work services in the area, and

(*b*) shall nominate persons for appointment to a youth work committee for the purposes of *section 20(2)(c)*.

(3) Without prejudice to the generality of *subsections (1)* and *(2)(a)*, a Voluntary Youth Council shall, in providing advice and in its role as a forum, have regard to—

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

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

Annotations

Amendments:

F18 Substituted (1.07.2013) by *Education and Training Boards Act 2013* (11/2013), s. 72 and sch. 6 item 38, S.I. No. 211 of 2013.

F19 Substituted (1.07.2013) by *Education and Training Boards Act 2013* (11/2013), s. 72 and sch. 6 item 38, S.I. No. 211 of 2013.

Composition, election, etc. of Voluntary Youth Councils.

22.—(1) Subject to *subsection (5)*, members of a Voluntary Youth Council shall number not less than 10 and not more than 20 as the F20**[**education and training board**]** determines.

(2) Subject to *subsection (3)*, a person engaged in the provision of a youth work programme or a youth work service shall be eligible for election to a Voluntary Youth Council, provided that, as far as practicable, persons who are employees of an approved national voluntary youth work organisation or a designated local voluntary youth work organisation or an authorised organisation shall not constitute more than one quarter of the total membership of the Voluntary Youth Council.

(3) An employee of an approved national voluntary youth work organisation, a designated local voluntary youth work organisation or an authorised organisation shall be eligible for election to a Voluntary Youth Council only if his or her principal place of employment is in the F20**[**education and training board area**]** concerned.

(4) As far as practicable, at least one-fifth of the membership of a Voluntary Youth Council shall consist of persons who were young persons at the date of their election.

(5) (*a*) F20**[**An education and training board**]** may, with the consent of the Minister and in accordance with such regulations and guidelines as may be issued by the Minister following consultation with the National Youth Work Advisory Committee, issue directions in relation to the election of persons to a Voluntary Youth Council.

(*b*) Without prejudice to the generality of *paragraph (a)*, directions issued under that paragraph may refer to all or any of the following:

(i) voting procedures,

(ii) the classification and nomination of candidates,

(iii) the appointment of a returning officer for the election of members to a Voluntary Youth Council,

(iv) 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,

(v) the number, in accordance with *subsection (1)*, of members to be elected,

(vi) the qualification of electors,

(vii) the voluntary youth work organisations that may nominate persons for election in relation to the classification of candidates,

(viii) the voluntary youth work organisations that may elect members in relation to the classification of candidates,

(ix) the filling of casual vacancies, and

(x) the declaration of the polls.

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

(7) In issuing directions under *subsection (5)*, F20**[**an education and training board**]** shall have regard to the desirability of ensuring that persons engaged in the provision of youth work programmes or youth work services for young persons within the travelling community are represented on Voluntary Youth Councils.

(8) In issuing directions under *subsection (5)*, F20**[**an education and training board**]** which functions in a Gaeltacht area, shall have regard to the desirability of ensuring that persons engaged in the provision of youth work programmes or youth work services for young persons in the Irish language in the said Gaeltacht are represented on Voluntary Youth Councils.

(9) F20**[**An education and training board**]** is responsible for the organisation and supervision of elections to the Voluntary Youth Council for its F20**[**education and training board area**]**.

(10) The term of office of a Voluntary Youth Council is such period as the F20**[**education and training board**]** determines but, subject to this section, members are eligible for re-election.

Annotations

Amendments:

F20 Substituted (1.07.2013) by *Education and Training Boards Act 2013* (11/2013), s. 72 and sch. 6 item 38, S.I. No. 211 of 2013.

Meetings, etc. of Voluntary Youth Councils.

23.—(1) A Voluntary Youth Council shall appoint one of its members to act as the chairperson of the Council and another as vice-chairperson to perform the functions of the chairperson in the absence of the chairperson.

(2) Subject to *subsection (3)*, a Voluntary Youth Council shall, by standing order or otherwise, regulate its procedure and business at its meetings.

(3) A Voluntary Youth Council shall hold at least one meeting in each financial year but shall not hold more than 4 meetings in any 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 but F21**[**the education and training board**]** concerned may, in accordance with a rate determined by F21**[**the education and training board**]** with the consent of the Minister and the Minister for Finance, make payments to a member for travelling and subsistence expenses incurred by the member in respect of the business of the Voluntary Youth Council.

Annotations

Amendments:

F21 Substituted (1.07.2013) by *Education and Training Boards Act 2013* (11/2013), s. 72 and sch. 6 item 38, S.I. No. 211 of 2013.

Prescribed, Authorised, Approved and Designated Youth Organisations

Prescribed National Representative Youth Work Organisation.

24.—(1) Subject to *subsection (2)*, the Minister may prescribe an organisation representing voluntary youth work organisations to be the Prescribed National Representative Youth Work Organisation for the purposes of nominating members of the National Youth Work Advisory Committee as provided in *section 18(6)*.

(2) The body known as the National Youth Council of Ireland is deemed to be prescribed as the first Prescribed National Representative Youth Work Organisation for the period of 3 years after the commencement of this provision.

(3) In prescribing an organisation for the purposes of *subsection (1)*, the Minister shall specify—

(*a*) a period of not more than 3 years during which the organisation shall be the Prescribed National Representative Youth Work Organisation, and

(*b*) the date from which the organisation shall be prescribed,

and any organisation so prescribed for a specified period may be prescribed as the Prescribed National Representative Youth Work Organisation in respect of any subsequent period or periods in accordance with this section.

Annotations

Editorial Notes:

E2 Power pursuant to section exercised (22.04.2008) by *Youth Work Act 2001 (Prescribed National Representative Youth Work Organisation) Regulations 2008* (S.I. No. 131 of 2008).

E3 Power pursuant to section exercised (22.04.2005) by *Youth Work Act 2001 (Prescribed National Representative Youth Work Organisation) Regulations 2005* (S.I. No. 926 of 2005).

Authorisation of organisations.

25.—(1) The Minister may, in writing, authorise as an authorised organisation for the purposes of this Act an organisation which, in the Minister's opinion, engages from time to time in the provision of a youth work programme or a youth work service.

(2) An authorisation under *subsection (1)* is for a period of 3 years beginning on the date of the authorisation but may be renewed for a further period or periods each of 3 years.

(3) The Minister may at any time revoke an authorisation under this section.

Approved National Voluntary Youth Work Organisations.

26.—The Minister may, in writing, approve a voluntary youth work organisation that provides a youth work programme or a youth work service in 2 or more F22**[**education and training board areas**]** as an approved national voluntary youth work organisation for the purposes of this Act.

Annotations

Amendments:

F22 Substituted (1.07.2013) by *Education and Training Boards Act 2013* (11/2013), s. 72 and sch. 6 item 38, S.I. No. 211 of 2013.

Review of Minister's refusal to approve national youth work organisation.

27.—(1) Where an organisation has applied to the Minister to be approved as an approved national voluntary youth work organisation and the Minister has refused the application, the Minister shall, by notice in writing, inform the organisation of the reasons for such refusal and the organisation may, within 21 days after the date when the notice was given, or such longer period as the Assessor of Youth Work may determine, make representations to the Assessor of Youth Work giving reasons why, in its view, the refusal of approved status is not warranted.

(2) The Assessor of Youth Work shall consider representations made to it under *subsection (1)* and shall make a recommendation to the Minister on the matter.

Withdrawal of approved status from National Voluntary Youth Work Organisations.

28.—(1) The Minister may withdraw approval under *section 26* from a national voluntary youth work organisation and shall, within 14 days after the date of the withdrawal, by notice in writing, inform the organisation of the withdrawal.

(2) A national voluntary youth work organisation from which approval has been withdrawn ceases, from the date of the notice of the withdrawal, to be an approved national voluntary youth work organisation for the purposes of this Act.

(3) Where the Minister proposes to withdraw approval from an approved national voluntary youth work organisation, the Minister shall inform the organisation in writing that—

(*a*) withdrawal of approval is being considered, and

(*b*) the reasons for the proposed withdrawal.

and the organisation may, within the next 21 days beginning on the date when the notice is given, or such longer period as the Minister may determine, make representations to the Assessor of Youth Work giving reasons why, in its view, the proposed withdrawal is not warranted.

(4) The Assessor of Youth Work shall consider any representation under *subsection (3)* and make a recommendation to the Minister on the matter.

(5) Where the Minister, having considered the recommendation made by the Assessor of Youth Work under *subsection (4)*, decides to withdraw approval from an organisation, the Minister shall inform the organisation by notice in writing of such withdrawal and the reasons therefor.

Designation of Local Voluntary Youth Work Organisations.

29.—(1) F23**[**An education and training board**]** may, in writing, for the purposes of this Act, designate a voluntary youth work organisation which provides a youth work programme or a youth work service in F23**[**the education and training board area of that board**]**, as a designated local voluntary youth work organisation for that area.

(2) F23**[**An education and training board**]** shall notify the Minister when it designates an organisation under *subsection (1)*.

Annotations

Amendments:

F23 Substituted (1.07.2013) by *Education and Training Boards Act 2013* (11/2013), s. 72 and sch. 6 item 38, S.I. No. 211 of 2013.

Review of F24**[**the education and training board**]**'s refusal to designate organisation.

30.—(1) Where an organisation has applied to F24**[**an education and training board**]** to be designated under *section 29* and F24**[**the education and training board**]** has refused the application, F24**[**the education and training board**]** shall, by notice in writing, inform the organisation of the reasons for the refusal and the organisation may, within 21 days after the date when the notice was given, make representations to the Assessor of Youth Work giving reasons why, in its view, the refusal of designation is not warranted.

(2) The Assessor of Youth Work shall consider any representation made to him or her under *subsection (1)* and shall make a recommendation to F24**[**the education and training board**]** on the matter.

Annotations

Amendments:

F24 Substituted (1.07.2013) by *Education and Training Boards Act 2013* (11/2013), s. 72 and sch. 6 item 38, S.I. No. 211 of 2013.

Withdrawal of designated organisation status.

31.—(1) F25**[**An education and training board**]** may, by resolution, withdraw designated status from a designated local voluntary youth work organisation and shall, within 14 days after the passing of the resolution, by notice in writing, inform the organisation of the passing of the resolution.

(2) A local voluntary youth work organisation from which designated status has been withdrawn under *subsection (1)* ceases, from the date of the notice of withdrawal, to be a designated local voluntary youth work organisation for the purposes of this Act.

(3) Where F25**[**an education and training board**]** proposes to withdraw designated status from a designated local voluntary youth work organisation under this section, it shall inform the organisation by notice in writing that—

(*a*) a withdrawal of designated status is being considered, and

(*b*) the reasons for the proposed withdrawal,

and the organisation may, within the next 21 days beginning on the date when the notice is given, or such longer period as F25**[**the education and training board**]** may determine, make representations to the Assessor of Youth Work giving reasons why, in its view, the proposed withdrawal is not warranted.

(4) The Assessor of Youth Work shall consider any representation under *subsection (3)* and make a recommendation to F25**[**the education and training board**]** on the matter.

(5) Where F25**[**an education and training board**]**, having considered the recommendation made by the Assessor of Youth Work under *subsection (4)*, decides by resolution to withdraw designated status from an organisation it shall, by notice in writing, inform the organisation of such withdrawal and the reasons for the withdrawal.

Annotations

Amendments:

F25 Substituted (1.07.2013) by Education and *Training Boards Act 2013* (11/2013), s. 72 and sch. 6 item 38, S.I. 211 of 2013.

PART 5

Financial

Youth Work Budget.

32.—(1) On or before such date as the Minister may direct, F26**[**an education and training board**]** shall prepare and submit to the Minister a Youth Work Budget comprising a report on the estimate of its income and expenditure for the purposes of this Act in respect of a financial year.

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

(3) Without prejudice to the generality of *subsection (1)* and (*2*), in preparing a Youth Work Budget F26**[**an education and training board**]** shall—

(*a*) specify, for the financial year concerned, the youth work programmes and youth work services in respect of which F26**[**the education and training 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 F26**[**the education and training board**]**, including the sources of such income, for the purposes of this Act, for the financial year, and

(*d*) consult with the youth work committee for its F26**[**education and training board area**]**,

and, subject to *subsection (6)*, F26**[**the education and training board**]** shall not incur any expenditure for the purposes of this Act for the financial year concerned until the Youth Work Budget has been adopted in accordance with this section.

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

(5) Before approving a Youth Work Budget the Minister may amend it, and F26**[**the education and training board**]** concerned shall comply with the Budget as so amended.

(6) Where F26**[**an education and training 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 F26**[**the education and training board**]** for the purposes of this Act for the financial year concerned and shall notify F26**[**the education and training board**]** in writing of the amount so determined within 21 days of such determination and shall, in the notice, specify the date on which the Youth Work Budget is deemed to have been adopted.

(7) The Minister may issue directions to F26**[**an education and training board**]** in relation to the preparation of a Youth Work Budget and F26**[**the education and training board**]** shall comply with the directions.

Annotations

Amendments:

F26 Substituted (1.07.2013) by Education and *Training Boards Act 2013* (11/2013), s. 72 and sch. 6 item 38, S.I. 211 of 2013.

Supervision of Youth Work Budget.

33.—(1) F27**[**An education and training 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 *section 32(4)* or *(6)* for the financial year.

(2) F27**[**An education and training board**]** may, with and in accordance with the prior approval in writing of the Minister, amend a Youth Work Budget that has been approved by the Minister in accordance with *section 32*.

(3) If the amount of expenditure incurred by F27**[**an education and training board**]** in a financial year is either greater or less than the amount approved or determined by the Minister under *section 32(4)* or *(6)* for the financial year, F27**[**the education and training 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.

Annotations

Amendments:

F27 Substituted (1.07.2013) by Education and *Training Boards Act 2013* (11/2013), s. 72 and sch. 6 item 38, S.I. 211 of 2013.

Grants.

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

F28**[**(*a*) an education and training board,**]**

(*b*) an approved national voluntary youth work organisation,

(*c*) a designated local voluntary youth work organisation,

(*d*) an authorised organisation,

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

(2) An organisation in receipt of a grant made under this section shall, in such form as may be approved by the Minister with the concurrence of the Minister for Finance, keep proper accounts and records of moneys received or expended by that body in each financial year and, in particular, shall keep such special accounts and records as the Minister, with the concurrence of the Minister for Finance, may 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 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 condition to the payment of a grant under this section, the body in receipt of the grant shall comply with the condition.

Annotations

Amendments:

F28 Substituted (1.07.2013) by *Education and Training Boards Act 2013* (11/2013), s. 72 and sch. 6, S.I. No. 211 of 2013.

Withdrawal or reduction of grant.

35.—(1) Where F29**[**an education and training board**]** or an organisation specified in *section 34(1)(b), (c),* or *(d)* does not comply with a condition attached to a grant under *section 34* or a direction given under *section 8(5)* or *(7)*, or the Minister considers that there are other good reasons for the withdrawal or reduction of the amount of the grant, the Minister may, subject to this section, withdraw or reduce the amount of the grant.

(2) Where the Minister proposes to withdraw or reduce the amount of a grant, and where the withdrawal or reduction exceeds such amount as the Minister may determine, the Minister shall inform the Assessor of Youth Work and F29**[**the education and training board**]** or organisation, by notice in writing, that—

(*a*) the withdrawal or reduction is being considered, and

(*b*) the reasons for the proposed withdrawal or reduction.

(3) F29**[**The education and training board**]** or organisation may, within 21 days beginning on the date when notice is given under *subsection (2)*, or such longer period as the Minister may determine, make representations in writing to the Assessor of Youth Work giving reasons why, in its view, the proposed withdrawal or reduction is not warranted.

(4) The Assessor of Youth Work shall consider any representations made under *subsection (3)* and shall make a report to the Minister on the matter.

(5) Where the Minister, having considered the report of the Assessor of Youth Work, is of the opinion that a grant made under *section 34* should be withdrawn or reduced, the Minister shall inform F29**[**the education and training board**]** or organisation in writing of the withdrawal or reduction and the reasons therefor.

Annotations

Amendments:

F29 Substituted (1.07.2013) by *Education and Training Boards Act 2013* (11/2013), s. 72 and sch. 6, S.I. No. 211 of 2013.

PART 6

General

Directions.

36.—The Minister may, from time to time, issue directions in relation to—

(*a*) the provision, monitoring and evaluation of youth work programmers or youth work services under this Act, and

(*b*) any other matter for the purposes of this Act,

and a person or body to whom the directions are issued shall comply with them.

Publication of lists.

37.—The Minister shall publish in each year a list of—

(*a*) all approved national voluntary youth work organisations and the date on which each was approved,

(*b*) all authorised organisations and the date on which each was authorised,

(*c*) all designated local voluntary youth work organisations and F30**[**the education and training board**]** by which they were designated and the date on which each was designated, and

(*d*) the Prescribed National Representative Youth Work Organisation,

and shall make the list available for public inspection.

Annotations

Amendments:

F30 Substituted (1.07.2013) by *Education and Training Boards Act 2013* (11/2013), s. 72 and sch. 6, S.I. No. 211 of 2013.

Section 18(9).

SCHEDULE

National Youth Work Advisory Committee

1. The term of office of a member (including the chairperson) of the Advisory Committee 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 office 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 the 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 office by letter addressed to the Minister and the resignation shall take effect from the date specified in the letter or on 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 office 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.

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.

8. Subject to this Act, the Advisory Committee shall regulate, by standing orders or otherwise, its procedure and business at its meetings.

9. The Advisory Committee shall fix a quorum for its meetings.

Number 42 *of* 2001

YOUTH WORK ACT 2001

REVISED

Updated to 9 January 2023

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

This Act is not collectively cited with any other Act.

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Where "education and training boards" has been substituted for "vocational education committee" in sections in the Act, we have also substituted these words in the section and part headings in the interests of consistency.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Local Government Reform Act 2014* (1/2014)
- *Child and Family Agency Act 2013* (40/2013)
- *Education and Training Boards Act 2013* (11/2013)
- *Health Act 2004* (42/2004)

All Acts up to and including *Local Government (Maternity Protection and Other Measures for Members of Local Authorities) Act 2022* (52/2022), enacted 21 December 2022, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011)
- *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 218 of 2011)
- *Youth Work (Transfer of Departmental Administration and Ministerial Functions) Order 2008* (S.I. No. 596 of 2008)
- *Youth Work (Transfer of Departmental Administration and Ministerial Functions) (No. 2) Order 2008* (S.I. No. 595 of 2008)
- *Youth Work Act 2001 (Prescribed National Representative Youth Work Organisation) Regulations 2008* (S.I. No. 131 of 2008)
- *Youth Work Act 2001 (Prescribed National Representative Youth Work Organisation) Regulations 2005* (S.I. No. 926 of 2005)
- *Youth Work Act 2001 (Commencement) Order 2002* (S.I. No. 189 of 2005)

All statutory instruments up to and including *Planning And Development And Foreshore (Amendment) Act 2022 (Commencement) Order 2023* (S.I. No. 1 of 2023), made 9 January 2023, were considered in the preparation of this revision.