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AN BILLE PRINTISEACHTA, 1958  
APPRENTICESHIP BILL, 1958

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*Mar a tugadh isteach.  
As introduced.*

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AN BILLE PRINTISEACHTA, 1958  
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# BILL

*entitled*

5 AN ACT TO MAKE BETTER PROVISION FOR THE  
REGULATION OF APPRENTICESHIP IN CERTAIN  
TRADES AND FOR THAT PURPOSE TO ESTABLISH  
A BODY TO BE KNOWN AS AN CHEARD  
10 CHOMHAIRLE AND TO DEFINE ITS POWERS AND  
DUTIES, TO REPEAL THE APPRENTICESHIP ACT,  
1931, AND TO PROVIDE FOR OTHER MATTERS  
CONNECTED WITH THE MATTERS AFORESAID.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :—

## PART I

### 15 PRELIMINARY AND GENERAL

1.—This Act may be cited as the Apprenticeship Act, 1958. Short title.

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

“ An Chomhairle ” has the meaning specified in *subsection (1) of section 8* of this Act ;

20 “ apprenticeship committee ” means a committee established by an order under *section 22* of this Act ;

“ apprenticeship district ” means an area which is an apprenticeship district under an order under *section 22* of this Act ;

25 “ authorised officer ” means a person appointed by the Minister to be an authorised officer for the purposes of this Act ;

“ designated trade ” means a trade which is for the time being declared by an order under *section 21* of this Act to be a designated trade for the purposes of this Act and references to the carrying on of a designated trade and to employment by way of apprenticeship in a designated trade shall, in the case of a trade which is a designated trade in part only of the State, be construed, respectively, as referring to the carrying on of the trade and to employment by way of apprenticeship in the trade in that part of the State ;

35 “ the establishment day ” means the day appointed to be the establishment day for the purposes of this Act by order of the Minister under *section 3* of this Act ;

“ functions ” includes powers and duties ;

“ the Minister ” means the Minister for Industry and Commerce ;

“ prescribed ” means prescribed by rules made by An Chomhairle under this Act ;

“ supervisor ” means a person appointed under *section 50* of this Act to be a supervisor for the purposes of this Act ; 5

“ trade ” means any industry, occupation or business, and also includes any distinct branch of a trade, but does not include agriculture, horticulture, the making of butter, cheese or other dairy products or professional or clerical occupations.

(2) A reference in this Act to performance of functions includes, 10 as respects powers, a reference to exercise of those powers.

Establishment day.

3.—The Minister may by order appoint a day to be the establishment day for the purposes of this Act.

Application where apprentices employed by the State.

4.—This Act applies where persons are employed by way of apprenticeship by or under the State. 15

Rules (prescribed matters).

5.—An Chomhairle may make rules in relation to any matter or thing referred to in this Act as prescribed or to be prescribed.

Expenses of Ministers.

6.—Any expenses incurred by the Minister and the Minister for Education in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of 20 moneys provided by the Oireachtas.

Repeal. 1931, No. 56.

7.—(1) The Apprenticeship Act, 1931, is hereby repealed.

(2) *Subsection (1)* of this section shall come into operation on the appointed day.

(3) Between the passing of this Act and the appointed day, no 25 order shall be made under paragraph (a) of subsection (1) of section 2 of the Apprenticeship Act, 1931.

(4) In this section “ the appointed day ” means the day appointed by the Minister to be the appointed day for the purposes of this section. 30

## PART II

### AN CHEARD CHOMHAIRLE

Establishment of An Cheard Chomhairle.

8.—(1) On the establishment day there shall be established a body to be known as An Cheard Chomhairle (in this Act referred to as An Chomhairle) to perform the functions assigned to it by 35 this Act.

(2) An Chomhairle shall be a body corporate with perpetual succession and power to sue and be sued in its corporate name and to acquire, hold and dispose of land.

Membership.

9.—An Chomhairle shall consist of a chairman and eleven 40 ordinary members.

Chairman.

10.—(1) The chairman of An Chomhairle shall be appointed by the Minister and shall, unless he sooner dies, resigns, becomes disqualified or is removed, hold office for such period as the Minister may fix at the time of his appointment. 45

(2) The chairman of An Chomhairle shall be known as the

Director of Apprenticeship and shall be a whole-time member of An Chomhairle.

(3) The chairman of An Chomhairle may at any time resign his office by letter addressed to the Minister and the resignation shall  
5 take effect as on and from the date of the receipt of the letter by the Minister.

(4) The Minister may at any time remove the chairman of An Chomhairle from office.

(5) The chairman of An Chomhairle shall be paid, out of moneys  
10 at the disposal of An Chomhairle, such remuneration and allowances for expenses incurred by him as the Minister, with the consent of the Minister for Finance, determines.

**11.**—(1) The Minister shall appoint four persons whom he considers to be representative of employers, four persons whom he  
15 considers to be representative of workers and three persons whom he considers to be representative of educational interests to be the ordinary members of An Chomhairle.

Appointment,  
term of office,  
etc., of ordinary  
members.

(2) The Minister shall, before appointing the persons whom he considers to be representative of employers and those whom he  
20 considers to be representative of workers to be ordinary members of An Chomhairle, consult with such organisations of employers and such organisations of workers, respectively, as he considers necessary.

(3) The Minister shall, before appointing the persons whom he  
25 considers to be representative of educational interests to be ordinary members of An Chomhairle, consult with the Minister for Education.

(4) Each ordinary member of An Chomhairle shall, unless he sooner dies, resigns, becomes disqualified or is removed, hold office  
30 for a period of five years.

(5) An ordinary member of An Chomhairle whose term of office expires by effluxion of time shall be eligible for re-appointment.

(6) The Minister may at any time remove an ordinary member of An Chomhairle from office.

(7) An ordinary member of An Chomhairle may resign his office  
35 as member by letter addressed to the Minister and the resignation shall take effect as on and from the date of the receipt of the letter by the Minister.

(8) An ordinary member of An Chomhairle shall be disqualified  
40 from holding and shall cease to hold office if he is adjudged bankrupt or makes a composition or arrangement with creditors, or is sentenced by a court of competent jurisdiction to suffer imprisonment or penal servitude or ceases to be ordinarily resident in the State.

(9) Each ordinary member shall be paid, out of moneys at the  
45 disposal of An Chomhairle, such allowances for expenses incurred by him as the Minister, with the consent of the Minister for Finance, may sanction.

**12.**—(1) A casual vacancy occurring among the members of  
50 An Chomhairle shall be filled by appointment by the Minister.

Casual vacancies

(2) Where the vacancy occurs among the members representative  
of employers, the Minister shall, after consultation with such organisations of employers as he considers necessary, appoint a person  
55 whom he considers to be representative of employers to fill the vacancy.

(3) Where the vacancy occurs among the members representative  
of workers, the Minister shall, after consultation with such organisations of workers as he considers necessary, appoint a person  
60 whom he considers to be representative of workers to fill the vacancy.

(4) Where the vacancy occurs among the members representative of educational interests, the Minister shall, after consultation with the Minister for Education, appoint a person whom he considers to be representative of educational interests to fill the vacancy.

(5) A person appointed under this section to fill a vacancy referred to in subsection (2), (3) or (4) of this section shall hold office for the remainder of his predecessor's term.

Disqualification of member of either House of Oireachtas for membership.

**13.**—(1) Where a member of An Chomhairle becomes a member of either House of the Oireachtas, he shall, upon his becoming entitled under the Standing Orders of that House to sit therein, cease to be a member of An Chomhairle. 10

(2) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein shall be disqualified from being and shall cease to be a member of An Chomhairle. 15

Meetings and procedure.

**14.**—(1) An Chomhairle shall hold such and so many meetings as may be necessary for the performance of its functions.

(2) The Minister may fix the date, time and place of the first meeting of An Chomhairle.

(3) The quorum for a meeting of An Chomhairle shall be five. 20

(4) At a meeting of An Chomhairle—

(a) the chairman of An Chomhairle shall, if present, be chairman of the meeting,

(b) if and so long as the chairman of An Chomhairle is not present or if the office of chairman is vacant, the members of An Chomhairle who are present shall choose one of their number to be chairman of the meeting. 25

(5) Every question at a meeting of An Chomhairle shall be determined by a majority of the votes of the members present and voting on the question and, in the case of an equal division of votes, the chairman of the meeting shall have a second or casting vote. 30

(6) An Chomhairle may act notwithstanding one or more than one vacancy among its members.

(7) Subject to the provisions of this Act, An Chomhairle shall regulate, by standing orders or otherwise, the procedure and business of An Chomhairle. 35

Officers and servants.

**15.**—(1) The Minister, with the consent of the Minister for Finance, may appoint such officers and servants as he thinks necessary to assist An Chomhairle in the performance of its functions. 40

(2) The officers and servants so appointed shall hold office on such terms and receive such remuneration as the Minister for Finance determines.

Seal.

**16.**—(1) An Chomhairle shall, as soon as may be after its establishment, provide itself with a seal. 45

(2) The seal of An Chomhairle shall be authenticated by the signature of the chairman of An Chomhairle or some other member thereof authorised by An Chomhairle to act in that behalf and the signature of an officer of An Chomhairle authorised by An Chomhairle to act in that behalf. 50

(3) Judicial notice shall be taken of the seal of An Chomhairle, and every document purporting to be an instrument made by An Chomhairle and to be sealed with the seal (purporting to be authenticated in accordance with this section) of An Chomhairle shall be received in evidence and be deemed to be such instrument without proof unless the contrary is shown. 55

17.—(1) An Chomhairle shall keep, in such form as may be approved by the Minister, with the concurrence of the Minister for Finance, all proper and usual accounts of all moneys received or expended by it. Accounts and audits.

5 (2) Accounts kept in pursuance of this section shall be submitted annually by An Chomhairle to the Comptroller and Auditor General for audit at such times as the Minister, with the concurrence of the Minister for Finance, directs.

(3) Immediately after audit under this section of the accounts of An Chomhairle, an abstract of the accounts, certified by the Comptroller and Auditor General, and a copy of the Comptroller and Auditor General's report shall be presented to the Minister. 10

(4) The Minister shall cause copies of the documents referred to in subsection (3) of this section to be laid before each House of the Oireachtas. 15

18.—An Chomhairle shall, in each year, at such date as the Minister may direct, make a report to the Minister of its proceedings under this Act during the preceding year and the Minister shall cause copies of the report to be laid before each House of the Oireachtas. Annual report. 20

19.—In each financial year there may be paid to An Chomhairle, out of moneys provided by the Oireachtas, a grant of such amount as the Minister, with the concurrence of the Minister for Finance, may sanction towards the expenses of An Chomhairle in the performance of its functions. Grants. 25

### PART III

#### DESIGNATED TRADES, APPRENTICESHIP DISTRICTS AND APPRENTICESHIP COMMITTEES

20.—(1) An Chomhairle may carry out an examination of the methods used in any trade for the recruitment and training of apprentices. Examination of methods for recruitment and training. 30

(2) When carrying out an examination of the methods used in a trade for the recruitment and training of apprentices, An Chomhairle may, by notice in writing served on any person who recruits and trains apprentices in the trade, or who, either alone or with others, manages or controls such recruitment and training, require the person to furnish to An Chomhairle within a specified period any specified information or documents, being information or documents which An Chomhairle reasonably believes to be necessary for the purposes of the examination and to be in the possession of the person. 35 40

(3) Before carrying out an examination under this section, An Chomhairle shall, in such manner as it thinks fit, give such notice as it considers reasonable of its intention to carry out the examination and inviting persons interested to make submissions in writing to An Chomhairle in relation to the recruitment and training of apprentices in the trade which is proposed to be examined. 45

21.—(1) On completion of an examination under section 20 of this Act of the methods used in a trade for the recruitment and training of apprentices, An Chomhairle may, if it so thinks proper, by order declare the trade to be a designated trade for the purposes of this Act either throughout the State or in any specified part of the State. Designated trades. 50

(2) In the case of a trade in respect of which, immediately before the passing of this Act, an order under section 2 of the Apprenticeship Act, 1931, was in force, An Chomhairle may, without carrying out an examination under *section 20* of this Act, by order declare the trade to be a designated trade for the purposes of this Act either (in conformity with the first-mentioned order) throughout the State or in any specified part of the State. 5

(3) An Chomhairle may by order revoke or amend an order under this section (including an order under this subsection).

(4) Where An Chomhairle, having completed an examination under *section 20* of this Act of the methods which, pursuant to any agreement, scheme or arrangement, are used in a trade for the recruitment and training of apprentices, is of opinion that, instead of making an order under this section, it would be sufficient if the agreement, scheme or arrangement were modified— 10 15

(a) An Chomhairle may inform the persons entitled to modify the agreement, scheme or arrangement that, if it is modified in specified respects within a specified period, an order will not be made under this section by reference to that examination, and 20

(b) if it is so modified, an order shall not be so made.

(5) Where an agreement, scheme or arrangement is modified as provided for in *subsection (4)* of this section and the persons entitled to do so at any time propose to modify further the agreement, scheme or arrangement, those persons shall, before making such further modification, inform An Chomhairle of the nature of the proposed modification. 25

(6) Every order under this section 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 is passed by either such House within the next subsequent twenty-one days on which that House has sat after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done under the order. 30

Apprenticeship districts and apprenticeship committees.

22.—(1) Where An Chomhairle makes an order under *section 21* of this Act declaring a trade to be a designated trade in an area, An Chomhairle shall by another order forthwith— 35

(a) either constitute the area to be an apprenticeship district for the purposes of the trade or divide the area into two or more apprenticeship districts for the purposes of the trade, and 40

(b) with respect to such district or each of such districts, establish, unless An Chomhairle considers that it would be impracticable to do so, an apprenticeship committee for the district to perform the functions assigned to an apprenticeship committee by this Act. 45

(2) Where an order under *subsection (1)* of this section does not establish an apprenticeship committee for a particular apprenticeship district, An Chomhairle may at any subsequent time by order establish an apprenticeship committee for the district to perform the functions assigned to an apprenticeship committee by this Act. 50

(3) An order under this section shall, as respects an apprenticeship committee established by it—

(a) provide for the number of members, 55

(b) provide that the members shall include a specified number of persons whom An Chomhairle considers to be representative of employers, a specified number of persons (which shall be equal to the specified number of



- persons whom An Chomhairle considers to be representative of employers) whom An Chomhairle considers to be representative of workers and a specified number of persons whom An Chomhairle considers to be representative of educational interests,
- 5
- (c) provide for the time and method of appointment of the members and the term of office of the members,
- (d) provide for the appointment of a chairman from among the members and for the term of office of the chairman,
- 10 (e) provide that An Chomhairle may remove a member from office,
- (f) provide for the procedure at meetings, and
- (g) provide for such other matters as An Chomhairle considers necessary for the proper performance of its functions
- 15 by the committee.
- (4) (a) Before making an order under this section, An Chomhairle shall have such consultations with representatives to whom this subsection applies as it considers appropriate.
- (b) Each of the following shall be representatives to whom
- 20 this subsection applies :
- (i) persons whom An Chomhairle considers to be representative of employers in the trade,
- (ii) persons whom An Chomhairle considers to be representative of workers in the trade,
- 25 (iii) persons whom An Chomhairle considers to be representative of educational bodies having an interest in the trade.
- (5) The chairman of an apprenticeship committee shall be paid, out of moneys at the disposal of An Chomhairle, such fee for
- 30 attendance at meetings of the committee as the Minister, with the consent of the Minister for Finance, determines.
- (6) Each member of an apprenticeship committee shall be paid, out of moneys at the disposal of An Chomhairle, such allowances for expenses incurred by him as the Minister, with the consent of
- 35 the Minister for Finance, may sanction.
- (7) An Chomhairle may appoint one of its officers to act as secretary of an apprenticeship committee.

23.—(1) Where an order under *subsection (1) of section 22* of this Act does not establish an apprenticeship committee for a particular apprenticeship district, then, until an apprenticeship committee is established for the district, An Chomhairle shall act for all purposes as that committee and references in the subsequent sections of this Act to an apprenticeship committee, the trade for which it is established and the district thereof shall be construed

40 accordingly.

45

An Chomhairle acting as or for apprenticeship committee.

- (2) Where an apprenticeship committee—
- (a) is requested by An Chomhairle to make and submit for confirmation, within a specified period, any rules which the committee is empowered or required by this Act to
- 50 make, or
- (b) is requested by An Chomhairle to perform, within a specified period, any function which the committee is empowered or required by *section 35, section 36 or section 38* of this Act to perform, and
- 55 (c) fails to comply with the request,

An Chomhairle, if it so thinks proper, may act for the committee for the purpose of making the rules or performing the function, as the case may be.

(3) Where An Chomhairle refuses to confirm rules under any section of this Act submitted for confirmation, An Chomhairle, if it so thinks proper, may act for the apprenticeship committee concerned for the purpose of making rules under that section.

(4) Rules made by virtue of this section shall not require confirmation.

Apprenticeship classification rules.

**24.**—(1) Where An Chomhairle makes an order under *section 22* of this Act in relation to a trade—

(a) An Chomhairle shall make rules declaring that employment in the trade of any specified class or classes of persons in a specified manner shall constitute employment by way of apprenticeship in the trade, and

(b) until those rules are made, no other rules shall be made under this Act in relation to the trade.

(2) The employment declared by rules under this section to constitute employment by way of apprenticeship in a trade shall for the purposes of this Act be employment by way of apprenticeship in the trade.

Rules regulating educational qualifications.

**25.**—(1) An Chomhairle shall, after consultation with the Minister for Education, make rules in relation to the educational qualifications to be possessed by persons entering on employment by way of apprenticeship in a designated trade and, where there is more than one apprenticeship district for the purposes of the trade, An Chomhairle may make different rules for each district.

(2) A person carrying on the trade to which rules under this section relate shall not take into his employment by way of apprenticeship in the trade and in an apprenticeship district in which the rules have effect, a person unless that person possesses the educational qualifications specified in the rules.

Rules regulating minimum age of entry.

**26.**—(1) An Chomhairle may make rules specifying the minimum age at which employment by way of apprenticeship may commence in a designated trade and, where there is more than one apprenticeship district for the purposes of the trade, An Chomhairle may make different rules for each district.

(2) A person carrying on the trade to which rules under this section relate shall not take into his employment by way of apprenticeship in the trade and in an apprenticeship district in which the rules have effect, a person unless that person has reached the age specified in the rules.

Rules regulating dismissal.

**27.**—(1) An Chomhairle may make rules in relation to the circumstances under which a person employed by way of apprenticeship in a designated trade may be dismissed from the employment and, where there is more than one apprenticeship district for the purposes of the trade, An Chomhairle may make different rules for each district.

(2) Rules under this section may require a person carrying on the trade to which the rules relate who employs persons by way of apprenticeship in the trade to post, in accordance with *section 57* of this Act, copies of the rules.

(3) A person carrying on the trade to which rules under this section relate shall not dismiss a person employed by him by way of apprenticeship in the trade and in an apprenticeship district in which the rules have effect save in accordance with the rules.

28.—(1) An apprenticeship committee shall make rules in relation to the period (including any probationary period) of employment by way of apprenticeship in the trade for which the committee is established and in the district of the committee. Rules in relation to period of apprenticeship.

5 (2) A person who is employed by way of apprenticeship in a trade to which rules under this section relate and in the district of the apprenticeship committee shall, where the employment commenced while the rules were in force and notwithstanding any agreement to the contrary, be deemed to be employed under an  
10 agreement signed by the person and his employer whereby the employer agrees to employ the person, and the person agrees to serve the employer, for the period of apprenticeship specified in the rules, but the committee may, if it so thinks fit, release both  
15 parties from their respective obligations under the agreement implied by this subsection or modify such agreement or, with the consent of—

(a) in case the person has attained the age of eighteen years, the person, and

20 (b) in case the person has not attained the age of eighteen years, the parent (if any) of the person,

transfer the benefits and obligations of the employer under such agreement to another employer carrying on the trade in the district.

(3) In subsection (2) of this section "parent", in relation to a person employed by way of apprenticeship who has not attained  
25 the age of eighteen years, means the individual having the legal custody of the person and where, owing to the absence of that individual or for any other reason, the person is not living with or in the actual custody of that individual, includes the individual  
30 with whom the person is living or in whose actual custody the person is.

29.—(1) An apprenticeship committee shall make rules requiring persons carrying on the trade, for which the committee is established, in the district of the committee to train and instruct in a specified manner persons whom they employ by way of  
35 apprenticeship in the trade and in the district. Rules regulating training.

(2) Rules under this section may require persons carrying on the trade to which the rules relate who employ persons by way of apprenticeship in the trade to post, in accordance with section 57 of this Act, copies of the rules.

40 30.—An apprenticeship committee shall make rules requiring persons carrying on the trade, for which the committee is established, in the district of the committee to make to the committee reports on the progress of persons employed by them by way of apprenticeship in the trade and in the district. Rules as to reports by employers on progress.

45 31.—(1) An apprenticeship committee may make rules specifying the form of the contract of apprenticeship which, where the contract is effected by deed, is to be used when a person is taken into employment by way of apprenticeship in the trade for which the committee is established and in the district of the committee. Rules specifying form of contract of apprenticeship effected by deed.

50 (2) Where a person carries on the trade to which rules under this section relate in the district of the apprenticeship committee, he shall not take into his employment by way of apprenticeship in the trade and in the district a person under a contract of apprenticeship effected by deed unless the deed is in the form specified  
55 in the rules.

Confirmation of rules made by apprenticeship committee.

**32.**—(1) Rules made by an apprenticeship committee under this Act shall be submitted to An Chomhairle as soon as may be after they are made and no such rules shall be of any force or effect unless or until they are confirmed by order of An Chomhairle, but on being so confirmed, shall come into force as confirmed 5 on such date (not earlier than the date of the order) as is specified in that behalf in the order or, if no such date is so specified, the date of the order.

(2) An Chomhairle may, in respect of rules submitted to it by an apprenticeship committee, either by order confirm the rules 10 (with or without modifications) or refuse to confirm them.

(3) Before confirming under this section with modifications any rules, An Chomhairle shall consult the apprenticeship committee with respect to the proposed modifications.

(4) Where An Chomhairle refuses under this section to confirm 15 rules, the apprenticeship committee may (save where An Chomhairle exercises its powers under *subsection (3) of section 23* of this Act) make new rules, and this section shall apply to the new rules in like manner as it applies to the original rules.

Publication of notice of making or confirmation of rules.

**33.**—An Chomhairle shall, as soon as may be after making or 20 confirming rules under any provision of this Act, publish a notice in *Iris Oifigiúil* and in at least two daily newspapers circulating in the area in which the rules have effect stating that such rules have been made and the place where copies of the rules may be purchased at a price (which shall be of such reasonable amount as 25 An Chomhairle determines) specified in the notice.

Prohibition on taking into employment of unregistered persons.

**34.**—A person who carries on a designated trade in an apprenticeship district for the purposes of the trade shall not take into his employment by way of apprenticeship in the trade and in the district any person other than a person who is registered in the 30 register of candidates kept, under *section 40* of this Act, by the apprenticeship committee for the trade and the district.

Number to be taken into employment as apprentices.

**35.**—(1) An apprenticeship committee may, after consultation with An Chomhairle, determine the number of persons that, during a specified period, is to be taken into employment by way of apprenticeship in the trade, for which the committee is established, in the 35 district of the committee.

(2) Where an apprenticeship committee determines, under *subsection (1) of this section*, a number and a period, the committee shall arrange for the taking into employment by way of 40 apprenticeship in the trade, for which the committee is established, in the district of the committee of that number in that period and for that purpose may, if it considers it necessary to do so, by notice in writing served on a person who carries on the trade in the district, require the person, within a specified period to take 45 into his employment by way of apprenticeship in the trade and in the district a specified number of persons.

Education of apprentices.

**36.**—(1) An Chomhairle may make arrangements for the provision by a vocational education committee of courses of instruction in the nature of technical education of a type suitable for persons 50 employed by way of apprenticeship, in a designated trade, in an apprenticeship district for the purposes of the trade.

(2) Where a course of instruction is provided under *subsection (1) of this section* by a vocational education committee for persons employed by way of apprenticeship, in a designated trade, in an 55 apprenticeship district for the purposes of the trade, the apprenticeship committee for the district and the trade may—

(a) by notice in writing served on a person employed by way of apprenticeship in the trade and in the district require him to attend the course, and 60

5 (b) by notice in writing served on the employer of a person upon whom a notice under *paragraph (a)* of this subsection has been served require the employer to afford to the person time and liberty to attend the course and to sit for any examinations held in relation to the course during normal working hours without any deduction from wages or any addition to the hours of employment or reckoning such time as lost.

10 **37.**—An apprenticeship committee may make such arrangements as it considers suitable for the keeping by persons employed by way of apprenticeship in the trade, for which the committee is established, in the district of the committee of such records of their training as the committee determines. Records by apprentices of training.

15 **38.**—(1) An apprenticeship committee shall from time to time arrange, through An Chomhairle, with the Minister for Education for the holding, for persons employed by way of apprenticeship in the trade for which the committee is established and in the district of the committee, of— Examinations.

20 (a) a junior examination for persons who have completed approximately half their periods of apprenticeship, and

(b) a senior examination for persons who are nearing the completion of those periods.

25 (2) The conditions governing entry for examinations under this section shall be determined by the apprenticeship committee concerned after consultation with the Minister for Education.

**39.**—(1) Where a person employed by way of apprenticeship, in the district of an apprenticeship committee, in the trade for which the committee is established— Issue of certificates.

30 (a) completes his period of apprenticeship to the satisfaction of the committee, and

(b) has passed the examinations arranged by the committee for persons so employed,

35 the committee shall inform An Chomhairle thereof and An Chomhairle shall thereupon issue to him a certificate certifying that he has so completed his period of apprenticeship and has passed those examinations.

40 (2) (a) This subsection applies to a person who, in the opinion of An Chomhairle, has been employed as an apprentice in a trade in respect of which—

(i) an examination under *section 20* of this Act has been carried out, and

45 (ii) no order has been made under *section 21* of this Act declaring the trade to be a designated trade or, where such an order has been made, the order is not in force,

and has completed his apprenticeship in that trade.

50 (b) Subject to such conditions as it may determine, An Chomhairle may make such arrangements as it considers desirable for the issue by An Chomhairle to a person to whom this subsection applies of a certificate certifying that he has completed his apprenticeship and the certificate may contain particulars of any examinations passed by him.

Register of candidates for apprenticeship.

40.—(1) An apprenticeship committee shall keep a register of candidates for apprenticeship.

(2) An apprenticeship committee shall enter in the register kept by the committee under this section—

(a) the names of persons who desire to be employed by way of apprenticeship in the trade, for which the committee is established, in the district of the committee, who have applied to the committee for registration in the register and who have satisfied the committee that they possess any qualifications as to education and age required by rules under sections 25 and 26 of this Act in relation to the trade and the district, 5 10

(b) such particulars of registered persons becoming employed as aforesaid as may be sent to the committee pursuant to section 43 of this Act, and 15

(c) any other particulars which may be prescribed or which the committee may consider appropriate.

(3) A register kept under this section shall at all reasonable hours be open for inspection by interested persons.

Register of apprentices.

41.—(1) An apprenticeship committee shall keep a register of apprentices. 20

(2) An apprenticeship committee shall enter in the register kept by the committee under this section—

(a) such particulars of persons employed or ceasing to be employed by way of apprenticeship in the trade for which the committee is established and in the district of the committee as may be sent to the committee pursuant to section 43 of this Act, and 25

(b) any other particulars which may be prescribed or which the committee may consider appropriate. 30

(3) A register kept under this section shall at all reasonable hours be open for inspection by interested persons.

Investigations of disputes and reports.

42.—(1) An apprenticeship committee shall hold an investigation into any dispute (being a dispute in relation to a matter which is a function of the committee) between a person carrying on the trade, for which the committee is established, in the district of the committee and any person employed by him by way of apprenticeship in the trade and in the district which may be referred to it by those persons, and shall endeavour to effect a settlement of the dispute and shall report to An Chomhairle the result of the investigation. 35 40

(2) An apprenticeship committee shall report to An Chomhairle on any matter relating to employment by way of apprenticeship in the trade for which the committee is established which An Chomhairle may refer to it for its report. 45

Notifications.

43.—(1) Where a person who carries on the trade for which an apprenticeship committee is established in the district of the committee takes into his employment by way of apprenticeship a person in the trade and in the district, he shall, within two weeks thereafter, send to the committee such particulars in relation to the person as may be prescribed or as the committee may, by notice in writing served on him, specify. 50

(2) Where a person who carries on in the district of an apprenticeship committee the trade for which the committee is established ceases to employ by way of apprenticeship a person in the trade and in the district, he shall, within two weeks thereafter, send to the committee such particulars in relation to the person as may be 55

prescribed or as the committee may, by notice in writing served on him, specify.

44.—(1) This section applies in relation to persons, other than bodies established by statute, carrying on such designated trades as An Chomhairle, with the consent of the Minister, from time to time determines. Gratuities.

(2) For the furtherance of the satisfactory recruitment, training, progress and welfare of persons employed by way of apprenticeship, An Chomhairle may, in cases where it considers that a person to whom this section applies has zealously and successfully trained persons employed by him by way of apprenticeship in the designated trade carried on by him, pay to him, out of moneys at the disposal of An Chomhairle, a gratuity of such amount as may be determined by An Chomhairle with the consent of the Minister and of the Minister for Finance.

45.—(1) For the purpose of making available for persons employed by way of apprenticeship in a designated trade better facilities for receiving training and instruction in the trade, An Chomhairle may, if it so thinks fit, grant scholarships to such persons so employed as An Chomhairle selects in such manner as it considers appropriate. Scholarships.

(2) Scholarships granted to persons under this section may provide for the payment of fees at educational establishments and such other payments as An Chomhairle determines.

46.—(1) An Chomhairle may award prizes to such persons employed by way of apprenticeship in a designated trade as An Chomhairle selects in such manner as it considers appropriate. Prizes and sending abroad.

(2) An Chomhairle may promote the sending to other countries, for the purpose of attending at exhibitions, taking part in competitions or any other purpose, of such persons employed by way of apprenticeship in a designated trade as An Chomhairle selects in such manner as it considers appropriate.

47.—For the purpose of facilitating employment by way of apprenticeship in a designated trade, an apprenticeship committee for the trade— Facilitating employment by way of apprenticeship.

(a) may arrange for the taking of a particular person into employment by way of apprenticeship in the trade and in the district of the committee by a particular employer, or

(b) where a person employed by way of apprenticeship in the trade desires to be transferred from one employer to another in the district of the committee, may arrange for the carrying out of the transfer, or

(c) where it considers it desirable that a person employed by way of apprenticeship in the trade should be transferred from one employer to another in the district of the committee, may arrange for the carrying out of the transfer.

48.—(1) Where any rules made by An Chomhairle under this Act are for the time being in force, a person shall not do any act or thing for the purpose either of preventing or obstructing an employer carrying on in any apprenticeship district in which the rules have effect the designated trade to which the rules relate from complying with the rules. Interference with employers.

(2) Where any rules made by an apprenticeship committee under this Act or by An Chomhairle acting as or for an apprenticeship committee are for the time being in force, a person shall not do any act or thing for the purpose either of preventing or

obstructing an employer carrying on in the apprenticeship district in which the rules have effect the designated trade to which the rules relate from complying with the rules.

(3) Where a notice under subsection (2) of section 35 of this Act has been served on an employer, a person shall not do any act or thing for the purpose either of preventing or obstructing the employer from complying with the requirements of the notice. 5

Arrangements  
in case of  
trade dispute.

49.—(1) Where persons employed by way of apprenticeship in a designated trade are, on account of a trade dispute or for any other reason, for the time being not engaged in their employment, An Chomhairle may make such arrangements for safeguarding the continued training and instruction of the persons as it thinks proper. 10

(2) In this section "trade dispute" means any dispute or difference between employers and workers or between workers and workers connected with the employment or non-employment, or the terms of the employment, or with the conditions of employment, of any person. 15

Supervisors.

50.—An Chomhairle may appoint persons to be supervisors for the purposes of this Act and may pay to such persons, out of moneys at its disposal, such fees and allowances for expenses incurred by them as the Minister, with the consent of the Minister for Finance, may sanction. 20

Fees payable to  
An Chomhairle.

51.—(1) Where a person is taken into employment by way of apprenticeship in a designated trade, there shall be paid by him to An Chomhairle a fee of such amount as may be prescribed. 25

(2) During the period during which a person remains employed by way of apprenticeship in a designated trade, there shall be paid by him to An Chomhairle such annual fees as may be prescribed. 30

(3) Rules for the purposes of this section shall require the consent of the Minister.

(4) In default of being paid a fee under this section, An Chomhairle may recover it from the person (including a person who has not attained the age of twenty-one years) liable therefor as a simple contract debt in any Court of competent jurisdiction. 35

(5) An Chomhairle may, where it so thinks proper in any particular case, exempt a person from payment of any fee under this section.

Power to exclude  
certain  
apprenticeship  
agreements,  
schemes and  
arrangements.

52.—(1) Where An Chomhairle is of opinion that a person, carrying on a designated trade in an apprenticeship district for the purposes of the trade, has in operation in the trade and in the district an agreement, scheme or arrangement for the recruitment and training of apprentices which is suitable for certification under this section, An Chomhairle may by certificate declare the agreement, scheme or arrangement, as the case may be, to be excluded in relation to specified provisions of this Act and thereupon, in relation to those provisions— 40

(a) the person shall be regarded as not carrying on the trade in the district, and 50

(b) persons employed by him by way of apprenticeship in the trade and in the district shall be regarded as not being so employed.

(2) Where a certificate under this section declares an agreement, scheme or arrangement to be excluded in relation to specified provisions of this Act and, after the issue of the certificate, the agreement, scheme or arrangement is modified in any respect by the persons entitled to do so, those persons shall forthwith inform An Chomhairle of the nature of the modification. 55



(3) An Chomhairle shall take such steps as it considers appropriate for informing persons affected by a certificate under this section of the issue of such certificate.

(4) An Chomhairle may by certificate amend or revoke a certificate under this section.

53.—(1) An Chomhairle may, if it so thinks proper in the case of the employment by way of apprenticeship of a particular person by a particular employer, exempt the employer from the requirements of *subsection (2) of section 25* or *subsection (2) of section 26* of this Act.

Power to exempt employers in certain cases.

(2) An apprenticeship committee may, if it so thinks proper in the case of the employment by way of apprenticeship of a particular person by a particular employer, exempt the employer from specified requirements of rules under *section 29* or *section 30* of this Act and from the requirement of *subsection (2) of section 31* of this Act.

(3) An apprenticeship committee may, if it so thinks proper in the case of the taking of a particular person into employment by way of apprenticeship by a particular employer, exempt the employer from the requirement of *section 34* of this Act.

## PART IV

### MISCELLANEOUS

54.—(1) An authorised officer may do all or any of the following things:

Powers of authorised officers.

(a) at all reasonable times enter upon any premises in which a designated trade is carried on where he has reasonable cause to believe any person is employed in the premises,

(b) examine either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, every person whom he finds in any premises upon which he is entitled under this section to enter and require the person to answer such questions as he may put touching such matters, and to sign a declaration of the truth of the answers to the questions.

(2) An authorised officer may, by notice in writing served on a person carrying on a designated trade, require him to furnish to the officer, within a specified time and in a specified manner, specified particulars with respect to the persons or any specified person employed by him by way of apprenticeship in the trade.

55.—A supervisor may at all reasonable times enter upon any premises in which a designated trade is carried on where he has reasonable cause to believe any person is employed in the premises and may examine the methods used in the training and instruction of any person whom he finds employed by way of apprenticeship in the trade and in the premises and give assistance and advice in such training and instruction.

Powers of supervisors.

56.—(1) An authorised officer shall be furnished by the Minister with a certificate of his appointment as an authorised officer and, when exercising any of the powers conferred on him by this Act, shall, if so required, produce the certificate to any person affected.

Certificates of authorised officers and supervisors.

(2) A supervisor shall be furnished by An Chomhairle with a certificate of his appointment as a supervisor and, when exercising any of the powers conferred on him by this Act, shall, if so required, produce the certificate to any person affected.

Posting of copies  
of rules.

57.—(1) Where rules under this Act require printed copies of 5  
the rules to be posted, such copies shall be posted—

(a) at the principal entrance of every premises in which  
persons are employed by way of apprenticeship in the  
trade to which the rules relate and in such other parts  
(if any) of such premises as an authorised officer may 10  
direct, and

(b) in such characters and in such positions as to be con-  
veniently read by persons so employed in such premises.

(2) A person shall not wilfully pull down, injure or deface any  
copy of rules posted in pursuance of this section. 15

Offences and  
penalties.

58.—(1) Where a person on whom a notice is served under  
*subsection (2) of section 20* of this Act in respect of any informa-  
tion or documents fails or neglects to comply with the require-  
ments of the notice, he shall be guilty of an offence unless he satisfies 20  
the Court that the information or documents were not necessary  
for the purposes of the relevant examination by An Chomhairle  
or were not in his possession.

(2) Where a person on whom a notice is served under *subsection*  
*(2) of section 20* of this Act in respect of any information furnishes  
information which to his knowledge is false or misleading in any 25  
material particular, he shall be guilty of an offence.

(3) A person who contravenes *subsection (2) of section 25,*  
*subsection (2) of section 26, subsection (3) of section 27, subsection*  
*(2) of section 31, section 34, subsection (1), (2) or (3) of section 48* 30  
or *subsection (2) of section 57* of this Act shall be guilty of an  
offence.

(4) Where a person who is required by rules under *section 27*  
of this Act to post, in accordance with *section 57* of this Act,  
copies of the rules, fails or neglects to comply with the requirement, 35  
he shall be guilty of an offence.

(5) Where a person on whom a requirement is made by rules  
under *section 29* or *section 30* of this Act fails or neglects to comply  
with the requirement, he shall be guilty of an offence.

(6) Where a person upon whom a notice under *subsection (2) of*  
*section 35* or *subsection (2) of section 54* of this Act is served fails 40  
or neglects to comply with the requirements of the notice, he shall  
be guilty of an offence.

(7) Where a person on whom a notice under *paragraph (a) of*  
*subsection (2) of section 36* of this Act is served fails to comply 45  
with the requirement of the notice, he shall, unless he satisfies the  
Court that such failure was due to sickness or other unavoidable  
cause, be guilty of an offence.

(8) Where a person on whom a notice under *paragraph (b) of*  
*subsection (2) of section 36* of this Act fails or neglects to comply  
with the requirement of the notice, he shall be guilty of an offence. 50

(9) A person who fails or neglects to comply with the require-  
ments of *subsection (1) or (2) of section 43* of this Act or of a  
notice under either of those subsections served on him shall be  
guilty of an offence.

(10) Where a person—

- 5 (a) prevents or attempts to prevent a person from appearing before an authorised officer exercising any of the powers conferred on an authorised officer by *subsection (1) of section 54* of this Act,
- (b) wilfully refuses to answer questions lawfully put to him by an authorised officer under that subsection,
- 10 (c) refuses to sign a declaration which he is lawfully required by an authorised officer to sign under that subsection, or
- (d) in any other manner obstructs or impedes an authorised officer in the exercise of any of the powers conferred upon an authorised officer by that subsection,

he shall be guilty of an offence.

15 (11) Where a person obstructs or impedes a supervisor in the exercise of any of the powers conferred upon a supervisor by *section 55* of this Act, he shall be guilty of an offence.

20 (12) (a) A person who is guilty of an offence under *subsection (7)* of this section shall be liable on summary conviction to a fine not exceeding two pounds.

(b) A person who is guilty of an offence under *subsection (8)* of this section shall be liable on summary conviction to a fine not exceeding ten pounds.

25 (c) A person who is guilty of an offence under any other subsection of this section shall be liable on summary conviction to a fine not exceeding twenty pounds.

59.—(1) Proceedings for an offence under this Act shall not be instituted except by or with the consent of An Chomhairle. Prosecution of offences.

30 (2) An offence under this Act may be prosecuted by or at the suit of An Chomhairle or an authorised officer as prosecutor.

60.—(1) Upon the coming into force of any rules under this Act— Restriction on certain agreements and orders under the Industrial Relations Act, 1946.

35 (a) any provisions of an employment agreement then in force registered in the Register of Employment Agreements maintained by the Labour Court under section 26 of the Industrial Relations Act, 1946, which relate to matters the subject of the rules shall cease to have effect in any apprenticeship district in which the rules have effect,

1946, No. 26.

40 (b) any provisions of an order then in force made by the Labour Court under section 43 of that Act which relate to matters the subject of the rules shall cease to have effect in any apprenticeship district in which the rules have effect.

45 (2) Where an employment agreement is, at a time when rules under this Act are in force, registered in the Register of Employment Agreements maintained by the Labour Court under section 26 of the Industrial Relations Act, 1946, any provisions of the agreement which relate to matters the subject of the rules shall not have effect in any apprenticeship district in which the rules have effect.

50 (3) Where an order is, at a time when rules under this Act are in force, made by the Labour Court under section 43 of the Industrial Relations Act, 1946, any provisions of the order which relate to matters the subject of the rules shall not have effect in any apprenticeship district in which the rules have effect.

Gifts.

**61.**—(1) An Chomhairle may accept gifts of money, land or other property upon such trusts and conditions, if any, as may be specified by the donor.

(2) An Chomhairle shall not accept a gift if the conditions attached by the donor to its acceptance are inconsistent with the 5 functions of An Chomhairle.

Proof of orders and rules.

**62.**—Section 4 of the Documentary Evidence Act, 1925 (No. 24 of 1925), shall apply to all orders and rules under this Act.

Service and signing of notices.

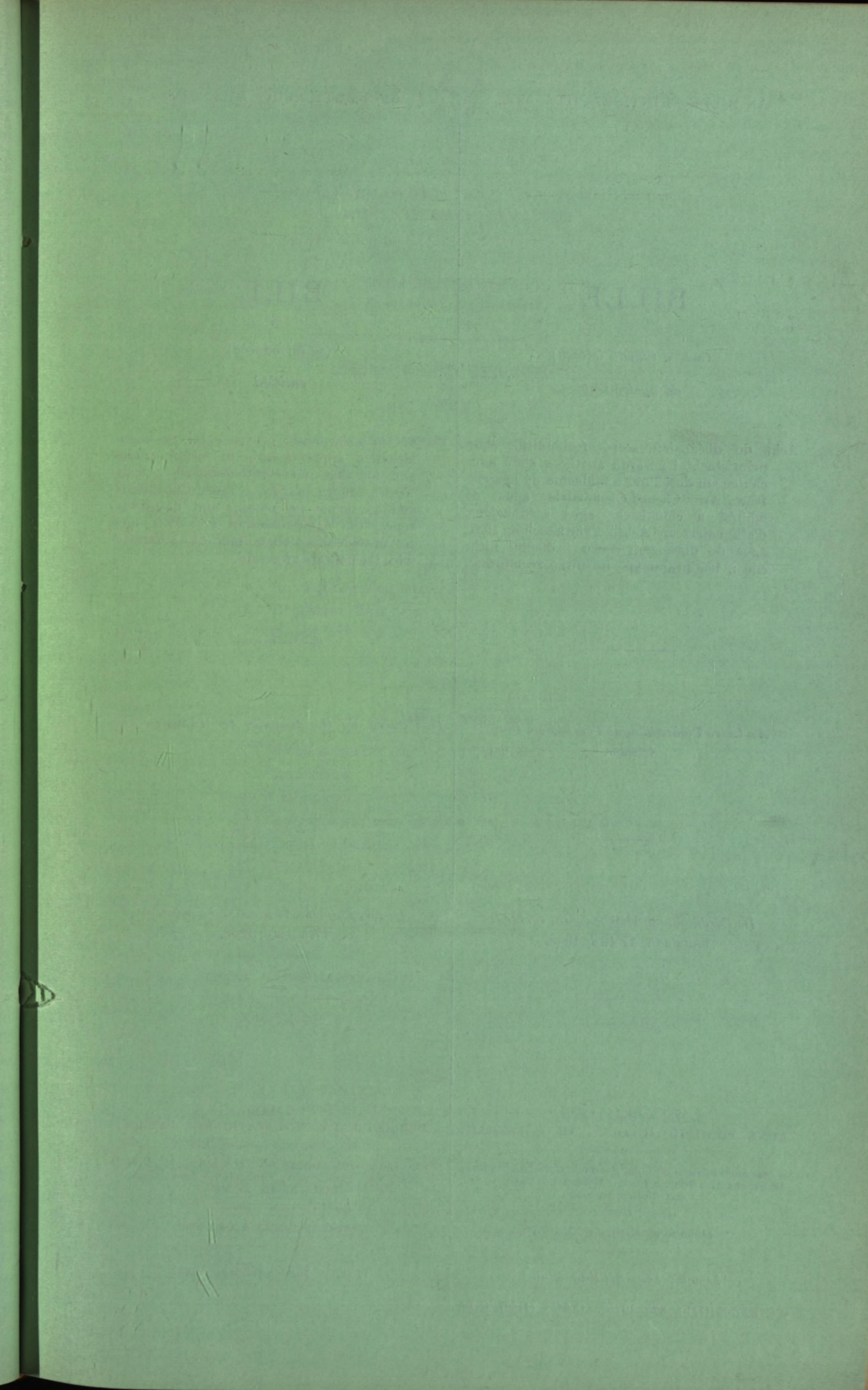
**63.**—(1) A notice given pursuant to this Act or rules there- 10 under may be served on a person—

(a) by delivering it to him, or

(b) by sending it by registered post in an envelope addressed to him at the address at which he ordinarily resides or carries on business.

(2) A notice given pursuant to this Act or rules thereunder by 15 An Chomhairle or an apprenticeship committee may be signed by an officer of An Chomhairle or the committee (as the case may be) authorised in that behalf.

(3) For the purposes of *subsection (1)* of this section, a company registered under the Companies Acts, 1908 to 1924, shall be deemed 20 to carry on business at its registered office and every other body corporate and every unincorporated body shall be deemed to carry on business at its principal office or place of business.



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## BILLE

*(mar a tugadh isteach)*

*dá ngairmtear*

Acht do dhéanamh socrú feabhsaithe chun printíseacht i gcearda áirithe a rialú agus chuige sin do bhunú comhlachta dá ngairmfear An Cheard-Chomhairle agus do mhíniú a chumhacht agus a dhualgas, d'athghairm an Achta Príntíseachta, 1931, agus do dhéanamh socrú i dtaobh nithe eile a bhaineann leis na nithe réamhráite.

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*An tAire Tionscail agus Tráchtála a thug isteach.*

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*Do hordaíodh ag Dáil Éireann, a chlóbhualadh, 17 Iúil, 1958.*

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BAILE ÁTHA CLIATH:  
ARNA FHOILSIŪ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ón Oifig Díolta Foilseachán Rialtais, An Stuaire Árd Oifig an Phoist, Baile Átha Cliath, nó trí aon díoltóir leabhar.

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## BILL

*(as introduced)*

*entitled*

An Act to make better provision for the regulation of apprenticeship in certain trades and for that purpose to establish a body to be known as An Cheard-Chomhairle and to define its powers and duties, to repeal the Apprenticeship Act, 1931, and to provide for other matters connected with the matters aforesaid.

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*Introduced by the Minister for Industry and Commerce.*

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*Ordered by Dáil Éireann to be printed 17th July, 1958.*

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