



**AN BILLE UM GHNÍOMHAIREACHT FOSTAÍOCHTA DON AOS
ÓG, 1981
YOUTH EMPLOYMENT AGENCY BILL, 1981**

*Mar a tionscnaíodh
As initiated*

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ACTS REFERRED TO

Companies Act, 1963	1963, No. 33
Companies (Amendment) Act, 1977	1977, No. 31
Finance Act, 1895	1895, c. 16
Health Act, 1970	1970, No. 1
Income Tax Act, 1967	1967, No. 6
Interpretation Act, 1937	1937, No. 38
Preferential Payment in Bankruptcy (Ireland) Act, 1889	1889, c. 60
Stamp Act, 1891	1891, c. 39
Social Welfare (Consolidation) Act, 1981	1981, No. 1



AN BILLE UM GHNÍOMHAIREACHT FOSTAÍOCHTA DON AOS
ÓG, 1981
YOUTH EMPLOYMENT AGENCY BILL, 1981

BILL

5

entitled

AN ACT TO PROVIDE FOR THE PROMOTION BY THE MIN-
ISTER FOR LABOUR OF A LIMITED COMPANY FOR
THE ESTABLISHMENT, DEVELOPMENT, EXTENSION,
10 OPERATION, ASSISTANCE (INCLUDING FINANCIAL
ASSISTANCE), ENCOURAGEMENT, SUPERVISION,
CO-ORDINATION AND INTEGRATION, EITHER
DIRECTLY OR INDIRECTLY, OF SCHEMES FOR THE
TRAINING AND EMPLOYMENT OF YOUNG PERSONS,
15 TO PROVIDE FOR THE PAYMENT OF A LEVY ON
INCOMES TO DEFRAY THE EXPENDITURE OF THE
COMPANY IN THE PERFORMANCE OF ITS FUNCTIONS
AND SUCH OTHER EXPENDITURE IN RELATION TO
THE TRAINING AND EMPLOYMENT OF YOUNG PER-
20 SONS AS THE MINISTER FOR LABOUR MAY DETER-
MINE AND TO PROVIDE FOR OTHER CONNECTED
MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—(1) In this Act—

Definitions.

“the Act of 1970” means the Health Act, 1970;

25 “the Agency” means the Youth Employment Agency;

“the Collector-General” means the Collector-General appointed
under section 162 of the Income Tax Act, 1967;

“the Companies Acts” means the Companies Acts, 1963 and 1977;

30 “contribution year” means a year of assessment within the meaning
of the Income Tax Acts beginning with the year 1982-1983;

35 “emoluments” means emoluments to which Chapter IV of Part V of
the Income Tax Act, 1967 (but without regard to Chapter I (inserted
by the Finance Act, 1980) of Part IX of that Act, applies or is applied),
other than payments under the Social Welfare (Consolidation) Act,
1981;

“employed contributor”, “employment contribution”, “employer”
and “employer’s contribution” have the meanings that they have in
the Social Welfare (Consolidation) Act, 1981;

“levy” has the meaning assigned to it by *section 15* of this Act;

40 “the Minister” means the Minister for Labour.

(2) The Minister may by regulations define "reckonable earnings", "reckonable emoluments" and "reckonable income" for the purposes of this Act.

Formation and registration of Agency.

2.—As soon as may be after the commencement of the Act, the Minister shall, with the consent of the Minister for Finance, take all such steps as appear to him to be necessary or desirable to procure that a limited company (in this Act referred to as "the Agency") conforming to the conditions laid down in this Act shall be formed and registered under the Companies Acts. 5

Name and capital of Agency.

3.—(1) Notwithstanding the provisions of section 6 of the Companies Act, 1963, the name of the Agency shall be the Youth Employment Agency. 10

(2) The share capital of the Agency shall be £100 divided into fully paid shares of £1 each and, notwithstanding anything contained in the Companies Acts, it shall not be lawful for the Agency without the consent of the Minister and the Minister for Finance to increase or reduce that capital or to issue debentures. 15

(3) One share in the share capital of the Agency shall be allotted and issued to each of the subscribers to the memorandum of association of the Agency and the residue of the said share capital shall be allotted and issued to the Minister. 20

(4) The money payable by the subscribers to the memorandum of association of the Agency, and the Minister respectively as consideration for the allotment and issue to them of shares in the share capital of the Agency in pursuance of *subsection (3)* of this section shall be paid out of and shall be charged on the Central Fund or the growing produce thereof. 25

Memorandum of association of Agency.

4.—(1) The memorandum of association of the Agency shall be in such form consistent with this Act as shall be approved of by the Minister with the consent of the Minister for Finance and the Minister for the Public Service. 30

(2) (a) The objects of the Agency shall be so stated in the memorandum of association that the principal objects of the Agency shall be to establish, develop, extend, operate, assist, encourage, supervise, co-ordinate and integrate, either directly or indirectly, schemes for the training and employment of young persons, that is to say, persons over the age of 15 years and under the age of 25 years. 35

(b) In *paragraph (a)* of this subsection "assist" in relation to the schemes referred to in that paragraph includes provide financial assistance for such schemes or for persons establishing, developing, extending, operating, assisting, encouraging, supervising, co-ordinating or integrating such schemes. 40

Articles of association of Agency.

5.—(1) The articles of association of the Agency shall be in such form consistent with this Act as shall be approved of by the Minister with the consent of the Minister for Finance and the Minister for the Public Service. 45

(2) The articles of association of the Agency shall provide that the qualification for being a director of the Agency shall be the holding of at least one share in the Agency. 50

6.—Notwithstanding anything contained in the Companies Acts, no alteration in the memorandum of association or articles of association of the Agency shall be valid or effectual unless made with the previous approval of the Minister given with the consent of the
5 Minister for Finance and the Minister for the Public Service.

Alteration of memorandum and articles of association of Agency.

7.—(1) The number of the directors of the Agency shall be eleven, including the chairman.

Directors of Agency.

(2) The directors of the Agency including the chairman shall be appointed by the Minister.

10 (3) Two of the directors (other than the chairman) of the Agency shall be nominated for appointment as such directors by the Irish Congress of Trade Unions.

15 (4) Two of the directors of the Agency (other than the chairman) shall be nominated for appointment as such directors by such bodies representative of employers as the Minister may determine.

(5) Two of the directors of the Agency (other than the chairman) shall be nominated for appointment as such directors by such bodies representative of young persons as the Minister may determine.

20 (6) One of the directors of the Agency (other than the chairman) shall be nominated for appointment as such director by the Minister for Education.

(7) One of the directors of the Agency (other than the chairman) shall be nominated for appointment as such director by the Minister for the Environment.

25 8.—The Minister may from time to time, with the consent of the Minister for Finance, advance out of moneys provided by the Oireachtas, such sums as the Minister may determine for the purposes of the expenditure specified in *section 15* of this Act.

Advances by Minister.

30 9.—The Minister may from time to time take up by subscription any shares in the Agency.

Power of Minister to acquire shares by subscription.

35 10.—The Minister may, in respect of the shares of the Agency for the time being held by him, exercise all or any of the rights and powers from time to time exercisable by the holder of such shares, and where such rights or powers are exercisable by attorney, the Minister may, if he so thinks proper, exercise such rights or powers by his attorney.

Powers of Minister as shareholder.

40 11.—(1) Every member of the Agency (including the subscribers to the memorandum of association of the Agency, but excluding the Minister) shall hold shares in the Agency upon trust for the Minister and shall transfer, as and when required by the Minister, all or any of the shares to the Minister or a person nominated in that behalf by the Minister.

Obligations to hold shares in trust for Minister.

45 (2) The Minister may, from time to time as occasion requires, for the purpose of providing a person appointed or intended to be appointed to be a director of the Agency with the necessary qualifications, do either or both of the following things, that is to say—

(a) transfer (subject to the restriction imposed by *subsection (3)* of this section) to any person one or more of the shares in the Agency for the time being held by the Minister;

(b) require any member of the Agency to transfer all or more of the shares in the Agency held by him to the Minister or any other person.

(3) Save as is authorised by subsection (2) of this section, the Minister shall not transfer or otherwise alienate any of the shares in the Agency for the time being held by him and he shall not so exercise the powers conferred on him by the said subsection (2) as to reduce at any time the number of shares in the Agency held by him to less than fifty-one.

Obligation to furnish balance sheets, etc.

12.—(1) The Agency shall as soon as possible after the end of every accounting year furnish to the Minister a balance sheet for such accounting year duly audited by the Comptroller and Auditor General and also an account showing its income and expenditure for the same accounting year similarly audited.

(2) The balance sheet and the income and expenditure account to be furnished under this section shall be drawn up in such manner as the Minister, with the consent of the Minister for Finance, shall direct, and such balance sheet shall contain (in addition to any matter required by such direction) a summary of the capital, assets and liabilities of the Agency together with such particulars as will disclose the nature of such assets and liabilities and the manner in which the value of the assets was arrived at.

(3) The Agency shall on demand furnish to the Minister such explanations as the Minister shall think proper to require in respect of any balance sheet or income and expenditure account furnished pursuant to this section.

(4) A copy of every balance sheet and income and expenditure account furnished to the Minister pursuant to this section shall be laid by him before each House of the Oireachtas as soon as may be after such balance sheet and income and expenditure account are so furnished to him.

Winding up of Agency.

13.—In the event of the Agency being wound up all moneys remaining, after the debts of the Agency have been paid, shall be paid into and disposed of for the benefit of the Exchequer in such manner as the Minister for Finance shall direct.

Membership of either House of Oireachtas or European Assembly by directors, officers or servants of Agency.

14.—(1) Where a director of the Agency is nominated as a member of Seanad Éireann or as a candidate for election to either House of the Oireachtas or to the Assembly of the European Communities or is appointed to such Assembly, he shall thereupon cease to be a director of the Agency.

(2) Where a person who is either an officer or servant of the Agency is nominated as a member of Seanad Éireann or as a candidate for election to either House of the Oireachtas or to the Assembly of the European Communities or is appointed to such Assembly, he shall stand seconded from employment by the Agency and shall not be paid by, or, entitled to receive from, the Agency any remuneration or allowances—

(a) in case he is nominated as a member of Seanad Éireann or is appointed to such Assembly, in respect of the period commencing on such nomination or appointment, as the case may be, and ending when he ceases to be a member of Seanad Éireann or such Assembly,

(b) in case he is nominated as a candidate for election to either

5 such House or to such Assembly, in respect of the period commencing on his nomination and ending when he ceases to be a member of that House or that Assembly, as the case may be, or fails to be elected or withdraws his candidature, as may be appropriate.

(3) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein or a member of the Assembly of the European Communities shall, while he is so entitled or is such a member, be disqualified from becoming a director
10 of the Agency or an officer or servant of the Agency.

(4) Without prejudice to the generality of *subsection (2)* of this section, that subsection shall be construed as prohibiting the reckoning of a period mentioned in *paragraph (a)* or *(b)* of that subsection as service with the Agency for the purpose of any superannuation benefit.

15 15.—There shall be paid, subject to and in accordance with this Act and regulations under this Act, by or in respect of an individual who is over the age of sixteen years, a levy (which shall be known as “Youth Employment Levy” and is in this Act referred to as “levy”) to defray the expenditure of the Youth Employment Agency in the
20 performance of its functions and such other expenditure in relation to the training and employment of young persons as the Minister may determine with the consent of the Minister for Finance.

Youth Employment Levy.

25 16.—The following provisions shall apply in relation to an individual referred to in *section 15* of this Act who is an employed contributor and who is in receipt of emoluments—

Payment of levy by individuals with reckonable earnings.

(a) where in a contribution year a payment is made to or for the benefit of the employed contributor in respect of reckonable earnings of that employed contributor, levy shall be payable at the rate of one per cent. of the amount of the
30 reckonable earnings to which such payment relates,

(b) levy payable in respect of the reckonable earnings aforesaid shall be deemed, for the purposes of collection and recovery of levy, to be an employment contribution within the meaning of the Social Welfare (Consolidation) Act, 1981,

35 (c) if the employed contributor has, by virtue of section 45 of the Act of 1970, full eligibility for services under Part IV of that Act, the amount of levy referred to in *paragraph (a)* of this section shall be payable by the employer,

40 (d) if the employed contributor has not, by virtue of section 45 of the Act of 1970, full eligibility for services under the Act, the amount of levy referred to in the said *paragraph (a)* shall be payable by the employed contributor.

45 17.—Where a payment in respect of his reckonable emoluments is made in a contribution year to or for the benefit of an individual referred to in *section 15* of this Act who is in receipt of emoluments other than reckonable earnings, levy shall be payable in respect of those emoluments at the rate of one per cent. of the amount of reckonable emoluments to which such payment relates.

Payment of levy by individuals with emoluments other than reckonable earnings.

50 18.—Where, in relation to an individual referred to in *section 15* of this Act, reckonable income other than emoluments arises in a contribution year, levy shall be payable by the individual for that year in

Payment of levy by individuals with income other than emoluments.

respect of that income at the rate of one per cent. of the amount of that reckonable income.

Variation of rates of levy and suspension of levy.

19.—(1) (a) Subject to *paragraph (b)* of this subsection, the Minister may by regulations vary the rate of levy and, where regulations under this subsection are in force, this Act shall have effect in accordance with the regulations. 5

(b) A rate varied by regulations under this subsection shall take effect at the beginning of the contribution year next following that in which the regulations were made.

(c) Regulations under this paragraph shall not so vary the rate of levy specified in this Act that it exceeds the rate standing so specified upon the passing of this Act. 10

(2) (a) The Minister may by regulations suspend payment of levy and where regulations under this subsection are in force, this Act shall have effect in accordance with the regulations. 15

(b) Suspension of payment of levy by regulations under this section shall take effect in relation to levy in respect of the contribution year next following that in which the regulations were made. 20

(3) Where regulations under this section are proposed to be made, a draft of the proposed regulations shall be laid before each House of the Oireachtas and the regulations shall not be made until a resolution approving of the draft has been passed by each such House.

Regulations and recovery of levy.

20.—(1) Subject to the provisions of this Act, the Minister may by regulations provide in relation to levy payable pursuant to *section 17* or *18* of this Act for— 25

(a) the determination of liability for levy,

(b) the time and manner of payment of levy,

(c) the collection and the recovery of, and the furnishing of information in relation to, levy, 30

(d) the estimation of amounts due in respect of levy and the review of such estimates,

(e) adjustment in any case of underpayment or overpayment of levy, 35

(f) any matter ancillary or incidental to any of the matters referred to in *paragraphs (a) to (e)* of this subsection.

(2) Without prejudice to the generality of *subsection (1)* of this section, regulations under this section may provide for—

(a) the assignment of any function relating to any matter referred to in *subsection (1)* of this section to the Collector-General, 40

(b) the assignment of any function relating to any matter referred to in *subsection (1)* of this section to a health board,

(c) the inspection of records by or on behalf of the Revenue Commissioners.

21.—The following provisions shall apply in relation to levy payable pursuant to *sections 16, 17 and 18* of this Act: Collection of levy.

5 (a) (i) the provisions of any statute or statutory instrument (within the meaning in each case of the Interpretation Act, 1937) relating to the inspection of records, estimation, collection and recovery of, or the furnishing of information in relation to income tax, shall with
10 any necessary modifications, apply in relation to levy required to be collected by the Collector-General as they apply in relation to income tax;

(ii) in proceedings instituted by virtue of this paragraph, a
15 certificate purporting to be signed by the Collector-General which certifies that a stated amount is due and payable by the defendant in respect of levy shall be evidence until the contrary is proved that that amount is so due and payable in respect of levy and the certificate shall be deemed unless the contrary is
20 proved, to have been signed by him;

(iii) for the purposes of this paragraph the rules of the court concerned for the time being applicable to civil proceedings shall apply to proceedings by virtue of this paragraph; and

25 (b) levy required to be collected by a health board may be recovered by the health board from the individual concerned as a simple contract debt due by the individual to the health board in any court of competent jurisdiction.

22.—(1) Notwithstanding any other provision of this Act—

Individuals not liable for levy.

30 (a) levy payable pursuant to *section 16* of this Act shall not be payable in respect of an individual who is for the time being an individual who is in receipt of—

(i) a pension, allowance, benefit or payment under the Social Welfare (Consolidation) Act, 1981, or

35 (ii) a payment,

specified in *subsection (2)* of this section.

(b) levy payable pursuant to *section 17* of this Act shall not be payable in respect of an individual who, by virtue of section 45 of the Act of 1970, has full eligibility for services under Part IV of that Act or an individual who is in receipt
40 of—

(i) a pension, allowance, benefit or payment under the Social Welfare (Consolidation) Act, 1981, or

(ii) a payment,

45 specified in *subsection (2)* of this section.

(c) (i) where in a contribution year an individual is at any time an individual referred to in *paragraph (b)* of this subsection, levy payable pursuant to *section 18* of this

Act in respect of the individual shall consist of such part of the full levy as bears to the full levy the same proportion that the portion of the contribution year during which the individual is not an individual referred to in *paragraph (b)* of this subsection bears to the whole contribution year; 5

(ii) in *subparagraph (i)* of this paragraph "the full levy" means the amount of levy that would have been payable if the individual referred to in the said subparagraph had not been, at any time during the year referred to in the said subparagraph an individual referred to in *paragraph (b)* of this subsection. 10

(2) The following are the pensions, allowances, benefits and payments referred to in *paragraphs (a)* and *(b)* of *subsection (1)* of this section: 15

(a) widow's (contributory) pension;

(b) widow's (non-contributory) pension;

(c) deserted wife's benefit;

(d) deserted wife's allowance;

(e) death benefit by way of widow's pension; 20

(f) social assistance allowance;

(g) a payment corresponding to a pension referred to in *paragraph (a)* or *(e)* of this subsection from the competent authority of a Member State (other than the State) of the European Economic Community under legislation to which the regulations of the Community on the application of social security schemes to employed persons and their families moving within the territory of the Community apply. 25

Offences. 23.—(1) Without prejudice to the provisions of this Act or any regulations under it or to any other statute or statutory instrument referred to in this Act, if any person— 30

(a) fails or refuses to comply with a requirement of this Act or of a regulation under this Act, or,

(b) knowingly makes any false statements or false representation, or knowingly conceals any material fact, in relation to any such requirement, or, 35

(c) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information in relation to any such requirement which he knows to be false in a material particular, 40

he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500 or, at the discretion of the court, to imprisonment for a term not exceeding twelve months or to both such fine and such imprisonment. 45

(2) Where a person fails or refuses to pay, levy payable by him under this Act and regulations under this Act, he shall be guilty of an

offence and shall be liable on summary conviction to a fine not exceeding £500.

5 (3) A prosecution for an offence under this Act may be brought at the suit of the Minister, the appropriate health board or the Collector-General.

24.—(1) Levy payable pursuant to *section 16* or *17* of this Act shall be paid into the Social Insurance Fund.

Payment of levy into Social Insurance Fund and to Minister.

10 (2) All sums paid into the Social Insurance Fund under *subsection (1)* of this section, and all sums collected under *section 18* of this Act, shall be paid to the Minister and shall be paid by him into the Exchequer.

15 25.—So far as may be necessary for the proper administration of this Act, information regarding the levy and the reckonable earnings, reckonable emoluments and reckonable income of individuals in respect of whom levy is payable which is obtained by the Revenue Commissioners in connection with the collection of income tax or levy may be supplied by them to any person having obligations imposed by or under statute in relation to the collection and recovery of levy.

Supplying by Revenue Commissioners of certain information.

20 26.—(1) There shall be included among the debts which, under *section 285* of the Companies Act, 1963, are, in the distribution of the assets of a company being wound up, to be paid in priority to all other debts, levy payable pursuant to *section 17* of this Act by the company during the twelve months before the relevant date (within the meaning of that section), and that Act shall have effect accordingly, and formal proof of the debts to which priority is given under this subsection shall not be required except in cases where it may otherwise be provided for by rules made under that Act.

Provisions relating to winding up and bankruptcy.

30 (2) *Subsection (1)* of this section shall not apply where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company.

35 (3) There shall be included among the debts which, under *section 4* of the Preferential Payments in Bankruptcy (Ireland) Act, 1889, are, in the distribution of the property of a bankrupt or arranging debtor, to be paid in priority to all other debts, all levy payable pursuant to *section 17* or *18* of this Act by the bankrupt or arranging debtor during the twelve months before the date of the order of adjudication in the case of a bankrupt or the filing of the petition for arrangement in the case of an arranging debtor, and that Act shall have effect accordingly, and formal proof of the debts to which priority is given under this subsection shall not be required except in cases where it may otherwise be provided by general orders made under that Act.

45 27.—(1) Regulations under *sections 1, 19* and *20* (other than *subsection (2) (b)*) of this Act shall be subject to the sanction of the Minister for Finance.

Sanction of Minister for Finance and Minister for Health to certain regulations.

(2) Regulations under *section 20 (2) (b)* of this Act shall be subject to the sanction of the Minister for Health.

50 28.—Every regulation under this Act (other than *section 19* of this Act) shall be laid before each House of the Oireachtas as soon as may be after it is made, and, if a resolution is passed by either House of the Oireachtas within the next twenty-one days on which that House has sat after the regulation is laid before it annulling the regulation,

Laying of regulations before Oireachtas.

the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

Exemption from stamp duties.

29.—(1) Section 12 of the Finance Act, 1895, shall not operate so as to require the Agency to deliver to the Revenue Commissioners a copy of this Act or to pay any stamp duty under that section on any copy of this Act. 5

(2) No stamp duty shall be payable on any transfer of shares of the Agency.

Expenses.

30.—(1) The expenses incurred by the Minister or by any other Minister of the Government other than the Minister for Finance 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. 10

(2) The expenses incurred by the Minister for Finance in the administration of this Act shall be paid out of moneys provided by the Oireachtas. 15

Commencement.

31.—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 provisions of this Act. 20

Short title.

32.—This Act may be cited as the Youth Employment Agency Act, 1981.

BILL

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in the morning for the first time in
the history of the city. The
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BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do dhéanamh socrú chun an tAire Saothair do thionscamh cuideachta theoranta chun scéimeanna a bhunú, a fhorbairt, a leathnú, a oibriú, a spreagadh, a mhaoirsiú, a chomhordú agus a chomhaonadh agus chun cúnamh (lena n-áirítear cúnamh airgid) a thabhairt dóibh, go díreach nó go hindíreach, is scéimeanna chun daoine óga a oiliúint agus a fhostú, do dhéanamh socrú le haghaidh tobhach a íoc ar ioncaim chun do ghlanadh chaiteachas na cuideachta ag comhlíonadh a feidhmeanna di agus cibé caiteachas eile i ndáil le daoine óga a oiliúint agus a fhostú a chinneadh an tAire Saothair agus do dhéanamh socrú i dtaobh nithe comhghaolmhara eile.

*An tAire Saothair a thíolaic,
10 Samhain, 1981*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

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

Clóbhualte ag CAHILL PRINTERS LIMITED.

67p

BILL

(as initiated)

entitled

An Act to provide for the promotion by the Minister for Labour of a limited company for the establishment, development, extension, operation, assistance (including financial assistance), encouragement, supervision, co-ordination and integration, either directly or indirectly, of schemes for the training and employment of young persons, to provide for the payment of a levy on incomes to defray the expenditure of the company in the performance of its functions and such other expenditure in relation to the training and employment of young persons as the Minister for Labour may determine and to provide for other connected matters.

*Presented by the Minister for Labour,
10th November, 1981*

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