

National Citizen Service Bill [HL]

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Culture, Media and Sport, are published separately as HL Bill 64 – EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Lord Ashton of Hyde has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the National Citizen Service Bill [HL] are compatible with the Convention rights.

National Citizen Service Bill [HL]

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TO

Make provision about the National Citizen Service Trust.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

NATIONAL CITIZEN SERVICE TRUST

1 National Citizen Service Trust

- (1) In this Act “the NCS Trust” means a body corporate called the National Citizen Service Trust which is to be established by Royal Charter with the following primary functions— 5
- (a) to provide or arrange for the provision of programmes for young people in England with the purpose of—
 - (i) enabling participants from different backgrounds to work together in local communities to participate in projects to benefit society, and 10
 - (ii) enhancing communication, leadership and team-working skills of participants, and
 - (b) to promote the programmes to— 15
 - (i) young people in England,
 - (ii) parents and carers of young people in England,
 - (iii) schools and other educational bodies, and
 - (iv) local authorities and other public bodies.
- (2) For the purposes of this section— 20
- (a) “young people” means 16 and 17 year olds, but may also include other persons who are 15 years old or have attained the age of 18 but are under the age of 25;
 - (b) young people are “in England” if they are resident in England, or receive education or training there.

2 Transfer Schemes

Schedule 1 contains provision about schemes for the transfer of staff, property, rights and liabilities from the NCS Trust C.I.C. (a community interest company registered in England with company registration number 08235117) to the NCS Trust.

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3 Finance

- (1) The Secretary of State may make to the NCS Trust such payments by way of grant out of money provided by Parliament as the Secretary of State considers appropriate.
- (2) Payments under subsection (1) may be made at such times, and subject to such conditions, as the Secretary of State considers appropriate.

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4 Accounts and audit

- (1) The NCS Trust must prepare accounts for each financial year.
- (2) The accounts must be prepared in accordance with any directions given to the NCS Trust by the Secretary of State as to the form of those accounts.
- (3) As soon as reasonably practicable after the end of the financial year, the NCS Trust must send the accounts to the Comptroller and Auditor General.
- (4) The Comptroller and Auditor General must—
 - (a) examine and certify the accounts of the NCS Trust for the financial year,
 - (b) report on the accounts, and
 - (c) lay the certified accounts and report before Parliament.

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5 Business plan

- (1) For each financial year, the NCS Trust must publish a business plan which sets out, in relation to the exercise of the functions of the NCS Trust—
 - (a) the proposed strategic priorities of the NCS Trust for that year, and
 - (b) the proposed main activities of the NCS Trust for that year.
- (2) The business plan must be published before 1 June in the financial year concerned.
- (3) The Secretary of State must lay a copy of the published business plan before each House of Parliament.

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6 Annual report etc

- (1) As soon as reasonably practicable after the end of each financial year, the NCS Trust must give the Secretary of State a report on the performance of its functions during that year.
- (2) In particular the report must address—
 - (a) the extent to which the proposed strategic priorities of the NCS Trust for that year have been met,
 - (b) the extent to which the proposed main activities of the NCS Trust for that year have been carried out,
 - (c) the quality of the programmes provided or arranged by the NCS Trust,

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- (d) the number of participants in those programmes for that year,
 - (e) the extent to which participants from different backgrounds have worked together in those programmes,
 - (f) the number of hours spent volunteering in community projects through participation in those programmes, and
 - (g) the extent to which the NCS Trust has obtained value for money in the exercise of its functions.
 - (3) The Secretary of State must lay a copy of any report given under subsection (1) before each House of Parliament.
 - (4) The copy of the report laid before each House of Parliament may be accompanied by a document prepared by the Secretary of State which contains one or both of the following –
 - (a) comments which the Secretary of State may have on the report;
 - (b) information about activities undertaken by government departments to promote the NCS Trust and its work.
 - (5) The NCS Trust must give the Secretary of State such returns, accounts and other information relating to its property and activities as the Secretary of State requires.
- 7 Notification of financial difficulties**
- (1) In this section, an “NCS Trust provider” means –
 - (a) a body with which the NCS Trust has entered into a contract to provide goods or services in pursuance of the functions described in section 1, or
 - (b) a body which has entered into a contract with a body described in paragraph (a) to provide those goods or services.
 - (2) Subsection (3) applies where –
 - (a) an NCS Trust provider is –
 - (i) in serious financial difficulty, or
 - (ii) in breach of contract with serious consequences for the NCS Trust, or
 - (b) a member of staff of the NCS Trust or of an NCS Trust provider –
 - (i) commits fraud, or
 - (ii) is in breach of the member’s contract of employment with serious consequences for the NCS Trust.
 - (3) The NCS Trust must promptly notify the Secretary of State of the matter.
- 8 Fees**
- (1) The NCS Trust may charge a fee for participation in a programme provided by the NCS Trust or on its behalf.
 - (2) The NCS Trust may charge different fees for different descriptions of participants, for the purpose of enabling participants from different backgrounds to participate in such a programme.

9 HMRC functions

- (1) For the purposes of assisting the NCS Trust to promote its programmes, the Commissioners for Her Majesty’s Revenue and Customs may carry out functions in connection with sending NCS information to young people and their parents and carers. 5
- (2) In this section “NCS information” means communications for the purposes of—
- (a) informing young people and their parents and carers about the NCS Trust and its work, and
 - (b) inviting young people to take part in programmes provided by the NCS Trust. 10
- (3) The content of NCS information may be determined by the NCS Trust.
- (4) In this section “young people” means 15, 16 and 17 year olds.

PART 2**GENERAL 15****10 Definitions**

In this Act—

“financial year” means—

- (a) the period beginning with the day on which the NCS Trust is established and ending with the following 31 March, and 20
- (b) each successive period of 12 months;

“the NCS Trust” has the meaning given by section 1(1).

11 Consequential amendments

Schedule 2 contains consequential amendments relating to the NCS Trust.

12 Transitional provision 25

- (1) In relation to the first financial year of the NCS Trust, section 5(2) has effect as if for “before 1 June in” there were substituted “during the first two months of”.
- (2) The Secretary of State may by regulations made by statutory instrument make transitional, transitory or saving provision in connection with the coming into force of any provision of this Act. 30
- (3) Regulations under this section may make different provision for different purposes.

13 Extent

This Act extends to England and Wales only.

14 Commencement 35

- (1) This Part comes into force on the day on which this Act is passed.

- (2) The other provisions of this Act come into force on such day as the Secretary of State may by regulations made by statutory instrument appoint.
- (3) Different days may be appointed for different purposes.

15 Short title

This Act may be cited as the National Citizen Service Act 2016.

SCHEDULES

SCHEDULE 1

Section 2

TRANSFER SCHEMES

Staff transfer schemes

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| 1 | (1) The Secretary of State may make a scheme (a “staff transfer scheme”) providing for the transfer of designated members of staff of the NCS Trust C.I.C (a community interest company registered in England with company registration number 08235117) (“the company”) to the National Citizen Service Trust (to be established by Royal Charter) (“the Charter body”). | 5 |
| | (2) A staff transfer scheme may provide— | 10 |
| | (a) for the terms and conditions of service of a member of staff of the company to have effect (subject to any necessary modifications) as the terms and conditions of service of a member of staff of the Charter body, | |
| | (b) for the transfer to the Charter body of the rights, powers, duties and liabilities of the company under or in connection with the contract of employment of the member of staff, | 15 |
| | (c) for anything done (or having effect as if done) before that transfer by or in relation to the company in respect of such a contract or the member of staff to be treated as having been done by or in relation to the Charter body. | 20 |
| | (3) A staff transfer scheme may provide for a period before a person became a member of staff of the Charter body to count as a period during which he or she was a member of staff of the Charter body (and for the operation of the scheme not to be treated as having interrupted the continuity of that period). | 25 |
| | (4) A staff transfer scheme may provide for a person who would be treated (by an Act or otherwise) as being dismissed by the operation of the scheme not to be so treated. | |
| | (5) A staff transfer scheme may provide for a person who is a member of staff of the company not to become a member of staff of the Charter body if the person gives notice objecting to the operation of the scheme in relation to him or her. | 30 |

Property transfer schemes

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| 2 | (1) The Secretary of State may make a scheme (a “property transfer scheme”) providing for the transfer to the Charter body of designated properties, rights or liabilities of the company. | 35 |
| | (2) A property transfer scheme may— | |

- (a) create rights, or impose liabilities, in relation to property or rights transferred by virtue of the scheme;
 - (b) provide for anything done by or in relation to the company in connection with any property, rights or liabilities transferred by the scheme to be treated as done, or to be continued, by or in relation to the Charter body; 5
 - (c) apportion property, rights and liabilities;
 - (d) make provision for the shared ownership or use of property;
 - (e) make provision about the continuation of things (including legal proceedings) in the process of being done by, on behalf of or in relation to the company in respect of anything transferred. 10
- (3) The things that may be transferred by a property transfer scheme include –
- (a) property, rights and liabilities that could not otherwise be transferred, and
 - (b) property acquired, and rights and liabilities arising, after the making of the scheme. 15

Continuity

- 3 A transfer by virtue of a staff transfer scheme or a property transfer scheme does not affect the validity of anything done by or in relation to the company before the transfer takes effect. 20

Supplementary provisions

- 4 A staff transfer scheme or a property transfer scheme may –
- (a) include supplementary, incidental, transitional and consequential provision, and
 - (b) provide for the scheme to be modified by agreement after it comes into effect. 25

Procedure for making schemes

- 5 (1) Before making a staff transfer scheme or a property transfer scheme, the Secretary of State must be satisfied that the following persons have been consulted (whether by the Secretary of State or another person) – 30
- (a) those persons that the Secretary of State considers likely to be affected by the making of the scheme, and
 - (b) such other persons as appear to the Secretary of State to represent the interests of such persons.
- (2) The Secretary of State must have regard to the results of the consultation in determining whether to make the scheme. 35
- (3) For the purposes of this paragraph it does not matter whether consultation takes place before or after the passing of this Act.

Interpretation

- 6 In this Schedule – 40
- “designated”, in relation to a staff transfer scheme or a property transfer scheme, means specified in, or determined in accordance with, the scheme;

“property” includes interests of any description;
and references to a transfer of property include references to the grant of a lease.

SCHEDULE 2

Section 11

CONSEQUENTIAL AMENDMENTS

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Disqualification

- 1 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices), insert at the appropriate place—
“Chair of the National Citizen Service Trust, a body established by Royal Charter.”

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Public records

- 2 In Schedule 1 to the Public Records Act 1958 (definition of public records), in Part 2 of the Table at the end of paragraph 3, insert at the appropriate place—
“The National Citizen Service Trust.”

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Freedom of information

- 3 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities to which the Act applies), insert at the appropriate place—
“The National Citizen Service Trust.”

Equality

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- 4 In Part 1 of Schedule 19 to the Equality Act 2010 (public authorities: general), under the heading “Other educational bodies” insert at the appropriate place—
“The National Citizen Service Trust.”

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To make provision about the National Citizen Service Trust.

Lord Ashton of Hyde

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