

## SCHEDULES

### SCHEDULE 2

Section 6.

#### MODIFICATIONS OF INDUSTRIAL TRAINING ACT 1964

#### PART I

##### THE MODIFICATIONS—GENERAL

- 1 Subject to any modifications made by the following paragraphs of this Part of this Schedule in any of the following provisions of the Act, in sections 1(4), 2(5) and (6), 4(2), 5(1), (2) and (5), 7(2) and 8(3) of the Act a reference to the Commission shall be substituted for any reference to the Secretary of State.
- 2 (1) In section 1(1) of the Act after the word "may" there shall be inserted the words " , if the Manpower Services Commission submits to him proposals that he should do so, " .
- (2) In subsection (2) of section 1 of the Act, after the word "Act" there shall be inserted the following definitions—
- "the Commission " means the Manpower Services Commission ;
- " employee " includes a person engaged under a contract for services, and " employer " shall be construed accordingly ;
- " employment " means employment under a contract of service or apprenticeship or a contract for services or otherwise than under a contract, and " employed " shall be construed accordingly ;
- " exemption certificate " has the meaning assigned to it by section 4A(1) of this Act, and " holder " in relation to an exemption certificate means the person to whom the certificate is issued;"
- and for so much of the said subsection (2) as begins with the word " and " in the definition of " the industry " there shall be substituted the following definitions—
- " levy order " has the meaning assigned to it by section 4(1) of this Act;
- and
- " the Minister " means the Secretary of State."
- (3) In section 1(4) of the Act, for the words "Before making" there shall be substituted the words " Before the Commission submits to the Minister proposals for the making of " .
- 3 (1) In section 2(1) of the Act—
- (a) at the beginning there shall be inserted the words " For the purpose of encouraging adequate training of persons employed or intending to be employed in the industry " ;
- (b) in paragraphs (a) and (c) for the word " shall " there shall be substituted the word " may " and in paragraph (a) for the words from " of persons" to " required " there shall be substituted the words " of those persons as the

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board considers adequate " and for the words " such persons " there shall be substituted the words " those persons ";

- (c) after paragraph (g) there shall be inserted the following paragraph—  
 “(h) may provide advice about training connected with the industry.”

- (2) For subsection (3) of section 2 of the Act there shall be substituted the following subsection—

“(3) An industrial training board may—

- (a) at the request of another industrial training board provide advice for the other board and courses and other facilities for the training of persons employed or intending to be employed in the industry for which that other board is established ;
- (b) at the request of the Commission provide such other advice, and such other courses and facilities for training, as are mentioned in the request;
- (c) at the request of an employer in the industry provide for him advice about training connected with activities carried on in Northern Ireland or outside the United Kingdom which, if they were carried on in Great Britain, would be included in the industry ;
- (d) enter into agreements with persons for the making by them of payments to the board in respect of the exercise by the board of any of its functions ;
- (e) take part in any arrangements made in pursuance of section 2(1) or (2), 3(4) or 8 of the Employment and Training Act 1973 (which relate to arrangements for persons to select, train for and obtain suitable employments and to obtain suitable employees) ;

but any expense incurred by the board in pursuance of paragraph (c) of this subsection shall not be defrayed out of sums received by the board by way of levy.”

- (3) At the end of paragraph (b) of section 2(4) of the Act there shall be inserted the words

“, to persons who make studies for the purpose of providing such courses or facilities and to persons who maintain arrangements to provide such courses or facilities which are not for the time being in use " and at the end of the said section 2(4) there shall be inserted the following paragraph—

- (d) make payments to persons in connection with arrangements under which they or employees of theirs make use of courses or other facilities provided or approved by the board.”

- 4 (1) In section 3(1) of the Act for the words " the proposals " there shall be substituted the words " proposals submitted to and approved by the Commission under section 7 of this Act " and after the words " section 2 " there shall be inserted the words " or 4B(4) ".

- (2) In section 3(2) of the Act, for the words from " allowances " onwards there shall be substituted the words " allowances (including allowances for loss of remunerative time) as the Minister may determine with the approval of the Minister for the Civil Service and to the chairman of any such committee to which functions mentioned in the preceding subsection are delegated (hereafter in this section referred to as a " relevant committee ") such remuneration as the Minister may so determine ".

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- (3) After subsection (2) of section 3 of the Act there shall be inserted the following subsection—
- “(2A) An industrial training board may make, or as the case may be join in making, such arrangements as the Minister may specify with the approval of the Minister for the Civil Service—
- (a) for the payment of pensions, superannuation allowances and gratuities to or in respect of the chairmen of relevant committees ;
  - (b) for the payment of compensation to a person who ceases to be a chairman of a relevant committee otherwise than on the expiry of his term of office where it appears to the Minister that there are special circumstances which make it right for him to receive compensation.”
- 5 (1) For subsection (1) of section 4 of the Act there shall be substituted the following subsection—
- “(1) For the purpose of encouraging adequate training in the industry an industrial training board may, in accordance with an order made by the Minister (hereafter in this Act referred to as " a levy order " ), impose a levy on employers in the industry except so far as they are exempted from the levy by the industrial training order, the levy order or an exemption certificate.”
- (2) In section 4(2) of the Act, after the words " to proposals" there shall be inserted the words " in respect of a levy which have been " .
- (3) In section 4 of the Act, after subsection (2) there shall be inserted the following subsection—
- “(2A) Nothing in this Act shall be construed as requiring the Minister to make a levy order in a case in which he considers it inexpedient to make one ; and the Minister shall not make a levy order in pursuance of any proposals under the said section 7 unless—
- (a) he is satisfied that proposals published by the relevant board in pursuance of section 4A of this Act provide for exemption certificates relating to the levy (other than levy payable by virtue of subsection (1B) of the said section 7) in such cases as he considers appropriate ;
  - (b) such of the proposals under the said section 7 as were made in pursuance of subsection (1A)(a) of that section and are approved by the Commission provide for the exemption from the levy of employers who, in view of the small number of their employees, ought in his opinion to be exempted from it;
  - (c) he is satisfied that such of the proposals under the said section 7 as were made in pursuance of subsection (1B) of that section are necessary as mentioned in paragraph (a) of that subsection and are shown, by evidence furnished by the board which made the proposals, to be considered necessary as mentioned in paragraph (b) of that subsection; and
  - (d) the amount which, disregarding any exemptions, he estimates would if the order were made be payable by virtue of it by any employer in the industry either—
    - (i) does not exceed an amount which the Minister estimates is equal to one per cent, of the aggregate of the emoluments

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and payments intended to be disbursed as emoluments which are paid and payable, by that employer to or in respect of persons employed in the industry, in respect of the period specified in the proposals as the period which is relevant for the purposes of this sub-paragraph, or

- (ii) does exceed the amount mentioned in the preceding sub-paragraph but is considered by him to be appropriate in the circumstances ;

and a levy order made in a case falling within paragraph (d)(ii) of this subsection shall state that it is made in such a case.”

- (4) In section 4(3) of the Act, before the word " contain " there shall be inserted the words " provide for payments by way of levy to accrue due from day to day over a period specified in the order and may " and before the word " become " there shall be inserted the words " (whether or not any period over which that amount accrues due has expired) " .
- (5) At the end of section 4(4) of the Act there shall be inserted the words " unless the instrument contains only an order which includes a statement that it is made in a case falling within subsection (2A)(d)(ii) of this section, and no levy order which includes such a statement shall be made unless a draft of the order has been approved by a resolution of each House of Parliament " .

6           After section 4 of the Act there shall be inserted the following sections—

**“4A Proposals for exemption by certificate from certain levies.**

- (1) An industrial training board may from time to time, and shall whenever directed to do so by the Commission, submit to the Commission for the Commission's approval proposals for the issue of certificates (in this Act referred to as " exemption certificates") which, while the certificates are in force, are to exempt from relevant levy employers in the industry who—
- (a) make arrangements for the training, or the training and further education associated with training, of persons needed to carry on the activities which are or are expected to be carried on at establishments of the employers ; and
  - (b) satisfy the board, by reference to criteria specified in the proposals, that the arrangements are adequate for those establishments ;
- and in this subsection " relevant levy " means levy which, apart from any exemption certificate, is payable to the board in question by virtue of this Act in respect of persons employed at establishments for which such arrangements are made, other than levy which the levy order authorising it provides is to be payable notwithstanding any exemption certificate.
- (2) Where a board by which proposals are submitted to the Commission in pursuance of the preceding subsection is informed by the Commission that the Commission and the Minister approve the proposals, it shall be the duty of the board to arrange for the proposals to be published as soon as practicable in a manner approved by the Commission.
- (3) Proposals made by a board in pursuance of subsection (1) of this section—

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- (a) must include proposals as to the arrangements for the reconsideration of decisions in pursuance of subsection (4) of the following section ; and
- (b) may include proposals for altering or cancelling any previous proposals made by the board in pursuance of subsection (1) of this section ;

but proposals made by virtue of paragraph (b) of this subsection shall not affect the operation of any exemption certificates issued in pursuance of previous proposals.

- (4) Subsections (2) to (6) of section 7 of this Act shall have effect in relation to a direction under subsection (1) of this section and proposals mentioned in that subsection as they have effect in relation to a direction under section 7(1) of this Act and proposals mentioned in the said section 7(1).

#### **4B Certificates of exemption from levy.**

- (1) Where an industrial training board is satisfied, on an application made in writing to the board by an employer liable apart from this section to pay to the board any levy from which exemption may be conferred on him by an exemption certificate, that the arrangements made by him for the training, or the training and further education associated with training, of persons needed to carry on the activities which are or are expected to be carried on at a particular establishment of his are such that, in accordance with proposals published by the board in pursuance of the preceding section, an exemption certificate falls to be issued to him in respect of the establishment, it shall be the duty of the board to issue such a certificate to him; and the holder of an exemption certificate shall, while the certificate is in force, be exempt from levy payable to the board by virtue of this Act in respect of persons employed at the establishment to which the certificate relates, other than levy which the levy order authorising it provides is to be payable notwithstanding any exemption certificate.
- (2) An exemption certificate—
  - (a) may require the holder of the certificate to comply with such conditions relating to the training, or the training and education, of persons needed to carry on the activities which are or are expected to be carried on at the establishments to which the certificate relates (including in particular conditions as to the inspection on behalf of the relevant board of the arrangements for the training or the training and education) as are specified in the certificate and are in accordance with the proposals mentioned in the preceding subsection ;
  - (b) shall specify the date on which the certificate is to come into force ;
  - (c) shall specify the period (not exceeding three years beginning with that date) at the expiration of which it shall cease to be in force unless it has previously ceased to be in force by virtue of the following subsection ;
  - (d) may provide that the certificate shall be deemed to have been in force for such period before the date on which it comes into force as is specified in the certificate (which shall not begin before the period

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- of one year ending with the date on which the said board received the application in pursuance of which it issues the certificate);  
 and any levy paid to the said board by a person for a period in respect of which by virtue of paragraph (d) of this subsection it becomes not payable shall be repayable by the board to that person.
- (3) An exemption certificate issued by a board shall cease to be in force if the board gives notice in writing to the holder of the certificate stating that in the opinion of the board he has failed to comply with conditions specified in the certificate and mentioned in the notice ; but for the purposes of the preceding provisions of this subsection a notice given in pursuance of this subsection shall be disregarded if the board subsequently informs the person to whom it was given that the notice is withdrawn.
- (4) If a person who is liable apart from any exemption certificate to pay to a board levy from which exemption may be conferred by an exemption certificate is dissatisfied with the decision of the board—
- (a) to refuse to issue to him an exemption certificate relating to such levy in respect of a particular establishment; or
  - (b) to refuse to include in an exemption certificate issued to him provisions or different provisions authorised by subsection (2)(b) or (d) of this section ; or
  - (c) to include in an exemption certificate provisions requiring him to comply with conditions ; or
  - (d) to give a notice to him in pursuance of subsection (3) of this section, and requests the board in writing to reconsider the decision, it shall be the duty of the board to reconsider it or to secure that it is reconsidered by a committee authorised to deal with such requests by virtue of section 3(1) of this Act; and if on reconsidering the decision the board or committee decides not to alter it, or not to alter it in a manner which the person who made the request considers is satisfactory, that person may refer the decision to a body established in pursuance of the following subsection.
- (5) It shall be the duty of the Minister to make regulations establishing a body to which decisions are to be referred in pursuance of the preceding subsection ; and regulations made by virtue of this subsection may include provisions as to the powers and procedure of the body and such other provisions (including provisions for defraying the body's expenses out of moneys provided by Parliament or otherwise) as the Minister considers appropriate for the purpose of facilitating the exercise by the body of its functions and may, without prejudice to the generality of the preceding provisions of this subsection—
- (a) require a board to draw the attention of a person to his right to refer a decision to the body ;
  - (b) authorise the body to direct a board of which a decision is referred to the body to alter the decision in a manner specified in the direction ; and
  - (c) require the board to comply with the direction and provide for any case in which it fails to do so.

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- (6) Regulations under subsection (5) of this section shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) No appeal shall lie to a tribunal established in pursuance of section 12 of this Act in respect of such a decision as is mentioned in subsection (4) of this section.”
- 7 (1) In section 5(1) of the Act for the word " Treasury " there shall be substituted the word " Minister ".
- (2) In section 5 of the Act after subsection (1) there shall be inserted the following subsection—
- “(1A) The Commission may give to an industrial training board such directions as the Commission thinks fit for the purpose of securing—
- (a) that the board's expenditure for a purpose specified in the directions does not exceed an amount so specified ; and
- (b) that the whole or part of any grant or loan made to the board in pursuance of the preceding subsection is used only for the purposes specified in the directions ;
- and it shall be the duty of the board to comply with the directions.”
- 8 (1) At the end of section 6(3) of the Act there shall be inserted the words " or to the Commission, the Employment Service Agency, the Training Services Agency or an officer of the Commission or either Agency ".
- (2) In section 6(7)(b) of the Act for the words " either of those subsections " there shall be substituted the words " that subsection ".
- 9 After section 6 of the Act there shall be inserted the following section—

**“6A Provisions supplementary to s.6.**

- (1) The Commission may, with the approval of the Minister, direct an industrial training board to exercise the power to require the furnishing of information which is conferred on the board by subsection (2) of the preceding section (hereafter in this section referred to as " the relevant power ") so as to require employers in the industry to furnish to the board, in such form and on such occasions as are specified in the direction, such information as the Commission considers that the Commission needs for the purposes of its functions and as is so specified ; and it shall be the duty of the board to comply with the direction.
- (2) An industrial training board shall not exercise the relevant power except—
- (a) in pursuance of a direction given by virtue of the preceding subsection ; or
- (b) with the approval of the Minister and in accordance with the conditions, if any, of the approval;
- and any application by a board for approval in pursuance of paragraph (b) of this subsection must be made to the Commission and contain such information as the Commission may require with respect to the proposed exercise of the relevant power.

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- (3) Where the Commission receives such an application from a board the Commission—
- (a) may request the board to withdraw or alter the application; and
  - (b) shall, if it does not so request or the board declines to comply with the request or complies with a request to alter the application, transmit the application to the Minister ;
- and it shall be the duty of the Commission on transmitting the application to the Minister to inform him whether in its opinion he should reject the application or approve it with specified conditions or without conditions.
- (4) An approval of an application given by the Minister in pursuance of subsection (2)(b) of this section may be given subject to conditions that the board in question may exercise the relevant power only for the purpose of requiring the furnishing of information in such forms and on such occasions as are specified in the instrument of approval.”
- 10 (1) For subsection (1) of section 7 of the Act there shall be substituted the following subsection—
- “(1) An industrial training board shall from time to time, and whenever directed to do so by the Commission, submit to the Commission for the Commission's approval proposals for the exercise of functions conferred on the board by section 2 of this Act and may from time to time, and shall whenever directed by the Commission to do so, submit as aforesaid—
- (a) proposals for the delegation of all or any of those functions to committees established under section 3 of this Act; and
  - (b) proposals for the raising and collection of a levy.”
- (2) After subsection (1) of section 7 of the Act there shall be inserted the following subsections—
- “(1A) Any proposals by a board in pursuance of paragraph (b) of the preceding subsection must include—
- (a) proposals for exempting from the levy any employer who, in view of the small number of his employees, ought in the opinion of the board to be exempted from it; and
  - (b) such information or further information as the Commission directs the board to furnish, and any additional information which the board considers appropriate, for the purpose of assisting the Minister to decide whether a levy order made in pursuance of the proposals would fall within sub-paragraph (i) or sub-paragraph (ii) of section 4(2A)(d) of this Act;
- and proposals in pursuance of paragraph (a) of this subsection may be made in respect of different numbers of employees for different employers or classes of employers and may provide for numbers of employees or for employers or classes of employers to be determined by reference to such factors as are specified in the proposals.
- (1B) Any proposals made by a board in pursuance of paragraph (b) of subsection (1) of this section may include proposals for securing that exemption certificates issued by the board shall not exempt from the whole or a portion of the levy the employers or some of the employers in the industry, and different proposals may be made in pursuance of

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this subsection as respects different categories of employers and different portions of the levy; but the Commission shall not approve proposals made in pursuance of this subsection unless—

- (a) it is of the opinion that the proposals are necessary to encourage adequate training in the industry; and
- (b) it is satisfied, by evidence furnished to it by the board, that—
  - (i) organisations appearing to it to represent more than half of the persons whom it considers are likely to be liable to make payments by way of levy in consequence of the proposals, and
  - (ii) organisations appearing to it to represent persons whom it considers are together likely to be liable to make payments by way of levy in consequence of the proposals which amount to more than half the aggregate amount of those payments,

consider, after taking reasonable steps to ascertain the views of the proposals taken by the persons aforesaid who are represented by the organisations, that the proposals are necessary as mentioned in paragraph (a) of this subsection.

(1C) It shall be the duty of the Commission to submit to the Minister any proposals which are made to the Commission in pursuance of paragraph (b) of subsection (1) of this section and approved by the Commission.”

- (3) In section 7(2) of the Act for the words from " the proposals submitted " to " unsatisfactory he" there shall be substituted the words " it appears to the Minister, after he has considered a report made to him by the Commission on the proposals submitted in pursuance of the direction, that the proposals are unsatisfactory he " .
- 11 (1) In section 8(1) of the Act for the words "Minister may, with the approval of" there shall be substituted the words " Commission may, with the approval of the Minister and " .
- (2) At the beginning of section 8(4) of the Act there shall be inserted the words " The Commission shall send a copy of every such report to the Minister and " .
- 12 (1) In section 9(1) of the Act after the word " may " there shall be inserted the words " on the recommendation of the Commission " .
- (2) In section 9(2) of the Act for the words from the beginning to " Minister" there shall be substituted the words " Before recommending the making of an order under subsection (1)(a) of this section the Commission shall consult the industrial training board and such organisations or associations appearing to the Commission to be representative—
    - (a) of employers engaged in activities to be included in or excluded from the relevant industrial training order by virtue of the amendments in question ; and
    - (b) of employees engaged in those activities ;and before recommending the making of an order under subsection (1)(b) of this section the Commission " .
  - (3) In section 9(3) of the Act after the word " industry " there shall be inserted the words " (whether or not they are holders of exemption certificates) " and after the word " raising" there shall be inserted the words " the whole or part of " .

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13 After section 9 of the Act there shall be inserted the following section—

**“9A Transfer of establishments' activities from industry of one board to that of another.**

- (1) If an employer in the industry of an industrial training board requests the Commission in writing to secure that activities carried on at a particular establishment of his shall, instead of being included for the purposes of this Act in that industry, be included for those purposes in the industry of another industrial training board, the Commission may if it thinks fit, after consulting both the boards in question about the request, submit it to the Minister with a recommendation that he should give effect to the request.
- (2) Where the Minister receives a recommendation in pursuance of the preceding subsection in respect of a request he may if he thinks fit make an order giving effect to the request; and the power conferred by this subsection to make an order relating to an establishment shall—
  - (a) be exercisable by statutory instrument; and
  - (b) include power to revoke or vary any previous order made in the exercise of that power in respect of the establishment.
- (3) An industrial training order or an order under the preceding section may revoke an order under the preceding subsection.”

14 In section 10 of the Act after the word " board" in subsection (1) and in each place where it occurs in subsection (3) there shall be inserted the words " the Commission or the Minister ".

15 In section 12 of the Act after subsection (2A) there shall be inserted the following subsection—

“(2B) The Minister may out of moneys provided by Parliament pay such remuneration as he may determine with the consent of the Minister for the Civil Service to the President of the Industrial Tribunals (England and Wales), the President of the Industrial Tribunals (Scotland) and any person who is a member on a full-time basis of a panel of chairmen of tribunals which is appointed in accordance with regulations under this section.”

16 In section 14(1) of the Act for the words from the beginning to " carried on " there shall be substituted the words " An industrial training board may, with the consent of the Commission given with the approval of the Minister, exercise such functions in connection with training for employment " and at the end of section 14(1) there shall be inserted the words " ; and -the board may enter into agreements for the making of payments to the board in respect of the exercise in pursuance of this subsection of functions by the board. "

17 In the Schedule to the Act—

- (a) at the end of paragraph 4 there shall be inserted the words " and may make such arrangements for the payment of pensions, superannuation allowances and gratuities to or in respect of its chairman as the Minister may specify with the like approval ";
- (b) after paragraph 4 there shall be inserted the following paragraph—
 

“4A Where a person ceases to be the chairman of an industrial training board otherwise than on the expiry of his term of office and it appears to the Minister that there are

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- special circumstances which make it right for him to receive compensation, the board may make him a payment of such amount as the Minister may determine with the approval of the Minister for the Civil Service.”;
- (c) in paragraph 6(1) after the word " specify " there shall be inserted the words " and the Commission ";
  - (d) after sub-paragraph (1) of paragraph 6 there shall be inserted the following sub-paragraph—
    - “(1A) The Commission may appoint one or more persons to attend the meetings of a committee of an industrial training board, and a person so appointed shall be entitled to take part in the proceedings of the committee and receive copies of all documents distributed to its members but shall have no vote.”
  - (e) at the end of paragraph 10 there shall be inserted the words " with the approval of the Minister given with the consent of the Minister for the Civil Service "; and
  - (f) in paragraph 11 for the words "as the board may determine " there shall be substituted the words " (including allowances for loss of remunerative time) as the Minister may determine with the approval of the Minister for the Civil Service ".
- 18 The following provisions of the Act shall cease to have effect, namely—
- (a) section 2(1)(f);
  - (b) in section 3(1), the words from " , in accordance " to " section 7 of this Act, " ;
  - (c) in section 5, in subsection (1) the words "out of moneys provided by Parliament", subsection (3) and in subsection (4) the words from " and any " onwards ;
  - (d) in section 6, subsection (1), in subsection (2) the words from " and any " to " board " in the second place where it occurs and in subsections (6) and (7)(a) the words " subsection (1) or";
  - (e) sections 11, 13 and 17 ;
  - (f) in the Schedule, paragraph 6(2).

## PART II

### SECTIONS 1 TO 7, 9, 9A, 12 AND 14(1) OF THE ACT AS AMENDED

#### **“1 Establishment of industrial training boards.**

- (1) For the purpose of making better provision for the training of persons over compulsory school age (in Scotland school age) for employment in any activities of industry or commerce the Minister may, if the Manpower Services Commission submits to him proposals that he should do so, make an order specifying those activities and establishing a board to exercise in relation to them the functions conferred on industrial training boards by the following provisions of this Act.
- (2) In this Act—
  - " the Commission " means the Manpower Services Commission ;
  - " employee " includes a person engaged under a contract for services, and " employer " shall be construed accordingly ;

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" employment " means employment under a contract of service or apprenticeship or a contract for services or otherwise than under a contract, and " employed " shall be construed accordingly;

" exemption certificate " has the meaning assigned to it by section 4A(1) of this Act, and " holder " in relation to an exemption certificate means the person to whom the certificate is issued ;

" industrial training board " means a board established under this section;

" industrial training order " means an order under this section ;

" the industry ", in relation to an industrial training board, means the activities in relation to which it exercises functions;

" levy order " has the meaning assigned to it by section 4(1) of this Act; and

" the Minister " means the Secretary of State.

- (3) The provisions of the Schedule to this Act shall have effect with respect to industrial training boards.
- (4) Before the Commission submits to the Minister proposals for the making of an industrial training order the Commission shall consult any organisation or association of organisations appearing to it to be representative of substantial numbers of employees engaging in the activities concerned and any organisation or association of organisations appearing to it to be representative of substantial numbers of persons employed in those activities; and if those activities are carried on to a substantial extent by a body established for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, shall also consult that body.
- (5) An industrial training order may provide for any incidental or supplementary matter for which it appears to the Minister to be necessary or expedient to provide.
- (6) The power to make an industrial training order shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## **2 Functions of industrial training board.**

- (1) For the purpose of encouraging adequate training of persons employed or intending to be employed in the industry an industrial training board—
  - (a) may provide or secure the provision of such courses and other facilities (which may include residential accommodation) for the training of those persons as the board considers adequate, having regard to any courses or facilities otherwise available to those persons ;
  - (b) may approve such courses and faculties provided by other persons;
  - (c) may from time to time consider such employments in the industry as appear to require consideration and publish recommendations with regard to the nature and length of the training for any such employment and the further education to be associated with the training, the persons by and to whom the training ought to be given, the standards to be attained as a result of the training and the methods of ascertaining whether those standards have been attained ;
  - (d) may apply or make arrangements for the application of selection tests and of tests or other methods for ascertaining the attainment of any standards recommended by the board and may award certificates of the attainment of those standards;

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- (e) may assist persons in finding facilities for being trained for employment in the industry ;
  - (g) may carry on or assist other persons in carrying on research into any matter relating to training for employment in the industry ;
  - (h) may provide advice about training connected with the industry.
- (2) An industrial training board may enter into contracts of service or apprenticeship with persons who intend to be employed in the industry and to attend courses or avail themselves of other facilities provided or approved by the board.
- (3) An industrial training board may—
- (a) at the request of another industrial training board provide advice for the other board and courses and other facilities for the training of persons employed or intending to be employed in the industry for which that other board is established;
  - (b) at the request of the Commission provide such other advice, and such other courses and facilities for training, as are mentioned in the request;
  - (c) at the request of an employer in the industry provide for him advice about training connected with activities carried on in Northern Ireland or outside the United Kingdom which, if they were carried on in Great Britain, would be included in the industry ;
  - (d) enter into agreements with persons for the making by them of payments to the board in respect of the exercise by the board of any of its functions ;
  - (e) take part in any arrangements made in pursuance of section 2(1) or (2), 3(4) or 8 of the Employment and Training Act 1973 (which relate to arrangements for persons to select, train for and obtain suitable employments and to obtain suitable employees);
- but any expense incurred by the board in pursuance of paragraph (c) of this subsection shall not be defrayed out of sums received by the board by way of levy.
- (4) An industrial training board may—
- (a) pay maintenance and travelling allowances to persons attending courses provided or approved by the board ;
  - (b) make grants or loans to persons providing courses or other facilities approved by the board, to persons who make studies for the purpose of providing such courses or facilities and to persons who maintain arrangements to provide such courses or facilities which are not for the time being in use ;
  - (c) pay fees to persons providing further education in respect of persons who receive it in association with their training in courses provided or approved by the board;
  - (d) make payments to persons in connection with arrangements under which they or employees of theirs make use of courses or other facilities provided or approved by the board.
- (5) An industrial training board shall exercise its functions under this section in accordance with proposals submitted to the Commission and approved by the Commission under section 7 of this Act.
- (6) An industrial training board shall give to the Commission such information or facilities for obtaining information with regard to the exercise of its functions, in such manner and at such times as the Commission may reasonably require.

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### **3 Establishment of committees.**

- (1) An industrial training board may—
- (a) appoint committees (which need not include members of the board);
  - (b) join with one or more other industrial training boards in appointing joint committees consisting of such persons (whether or not members of an industrial training board) as may be determined by the boards ;
- and delegate to any such committee, to such extent as may be stated in proposals submitted to and approved by the Commission under section 7 of this Act, all or any of the functions conferred on the board by section 2 or 4B(4) of this Act.
- (2) An industrial training board may pay or, as the case may be, join in paying, to the members of such a committee such travelling, subsistence and other allowances (including allowances for loss of remunerative time) as the Minister may determine with the approval of the Minister for the Civil Service and to the chairman of any such committee to which functions mentioned in the preceding subsection are delegated (hereafter in this section referred to as a "relevant committee") such remuneration as the Minister may so determine.
- (2A) An industrial training board may make, or as the case may be join in making, such arrangements as the Minister may specify with the approval of the Minister for the Civil Service—
- (a) for the payment of pensions, superannuation allowances and gratuities to or in respect of the chairmen of relevant committees ;
  - (b) for the payment of compensation to a person who ceases to be a chairman of a relevant committee otherwise than on the expiry of his term of office where it appears to the Minister that there are special circumstances which make it right for him to receive compensation.
- (3) Subject to any directions of the board or boards which appointed it, a committee appointed under this section may regulate its own procedure and fix a quorum for its proceedings.

### **4 Levies.**

- (1) For the purpose of encouraging adequate training in the industry an industrial training board may, in accordance with an order made by the Minister (hereafter in this Act referred to as " a levy order "), impose a levy on employers in the industry except so far as they are exempted from the levy by the industrial training order, the levy order or an exemption certificate.
- (2) A levy order shall give effect to proposals in respect of a levy which have been submitted to and approved by the Commission under section 7 of this Act, and such proposals may provide for the amendment of a previous levy order and may make different provision in relation to different classes or descriptions of employer.
- (2A) Nothing in this Act shall be construed as requiring the Minister to make a levy order in a case in which he considers it inexpedient to make one ; and the Minister shall not make a levy order in pursuance of any proposals under the said section 7 unless—
- (a) he is satisfied that proposals published by the relevant board in pursuance of section 4A of this Act provide for exemption certificates relating to the levy (other than levy payable by virtue of subsection (1B) of the said section 7) in such cases as he considers appropriate;

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- (b) such of the proposals under the said section 7 as were made in pursuance of subsection (1A)(a) of that section and are approved by the Commission provide for the exemption from the levy of employers who, in view of the small number of their employees, ought in his opinion to be exempted from it;
- (c) he is satisfied that such of the proposals under the said section 7 as were made in pursuance of subsection (1B) of that section are necessary as mentioned in paragraph (a) of that subsection and are shown, by evidence furnished by the board which made the proposals, to be considered necessary as mentioned in paragraph (b) of that subsection ; and
- (d) the amount which, disregarding any exemptions, he estimates would if the order were made be payable by virtue of it by any employer in the industry either—
  - (i) does not exceed an amount which the Minister estimates is equal to one per cent, of the aggregate of the emoluments and payments intended to be disbursed as emoluments which are paid and payable, by that employer to or in respect of persons employed in the industry, in respect of the period specified in the proposals as the period which is relevant for the purposes of this sub-paragraph, or
  - (ii) does exceed the amount mentioned in the preceding sub-paragraph but is considered by him to be appropriate in the circumstances ;

and a levy order made in a case falling within paragraph (d)(ii) of this subsection shall state that it is made in such a case.

- (3) A levy order may provide for payments by way of levy to accrue due from day to day over a period specified in the order and may contain provisions as to the evidence by which a person's liability to the levy or his discharge of that liability may be established and as to the time at which any amount payable by any person by way of the levy shall (whether or not any period over which that amount accrues due has expired) become due and recoverable by the industrial training board, and shall give any person assessed to the levy a right of appeal to an appeal tribunal constituted under this Act.
- (4) The power to make a levy order shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament unless the instrument contains only an order which includes a statement that it is made in a case falling within subsection (2A)(d)(ii) of this section, and no levy order which includes such a statement shall be made unless a draft of the order has been approved by a resolution of each House of Parliament.

#### **4A Proposals for exemption by certificate from certain levies.**

- (1) An industrial training board may from time to time, and shall whenever directed to do so by the Commission, submit to the Commission for the Commission's approval proposals for the issue of certificates (in this Act referred to as " exemption certificates ") which, while the certificates are in force, are to exempt from relevant levy employers in the industry who—
  - (a) make arrangements for the training, or the training and further education associated with training, of persons needed to carry on the activities which are or are expected to be carried on at establishments of the employers; and
  - (b) satisfy the board, by reference to criteria specified in the proposals, that the arrangements are adequate for those establishments ;

and in this subsection " relevant levy " means levy which, apart from any exemption certificate, is payable to the board in question by virtue of this Act in respect of persons employed at establishments for which such arrangements are made, other than levy

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which the levy order authorising it provides is to be payable notwithstanding any exemption certificate.

- (2) Where a board by which proposals are submitted to the Commission in pursuance of the preceding subsection is informed by the Commission that the Commission and the Minister approve the proposals, it shall be the duty of the board to arrange for the proposals to be published as soon as practicable in a manner approved by the Commission.
- (3) Proposals made by a board in pursuance of subsection (1) of this section—
  - (a) must include proposals as to the arrangements for the reconsideration of decisions in pursuance of subsection (4) of the following section ; and
  - (b) may include proposals for altering or cancelling any previous proposals made by the board in pursuance of subsection (1) of this section ;but proposals made by virtue of paragraph (b) of this subsection shall not affect the operation of any exemption certificates issued in pursuance of previous proposals.
- (4) Subsections (2) to (6) of section 7 of this Act shall have effect in relation to a direction under subsection (1) of this section and proposals mentioned in that subsection as they have effect in relation to a direction under section 7(1) of this Act and proposals mentioned in the said section 7(1).

#### **4B Certificates of exemption from levy.**

- (1) Where an industrial training board is satisfied, on an application made in writing to the board by an employer liable apart from this section to pay to the board any levy from which exemption may be conferred on him by an exemption certificate, that the arrangements made by him for the training, or the training and further education associated with training, of persons needed to carry on the activities which are or are expected to be carried on at a particular establishment of his are such that, in accordance with proposals published by the board in pursuance of the preceding section, an exemption certificate falls to be issued to him in respect of the establishment, it shall be the duty of the board to issue such a certificate to him ; and the holder of an exemption certificate shall, while the certificate is in force, be exempt from levy payable to the board by virtue of this Act in respect of persons employed at the establishment to which the certificate relates, other than levy which the levy order authorising it provides is to be payable notwithstanding any exemption certificate.
- (2) An exemption certificate—
  - (a) may require the holder of the certificate to comply with such conditions relating to the training, or the training and education, of persons needed to carry on the activities which are or are expected to be carried on at the establishments to which the certificate relates (including in particular conditions as to the inspection on behalf of the relevant board of the arrangements for the training or the training and education) as are specified in the certificate and are in accordance with the proposals mentioned in the preceding subsection;
  - (b) shall specify the date on which the certificate is to come into force ;
  - (c) shall specify the period (not exceeding three years beginning with that date) at the expiration of which it shall cease to be in force unless it has previously ceased to be in force by virtue of the following subsection ;
  - (d) may provide that the certificate shall be deemed to have been in force for such period before the date on which it comes into force as is specified in the certificate (which shall not begin before the period of one year ending with the

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date on which the said board received the application in pursuance of which it issues the certificate);

and any levy paid to the said board by a person for a period in respect of which by virtue of paragraph (d) of this subsection it becomes not payable shall be repayable by the board to that person.

- (3) An exemption certificate issued by a board shall cease to be in force if the board gives notice in writing to the holder of the certificate stating that in the opinion of the board he has failed to comply with conditions specified in the certificate and mentioned in the notice ; but for the purposes of the preceding provisions of this subsection a notice given in pursuance of this subsection shall be disregarded if the board subsequently informs the person to whom it was given that the notice is withdrawn.
- (4) If a person who is liable apart from any exemption certificate to pay to a board levy from which exemption may be conferred by an exemption certificate is dissatisfied with the decision of the board—
  - (a) to refuse to issue to him an exemption certificate relating to such levy in respect of a particular establishment; or
  - (b) to refuse to include in an exemption certificate issued to him provisions or different provisions authorised by subsection (2)(6) or (d) of this section ; or
  - (c) to include in an exemption certificate provisions requiring him to comply with conditions ; or
  - (d) to give a notice to him in pursuance of subsection (3) of this section,and requests the board in writing to reconsider the decision, it shall be the duty of the board to reconsider it or to secure that it is reconsidered by a committee authorised to deal with such requests by virtue of section 3(1) of this Act; and if on reconsidering the decision the board or committee decides not to alter it, or not to alter it in a manner which the person who made the request considers is satisfactory, that person may refer the decision to a body established in pursuance of the following subsection.
- (5) It shall be the duty of the Minister to make regulations establishing a body to which decisions are to be referred in pursuance of the preceding subsection ; and regulations made by virtue of this subsection may include provisions as to the powers and procedure of the body and such other provisions (including provisions for defraying the body's expenses out of moneys provided by Parliament or otherwise) as the Minister considers appropriate for the purpose of facilitating the exercise by the body of its functions and may, without prejudice to the generality of the preceding provisions of this subsection—
  - (a) require a board to draw the attention of a person to his right to refer a decision to the body ;
  - (b) authorise the body to direct a board of which a decision is referred to the body to alter the decision in a manner specified in the direction ; and
  - (c) require the board to comply with the direction and provide for any case in which it fails to do so.
- (6) Regulations under subsection (5) of this section shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) No appeal shall lie to a tribunal established in pursuance of section 12 of this Act in respect of such a decision as is mentioned in subsection (4) of this section.

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## **5 Grants and loans, etc.**

- (1) The Commission may with the approval of the Minister make grants and loans to an industrial training board.
- (1A) The Commission may give to an industrial training board such directions as the Commission thinks fit for the purpose of securing—
  - (a) that the board's expenditure for a purpose specified in the directions does not exceed an amount so specified; and
  - (b) that the whole or part of any grant or loan made to the board in pursuance of the preceding subsection is used only for the purposes specified in the directions ;and it shall be the duty of the board to comply with the directions.
- (2) An industrial training board may, with the consent of the Commission or in accordance with the terms of any authority given by the Commission, borrow temporarily from any other person by way of overdraft or otherwise such sums as it may require.
- (4) An industrial training board may give security for any money borrowed by it.
- (5) An industrial training board shall not invest any money otherwise than in such manner as the Commission may approve.

## **6 Power to obtain information from employers.**

- (2) An industrial training board may require employers in the industry to furnish such returns and other information of a kind approved by the Minister and to keep such records of a kind approved by him and produce them for examination on behalf of the board as appear to the board to be necessary for carrying out its functions.
- (3) Subject to subsection (4) of this section, returns and other information furnished in pursuance of the preceding provisions of this section and any information obtained on an examination made in pursuance thereof shall not, without the consent of the employer to whose business the returns or information relate, be disclosed otherwise than to the Minister or one of his officers, or to an industrial training board or a committee appointed by such a board, or an officer of such a board or committee or any person entitled to take part in the proceedings of such a board or to the Commission, the Employment Service Agency, the Training Services Agency or an officer of the Commission or either Agency.
- (4) Subsection (3) of this section shall not apply—
  - (a) to the disclosure of returns or information in the form of a summary of similar returns or information furnished by or obtained from a number of employers, if the summary is so framed as not to enable particulars relating to any individual business to be ascertained from it;
  - (b) to any disclosure of information made for the purposes of any legal proceedings pursuant to this Act or any criminal proceedings, whether pursuant to this Act or not, or for the purposes of any report of any such proceedings.
- (5) A certificate purporting to be issued by or on behalf of the Minister and stating that he has approved any kind of information, return or record for the purposes of subsection (2) of this section shall in any legal proceedings be evidence, and in Scotland sufficient evidence, of the facts stated in the certificate.

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- (6) If any person fails to comply with any requirement made under subsection (2) of this section he shall be liable on summary conviction to a fine not exceeding one hundred pounds, or on a second or subsequent conviction two hundred pounds.
- (7) If any person—
- (a) knowingly or recklessly furnishes, in pursuance of any requirement made under subsection (2) of this section, any return or other information which is false in a material particular; or
  - (b) wilfully makes a false entry in any record required to be produced under that subsection or, with intent to deceive, makes use of any such entry which he knows to be false ; or
  - (c) discloses any information in contravention of subsection (3) of this section ;
- he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both, or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both.
- (8) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary, or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

#### **6A Provisions supplementary to s. 6.**

- (1) The Commission may, with the approval of the Minister, direct an industrial training board to exercise the power to require the furnishing of information which is conferred on the board by subsection (2) of the preceding section (hereafter in this section referred to as " the relevant power ") so as to require employers in the industry to furnish to the board, in such form and on such occasions as are specified in the direction, such information as the Commission considers that the Commission needs for the purposes of its functions and as is so specified ; and it shall be the duty of the board to comply with the direction.
- (2) An industrial training board shall not exercise the relevant power except—
- (a) in pursuance of a direction given by virtue of the preceding subsection ; or
  - (b) with the approval of the Minister and in accordance with the conditions, if any, of the approval;
- and any application by a board for approval in pursuance of paragraph (b) of this subsection must be made to the Commission and contain such information as the Commission may require with respect to the proposed exercise of the relevant power.
- (3) Where the Commission receives such an application from a board the Commission—
- (a) may request the board to withdraw or alter the application ; and
  - (b) shall, if it does not so request or the board declines to comply with the request or complies with a request to alter the application, transmit the application to the Minister ;
- and it shall be the duty of the Commission on transmitting the application to the Minister to inform him whether in its opinion he should reject the application or approve it with specified conditions or without conditions.

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- (4) An approval of an application given by the Minister in pursuance of subsection (2)(b) of this section may be given subject to conditions that the board in question may exercise the relevant power only for the purpose of requiring the furnishing of information in such forms and on such occasions as are specified in the instrument of approval.

### **7 Proposals for exercise of board's functions and for levies.**

- (1) An industrial training board shall from time to time, and whenever directed to do so by the Commission, submit to the Commission for the Commission's approval proposals for the exercise of functions conferred on the board by section 2 of this Act and may from time to time, and shall whenever directed by the Commission to do so, submit as aforesaid—

- (a) proposals for the delegation of all or any of those functions to committees established under section 3 of this Act; and
- (b) proposals for the raising and collection of a levy.

- (1A) Any proposals by a board in pursuance of paragraph (b) of the preceding subsection must include—

- (a) proposals for exempting from the levy any employer who, in view of the small number of his employees, ought in the opinion of the board to be exempted from it; and
- (b) such information or further information as the Commission directs the board to furnish, and any additional information which the board considers appropriate, for the purpose of assisting the Minister to decide whether a levy order made in pursuance of the proposals would fall within sub-paragraph (i) or sub-paragraph (ii) of section 4(2A)(d) of this Act;

and proposals in pursuance of paragraph (a) of this subsection may be made in respect of different numbers of employees for different employers or classes of employers and may provide for numbers of employees or for employers or classes of employers to be determined by reference to such factors as are specified in the proposals.

- (1B) Any proposals made by a board in pursuance of paragraph (b) of subsection (1) of this section may include proposals for securing that exemption certificates issued by the board shall not exempt from the whole or a portion of the levy the employers or some of the employers in the industry, and different proposals may be made in pursuance of this subsection as respects different categories of employers and different portions of the levy ; but the Commission shall not approve proposals made in pursuance of this subsection unless—

- (a) it is of the opinion that the proposals are necessary to encourage adequate training in the industry ; and
- (b) it is satisfied, by evidence furnished to it by the board, that—
  - (i) organisations appearing to it to represent more than half of the persons whom it considers are likely to be liable to make payments by way of levy in consequence of the proposals, and
  - (ii) organisations appearing to it to represent persons whom it considers are together likely to be liable to make payments by way of levy in consequence of the proposals which amount to more than half the aggregate amount of those payments,

consider, after taking reasonable steps to ascertain the views of the proposals taken by the persons aforesaid who are represented by the organisations, that the proposals are necessary as mentioned in paragraph (a) of this subsection.

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- (1C) It shall be the duty of the Commission to submit to the Minister any proposals which are made to the Commission in pursuance of paragraph (b) of subsection (1) of this section and approved by the Commission.
- (2) Where an industrial training board—
- (a) has failed to comply within a reasonable time with a direction of the Commission under subsection (1) of this section to submit to it such proposals as are mentioned in paragraph (a) or paragraph (b) thereof ; or
  - (b) has submitted to the Commission such proposals which appear to the Commission unsatisfactory ;
- the Commission may direct the board to submit such proposals or, as the case may be, fresh proposals, within a specified time, and if the Commission directs the board to submit fresh proposals the Commission shall specify in the direction in what respects the proposals already submitted appear to the Commission unsatisfactory; and if the board fails to comply with the direction or it appears to the Minister, after he has considered a report made to him by the Commission on the proposals submitted in pursuance of the direction, that the proposals are unsatisfactory he may make an order declaring the board to be in default.
- (3) On the making of an order under subsection (2) of this section the members of the industrial training board shall forthwith vacate their office and the order may contain such provisions as seem to the Minister expedient for authorising any person to act in the place of the members of the board during such period, not exceeding six months, as may elapse before new members are appointed.
- (4) While an order under subsection (2) of this section is in force with respect to an industrial training board paragraph 3 of the Schedule to this Act and any provision of the industrial training order made by virtue of paragraph 7(a) of that Schedule shall not apply in relation to it, and accordingly (without prejudice to any provision made under subsection (5) of this section) paragraph 5 of that Schedule shall not apply.
- (5) An order under subsection (2) of this section may contain such incidental or supplementary provisions as appear to the Minister to be necessary or expedient, and may be varied or revoked by a subsequent order.
- (6) The Minister may out of moneys provided by Parliament defray the expenses of any person acting in the place of the members of an industrial training board in pursuance of subsection (3) of this section and recover from the board any expenses so defrayed.”

**“9 Amendment or revocation of industrial training order.**

- (1) The Minister may on the recommendation of the Commission by order—
- (a) amend an industrial training order ; or
  - (b) revoke such an order.
- (2) Before recommending the making of an order under subsection (1)(a) of this section the Commission shall consult the industrial training board and such organisations or associations appearing to the Commission to be representative—
- (a) of employers engaged in activities to be included in or excluded from the relevant industrial training order by virtue of the amendments in question ; and
  - (b) of employees engaged in those activities;
- and before recommending the making of an order under subsection (1)(b) of this section the Commission shall consult the industrial training board and such organisations,

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associations or bodies as would, by virtue of section 1(4) of this Act, be required to be consulted before the making of an industrial training order for the industry.

- (3) An order under subsection (1)(b) of this section shall provide for the winding up of the industrial training board and may provide for the imposition of a levy on employers in the industry (whether or not they are holders of exemption certificates), other than such (if any) as may be exempted by the order, for the purpose of raising the whole or part of any amount by which the assets of the industrial training board may be insufficient to meet its liabilities and the expenses of the winding up, and for the application for specified purposes of any amount by which those assets may exceed those liabilities and expenses.
- (4) Subsection (3) of section 4 of this Act shall apply to an order under subsection (1)(b) of this section making provision for the imposition of a levy as it applies to an order under that section.
- (5) An order under subsection (1) of this section may provide for any incidental, transitional or consequential matter for which it appears to the Minister to be necessary or expedient to provide.
- (6) The power to make an order under this section shall be exercisable by statutory instrument and includes power to amend or revoke such an order by a subsequent order; and any statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

**“9A Transfer of establishments' activities from industry of one board to that of another.**

- (1) If an employer in the industry of an industrial training board requests the Commission in writing to secure that the activities carried on at a particular establishment of his shall, instead of being included for the purposes of this Act in that industry, be included for those purposes in the industry of another industrial training board, the Commission may if it thinks fit, after consulting both the boards in question about the request, submit it to the Minister with a recommendation that he should give effect to the request.
- (2) Where the Minister receives a recommendation in pursuance of the preceding subsection in respect of a request he may if he thinks fit make an order giving effect to the request; and the power conferred by this subsection to make an order relating to an establishment shall—
  - (a) be exercisable by statutory instrument; and
  - (b) include power to revoke or vary any previous order made in the exercise of that power in respect of the establishment.
- (3) An industrial training order or an order under the preceding section may revoke an order under the preceding subsection.”

**“12 Appeal tribunals.**

- (1) The Minister shall by regulations provide for the establishment of a tribunal or tribunals to determine appeals by persons assessed to any levy imposed under this Act.
- (2) If, on an appeal, the appellant satisfies such a tribunal that he ought not to have been assessed to the levy or ought to have been assessed in a smaller amount, the tribunal shall rescind or, as the case may be, reduce the assessment, but (subject to subsection (2A) of this section) in any other case shall confirm it.

- (2A) If, on an appeal, it appears to such a tribunal that the appellant ought to have been assessed to the levy in a larger amount, the tribunal may increase the assessment accordingly.
- (2B) The Minister may out of moneys provided by Parliament pay such remuneration as he may determine with the consent of the Minister for the Civil Service to the President of the Industrial Tribunals (England and Wales), the President of the Industrial Tribunals (Scotland) and any person who is a member on a full-time basis of a panel of chairmen of tribunals which is appointed in accordance with regulations under this section.
- (3) The Minister may out of moneys provided by Parliament pay to members of tribunals established in accordance with regulations under this section and to any assessors appointed for the purposes of proceedings before such tribunals such fees and allowances as he may with the consent of the Treasury determine and may out of moneys so provided pay to any other persons such allowances as he may with the consent of the Treasury determine for the purposes of, or in connection with, their attendance at such tribunals.
- (4) Regulations under this section shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

**“14 Power of industrial training board with respect to training for employment overseas.**

- (1) An industrial training board may, with the consent of the Commission given with the approval of the Minister, exercise such functions in connection with training for employment outside Great Britain of persons temporarily in Great Britain as are exercisable by it under subsections (1) and (4) of section 2 of this Act in connection with the training of persons employed or intending to be employed in the industry for which the board is established ; and the board may enter into agreements for the making of payments to the board in respect of the exercise in pursuance of this subsection of functions by the board.”

### PART III

#### SPECIAL MODIFICATIONS RELATING TO THE AGRICULTURAL TRAINING BOARD

- 1 The following provisions of the Act shall cease to have effect, namely—
- (a) in section 1, subsections (1) and (4) to (6) ;
  - (b) section 2(5) and (6);
  - (c) in section 3(1) the words from ", in accordance " to " 7 of this Act," and from ", to such extent" to " the proposals," ;
  - (d) sections 4, 5(2) to (4), 6 and 7 ;
  - (e) in section 9, in subsection (3) the words from "and may" onwards, and subsection (4);
  - (f) sections 11 to 13, 14(3) and 17 ; and
  - (g) in the Schedule, paragraphs 5, 6(2) and 12.
- 2 In section 1(2) of the Act after the word "Act" there shall be inserted the words—
- “" agriculture " has the same meaning as in the Agriculture Act 1947 or the Agriculture (Scotland) Act 1948 ;

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" employee " includes a person engaged under a contract for services, and "employer" shall be construed accordingly;

" employment " means employment under a contract of service or apprenticeship or a contract for services or otherwise than under a contract, and " employed " shall be construed accordingly ;”

“" the Minister " means the Ministers concerned with agriculture in England, Scotland and Wales acting jointly.”

3 (1) In section 2(1) of the Act for paragraph (f) there shall be substituted the following paragraph—

“(f) may take part in any arrangements made in pursuance of section 2(1) or (2), 3(4) or 8 of the Employment and Training Act 1973 (which relate to arrangements for persons to select, train for and obtain suitable employments and to obtain suitable employees) ;”

and after paragraph (g) there shall be inserted the following paragraphs—

“(h) may provide advice about training connected with the industry;

(i) may enter into agreements with persons for the making by them of payments to the board in respect of the exercise by the board of any of its functions.”

(2) In section 2(3) of the Act after the word " provide " there shall be inserted the words " advice for the other board and ".

(3) At the end of section 2(4) of the Act there shall be inserted the following paragraph—

“(d) make payments to persons in connection with arrangements under which they or employees of theirs make use of courses or other facilities provided or approved by the board.”

4 After section 2 of the Act there shall be inserted the following sections—

**“2A Control of Agricultural Training Board by the Minister.**

(1) The Minister may give to the Agricultural Training Board such directions as he thinks fit with respect to the performance by the Board of its functions ; and it shall be the duty of the Board, notwithstanding anything in any other provision of this Act, to comply with the directions.

(2) Any such directions may require the said Board to exercise on behalf of the Minister functions exercisable by the Minister, whether by virtue of an enactment or otherwise, which are connected with the provision of training or advice for persons employed or intending to be employed in agriculture or in agriculture or horticulture business within the meaning of section 64 of the Agriculture Act 1967 (excluding a function of making regulations or any other instrument having the force of law).

**2B Disclosure of information to Agricultural Training Board.**

The Minister of Agriculture, Fisheries and Food and the Secretary of State may, for the purpose of assisting the Agricultural Training Board in planning and carrying out activities (including research) connected with the functions conferred on it by section 2(1)(a) of this Act, disclose to the Board any information about—

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- (a) the kind of crops grown on any land and the areas of land on which crops of any kind are grown; and
  - (b) the number and description of persons employed on any land and employed on disposing of the produce of any land ; and
  - (c) the kinds of machinery used on any land, which has been furnished to him in pursuance of section 78 of the Agriculture Act 1947.”
- 5 (1) In section 3(1) of the Act after the words " section 2 " there shall be inserted the words " or by virtue of section 2A " .
- (2) In section 3(2) of the Act for the words from " allowances " onwards there shall be substituted the words " allowances (including allowances for loss of remunerative time) as the Minister may determine with the approval of the Minister for the Civil Service and to the chairman of any such committee to which functions mentioned in the preceding subsection are delegated (hereafter in this section referred to as a " relevant committee ") such remuneration as the Minister may so determine " .
- (3) After subsection (2) of section 3 of the Act there shall be inserted the following subsection—
  - “(2A) An industrial training board may make such arrangements as the Minister may specify with the approval of the Minister for the Civil Service—
    - (a) for the payment of pensions, superannuation allowances and gratuities to or in respect of the chairmen of relevant committees ;
    - (b) for the payment of compensation to a person who ceases to be a chairman of a relevant committee otherwise than on the expiry of his term of office where it appears to the Minister that there are special circumstances which make it right for him to receive compensation.”
- 6 In section 5(1) of the Act for the word " Minister " there shall be substituted the words " Minister of Agriculture, Fisheries and Food " .
- 7 (1) At the end of section 9(1) of the Act there shall be inserted the words " and an order under paragraph (a) of this subsection may, besides including or without including provisions with respect to any activities of industry or commerce, include provisions with respect to activities relating to agriculture which are not carried on in the course of industry or commerce " .
- (2) In section 9(2) of the Act for the words " subsection (1)" there shall be substituted the words " subsection (1)(a) " , and for the words from "consult" onwards there shall be substituted the words " consult the Agricultural Training Board and any organisations or associations appearing to him to be representative—
  - (a) of employers engaged in activities to be included in or excluded from the relevant industrial training order by virtue of the amendments in question; and
  - (b) of employees engaged in those activities ;and before making an order under subsection (1)(b) of this section the Minister shall consult the said Board and any organisation or association of organisations appearing to him to be representative—
  - (i) of substantial numbers of employers engaging in the activities with which the said Board is concerned ; and
  - (ii) of substantial numbers of persons employed in the activities mentioned in paragraph (i) above " .

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- 8 In section 14(1) of the Act for the words from the beginning to "carried on" there shall be substituted the words " An industrial training board may, with the consent of the Minister, exercise such functions in connection with training for employment ".
- 9 In the Schedule to the Act—
- (a) at the end of paragraph 4 there shall be inserted the words " and may make such arrangements for the payment of pensions, superannuation allowances and gratuities to or in respect of its chairman as the Minister may specify with the like approval ";
  - (b) after paragraph 4 there shall be inserted the following paragraph—
    - “4A Where a person ceases to be the chairman of an industrial training board otherwise than on the expiry of his term of office and it appears to the Minister that there are special circumstances which make it right for him to receive compensation, the board may make him a payment of such amount as the Minister may determine with the approval of the Minister for the Civil Service. ;”
  - (c) in paragraph 6(1), after the word " specify " there shall be inserted the words " and the Manpower Services Commission ";
  - (d) at the end of paragraph 10 there shall be inserted the words " with the approval of the Minister given with the consent of the Minister for the Civil Service "; and
  - (e) in paragraph 11, for the words "as the board may determine " there shall be substituted the words " (including allowances for loss of remunerative time) as the Minister may determine with the approval of the Minister for the Civil Service ".

#### PART IV

##### SECTIONS 1 TO 3, 5 AND 9 OF THE ACT AS AMENDED IN RELATION TO THE AGRICULTURAL TRAINING BOARD

#### “1 Establishment of industrial training boards.

(2) In this Act—

" agriculture " has the same meaning as in the Agriculture Act 1947 or the Agriculture (Scotland) Act 1948 ;

" employee " includes a person engaged under a contract for services, and " employer " shall be construed accordingly ;

" employment " means employment under a contract of service or apprenticeship or a contract for services or otherwise than under a contract, and " employed " shall be construed accordingly ;

" industrial training board " means a board established under this section ;

" industrial training order " means an order under this section ;

" the industry ", in relation to an industrial training board, means the activities in relation to which it exercises functions; and

" the Minister " means the Ministers concerned with agriculture in England, Scotland and Wales acting jointly.

- (3) The provisions of the Schedule to this Act shall have effect with respect to industrial training boards.

## **2 Functions of industrial training board.**

- (1) An industrial training board—
- (a) shall provide or secure the provision of such courses and other facilities (which may include residential accommodation) for the training of persons employed or intending to be employed in the industry as may be required, having regard to any courses or facilities otherwise available to such persons ;
  - (b) may approve such courses and facilities provided by other persons ;
  - (c) shall from time to time consider such employments in the industry as appear to require consideration and publish recommendations with regard to the nature and length of the training for any such employment and the further education to be associated with the training, the persons by and to whom the training ought to be given, the standards to be attained as a result of the training and the methods of ascertaining whether those standards have been attained ;
  - (d) may apply or make arrangements for the application of selection tests and of tests or other methods for ascertaining the attainment of any standards recommended by the board and may award certificates of the attainment of those standards ;
  - (e) may assist persons in finding facilities for being trained for employment in the industry ;
  - (f) may take part in any arrangements made in pursuance of section 2(1) or (2), 3(4) or 8 of the Employment and Training Act 1973 (which relate to arrangements for persons to select, train for and obtain suitable employments and to obtain suitable employees);
  - (g) may carry on or assist other persons in carrying on research into any matter relating to training for employment in the industry;
  - (h) may provide advice about training connected with the industry;
  - (i) may enter into agreements with persons for the making by them of payments to the board in respect of the exercise by the board of any of its functions.
- (2) An industrial training board may enter into contracts of service or apprenticeship with persons who intend to be employed in the industry and to attend courses or avail themselves of other facilities provided or approved by the board.
- (3) An industrial training board may, at the request of another industrial training board, provide advice for the other board and courses and other facilities for the training of persons employed or intending to be employed in the industry for which that other board is established.
- (4) An industrial training board may—
- (a) pay maintenance and travelling allowances to persons attending courses provided or approved by the board ;
  - (b) make grants or loans to persons providing courses or other facilities approved by the board;
  - (c) pay fees to persons providing further education in respect of persons who receive it in association with their training in courses provided or approved by the board ;

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- (d) make payments to persons in connection with arrangements under which they or employees of theirs make use of courses or other facilities provided or approved by the board.

## **2A Control of Agricultural Training Board by the Minister.**

- (1) The Minister may give to the Agricultural Training Board such directions as he thinks fit with respect to the performance by the Board of its functions ; and it shall be the duty of the Board, notwithstanding anything in any other provision of this Act, to comply with the directions.
- (2) Any such directions may require the said Board to exercise on behalf of the Minister functions exercisable by the Minister, whether by virtue of an enactment or otherwise, which are connected with the provision of training or advice for persons employed or intending to be employed in agriculture or in agriculture or horticulture business within the meaning of section 64 of the Agriculture Act 1967 (excluding a function of making regulations or any other instrument having the force of law).

## **2B Disclosure of information to Agricultural Training Board.**

The Minister of Agriculture, Fisheries and Food and the Secretary of State may, for the purpose of assisting the Agricultural Training Board in planning and carrying out activities (including research) connected with the functions conferred on it by section 2(1)(a) of this Act, disclose to the Board any information about—

- (a) the kind of crops grown on any land and the areas of land on which crops of any kind are grown ; and
- (b) the number and description of persons employed on any land and employed on disposing of the produce of any land ; and
- (c) the kinds of machinery used on any land,

which has been furnished to him in pursuance of section 78 of the Agriculture Act 1947.

## **3 Establishment of committees.**

- (1) An industrial training board may—
  - (a) appoint committees (which need not include members of the board);
  - (b) join with one or more other industrial training boards in appointing joint committees consisting of such persons (whether or not members of an industrial training board) as may be determined by the boards;

and delegate to any such committee all or any of the functions conferred on the board by section 2 or by virtue of section 2A of this Act.

- (2) An industrial training board may pay or, as the case may be, join in paying, to the members of such a committee such travelling, subsistence and other allowances (including allowances for loss of remunerative time) as the Minister may determine with the approval of the Minister for the Civil Service and to the chairman of any such committee to which functions mentioned in the preceding subsection are delegated (hereafter in this section referred to as a " relevant committee ") such remuneration as the Minister may so determine.
- (2A) An industrial training board may make such arrangements as the Minister may specify with the approval of the Minister for the Civil Service—

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- (a) for the payment of pensions, superannuation allowances and gratuities to or in respect of the chairmen of relevant committees ;
  - (b) for the payment of compensation to a person who ceases to be a chairman of a relevant committee otherwise than on the expiry of his term of office where it appears to the Minister that there are special circumstances which make it right for him to receive compensation.
- (3) Subject to any directions of the board or boards which appointed it, a committee appointed under this section may regulate its own procedure and fix a quorum for its proceedings.”

#### **“5 Grants and loans, etc.**

- (1) The Minister of Agriculture, Fisheries and Food may with the approval of the Treasury make grants and loans to an industrial training board out of moneys provided by Parliament.
- (5) An industrial training board shall not invest any money otherwise than in such manner as the Minister may approve.”

#### **“9 Amendment or revocation of industrial training order.**

- (1) The Minister may by order—
- (a) amend an industrial training order ; or
  - (b) revoke such an order;
- and an order under paragraph (a) of this subsection may, besides including or without including provisions with respect to any activities of industry or commerce, include provisions with respect to activities relating to agriculture which are not carried on in the course of industry or commerce.
- (2) Before making an order under subsection (1)(a) of this section the Minister shall consult the Agricultural Training Board and any organisations or associations appearing to him to be representative—
- (a) of employers engaged in activities to be included in or excluded from the relevant industrial training order by virtue of the amendments in question ; and
  - (b) of employees engaged in those activities ;
- and before making an order under subsection (1)(b) of this section the Minister shall consult the said Board and any organisation or association of organisations appearing to him to be representative—
- (i) of substantial numbers of employers engaging in the activities with which the said Board is concerned ; and
  - (ii) of substantial numbers of persons employed in the activities mentioned in paragraph (i) above.
- (3) An order under subsection (1)(b) of this section shall provide for the winding up of the industrial training board.
- (5) An order under subsection (1) of this section may provide for any incidental, transitional or consequential matter for which it appears to the Minister to be necessary or expedient to provide.
- (6) The power to make an order under this section shall be exercisable by statutory instrument and includes power to amend or revoke such an order by a subsequent order;

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and any statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”