STATUTORY INSTRUMENTS

1961 No. 899

INDUSTRIAL ORGANISATION AND DEVELOPMENT

The Cotton Industry Development Council (Amendment No. 4) Order, 1961

Laid before Parliament in draft

Made - - - - 9*th May*, 1961

Coming into Operation 15*th May*, 1961

Whereas the Board of Trade have in pursuance of the powers conferred upon them by section 1 of the Industrial Organisation and Development Act, 1947(a), made the Cotton Industry Development Council Order, 1948(b):

And whereas by virtue of section 8 of the said Act the Board of Trade have previously amended the said Order(c), and may by virtue thereof further amend the said Order:

And whereas the Board of Trade have consulted the Cotton Board and the organisations appearing to them to be representative of substantial numbers of persons carrying on business in the cotton industry and the organisations representative of persons employed in that industry appearing to the Board of Trade to be appropriate:

And whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, the Board of Trade in pursuance of the powers conferred upon them by section 8 of the Industrial Organisation and Development Act, 1947, hereby order as follows:—

1. The Cotton Industry Development Council Order, 1948, as amended, shall, in relation to charges imposed in respect of the period of six months ending on the 30th day of September, 1961, and each subsequent period of six months or, as the case may be, of the year ending on the 31st day of March, 1962, and each subsequent year, have effect subject to the following amendments:—

(*a*) for Article 6 thereof there shall be substituted the following:—

"6.—(1) The Board may with the approval of the Board of Trade impose on all persons who are registered in pursuance of this Order as carrying on business in the industry, a charge of one pound each in respect of each year.

(2) The Board may with the approval of the Board of Trade impose on all persons carrying on any one or more of the activities mentioned in paragraph (5) of this Article, a charge, calculated in relation

(a) 10 & 11 Geo. 6. c. 40. (b) S.I. 1948/629 (Rev. V, p. 87: 1948 I, p. 1623).
(c) S.I. 1951/2173, 1953/421, 1957/508 (1951 I, p. 1125; 1953 I, p. 862; 1957 I, p. 1174).

to each such person in accordance with the provisions of that paragraph, in respect of each period of six months ending on the 30th day of September and the 31st day of March respectively in every year.

(3) The Board may with the approval of the Board of Trade impose on all persons carrying on the activity of converting fabric a charge, calculated in relation to each such person in accordance with the provisions of paragraph (6) of this Article, in respect of each year.

(4) The rates of any charge imposed under paragraph (2) or paragraph (3) of this Article shall be fixed by the Board so as to ensure—

(*a*) that the total amount payable, by virtue of charges imposed in any year under those paragraphs, in respect of the activities (other than making-up and packing) of the man-made fibre section of the industry, as defined in paragraph 2 (2) of the First Schedule hereto, is as near as possible 11 per cent. of the total amount payable, by virtue of charges imposed thereunder in that year, in respect of all the activities (other than making-up and packing) of the industry ; and

(*b*) that the total charges imposed in any year under those paragraphs in respect of the activities (other than making-up and packing) of each section of the industry are payable as near as possible in the following proportions:—

32 per cent. in respect of the activity of spinning other than waste spinning ;

1½ per cent. in respect of the activity of waste spinning ;

6½ per cent. in respect of the activity of doubling ;

30 per cent. in respect of the activity of weaving ;

17½ per cent. in respect of the activity of finishing ; and

12½ per cent. in respect of the activity of converting.

(5) Any charge imposed by the Board under the provisions of paragraph (2) of this Article on persons carrying on any one or more of the activities mentioned in this paragraph, shall be calculated, in relation to each such person, by reference to the period in respect of which that charge is imposed, as follows:—

(*a*) in respect of the activity of spinning (other than waste spinning) carried on by him, on the average number of spindles, calculated in accordance with the method specified by the Board in pursuance of head (*b*) of paragraph (9) of this Article, in use by him for that activity during that period, at a rate fixed by the Board in respect of each such spindle so that the rate in respect of a ring spindle shall be one and a half times that of a mule spindle ;

(*b*) in respect of the activity of waste spinning carried on by him, on the number of spindles installed for that activity, on premises used by him in the course of carrying on that activity, on such day during that period as the Board may determine, at a rate fixed by the Board in respect of each such spindle so that the rate in respect of a ring spindle shall be one and a half times that of a mule spindle ;

(*c*) in respect of the activity of doubling carried on by him, on the number of spindle units computed, in accordance with the provisions of Part I of the Fourth Schedule hereto, by reference to the number of spindles installed for that activity, on premises used by him in the course of carrying on that activity, on such day during that period as the Board may determine, at a rate fixed by the Board in respect of each such unit;

(*d*) in respect of the activity of weaving carried on by him, on the number of loom units computed, in accordance with the provisions of Part II of the Fourth Schedule hereto, by reference to the number of looms gaited up or stopped for immediate gaiting for the purpose of that activity, on premises used by him in the course of carrying on that activity, on such day during that period as the Board may determine, at a rate fixed by the Board in respect of each such unit;

(*e*) in respect of the activity of finishing carried on by him, on the amount of wages paid by him during that period in respect of that activity, at a rate fixed by the Board in respect of each £100 or part thereof; and

(*f*) in respect of the activity of making-up and packing carried on by him, £2 10s. 0d. in respect of that period.

(6) Any charge imposed by the Board under the provisions of paragraph (3) of this Article on persons carrying on the activity of converting fabric shall be calculated, in relation to each such person, by reference to the year in respect of which that charge is imposed, on the quantity of fabric converted by him during that year, at a rate fixed by the Board in respect of each 20,000 square yards:

Provided that no account shall be taken, for the purposes of this paragraph, of any quantity of fabric converted by him during that year in excess of 10,000,000 square yards.

(7) The rates of any charge to be fixed for the purpose of paragraphs (5) and (6) of this Article shall be fixed in relation to each section of the industry; and a rate fixed in relation to an activity of one section may differ from that fixed in relation to the same activity of the other section, but a rate fixed in relation to an activity of a section of the industry shall be the same for all persons carrying on that activity of that section.

(8) Charges imposed by the Board under paragraphs (1), (2) and (3) of this Article shall be computed so as to yield not more than £525,000 in any year.

(9) As soon as may be after the Board of Trade have approved the imposition of a charge under paragraph (1), paragraph (2) or paragraph (3) of this Article, the Board shall, by notice given in such manner as they think best adapted for informing the persons affected, specify, so far as is relevant as respects that charge—

(*a*) the period in relation to which the charge is imposed;

(*b*) for the purposes of head (*a*) of paragraph (5) of this Article, the method of calculation of the average number of spindles in use during the period in relation to which that charge is to be calculated;

(*c*) the respective days determined by the Board for the purposes of heads (*b*), (*c*) and (*d*) of paragraph (5) of this Article;

(*d*) the respective rates fixed by the Board for the purposes of heads (*a*), (*b*), (*c*), (*d*) and (*e*) of paragraph (5), and of paragraph (6), of this Article; and

(*e*) the date on which the charge becomes payable.

(10) Every person on whom a charge is imposed under paragraph (1) of this Article in respect of any year shall pay to the Board, on or before the date specified in the notice given under paragraph (9) of this Article as the date on which that charge becomes payable, the sum of one pound:

Provided that if such a person is required to pay an amount in respect of any other charge imposed for that year or for a period during that year and the total amount which he is so required to pay is—

(*a*) not less than one pound, he shall not be under any liability in respect of the charge imposed under paragraph (1) of this Article for that year;

(*b*) less than one pound, that liability shall be reduced by that total amount.

(11) Every person on whom a charge is imposed under paragraph (2) or paragraph (3) of this Article shall pay to the Board, on or before the date specified in the notice given under paragraph (9) of this Article as the date on which the charge becomes payable, a sum calculated in relation to him and in respect of that charge in accordance with the relevant provisions of this Article.

(12) The Board may by notice in writing require any person carrying on business in the industry—

(*a*) to furnish such returns and other information:

(*b*) to keep such records; and

(*c*) to produce for examination on behalf of the Board such books and other documents and records in his custody or under his control,

relating to the business carried on by him in the industry as appear to the Board to be necessary for the purposes of the imposition or recovery under this Order of any charge.

(13) Any two or more persons jointly carrying on business in the industry shall, in so far as it is material for the purposes of this Article to ascertain the amount of any sum payable by them to the Board, be treated as constituting together a single person.

(14) Any sum payable under this Order shall be recoverable by the Board as a debt.

(15) In this Article the following expressions have the meanings respectively assigned to them:—

"mule spindles" means spindles designed to be used for spinning single yarn on the intermittent spinning machine commonly known in the industry as the mule;

"ring spindles" means spindles designed or adapted for use in spinning single yarn on a continuous spinning machine with the aid of the mechanism commonly known in the industry as a traveller and ring, or designed or adapted to be so used with the aid of the mechanism commonly known in the industry as

a flyer and includes spindles commonly known in the industry as Chapon spindles;

"spinning", "doubling", "weaving", "finishing", "making-up and packing" and "converting" have the meanings respectively assigned to them by the First Schedule hereto;

"waste spinning" means spinning without the use of the mechanical device commonly known in the industry as a draw-frame;

"wages" means wages of workpeople, before deduction of National Insurance contributions and income tax, and includes overtime, holiday credits and guaranteed week payments, and "workpeople" includes foremen, but does not include managers, managerial staff, laboratory staff or office staff;

"year" means a period of twelve consecutive months beginning on the first day of April.

(16) The amount of wages paid by a person who is carrying on, partly within the cotton section and partly within the man-made fibre section of the industry, the activity of finishing, to be taken into account in respect of any period for the purposes of head (*e*) of paragraph (5) of this Article, in relation to that activity carried on in the cotton section of the industry and that activity carried on in the man-made fibre section of the industry shall be such proportions of the total wages paid by him in that period in respect of the activity of finishing as the charges made by him in that period in respect of that activity carried on in the cotton section of the industry and the man-made fibre section of the industry respectively bear to the total charges made by him in that period in respect of the activity of finishing.

In this paragraph "charges", in relation to any finishing, means—

(*a*) where the person carrying out that finishing makes actual charges therefor, those charges;

(*b*) in any other case, such amounts as would represent reasonable charges for that finishing.";

(*b*) for the words "and the Cotton Section thereof" in the heading to the First Schedule thereto there shall be substituted the words "and the sections thereof";

(*c*) for paragraph 2 of the First Schedule thereto there shall be substituted the following:—

"2.—(1) The cotton section of the industry shall consist of the activities comprised in the industry other than those comprised in the man-made fibre section thereof.

(2) The man-made fibre section of the industry shall consist of the following activities—

(*a*) spinning, finishing or converting staple rayon fibre or a mixture of textile fibres containing not less than 60 per cent. by weight of staple rayon fibre,

(*b*) doubling, finishing, converting or making-up and packing rayon yarn or a mixture of yarns containing not less than 60 per cent. by weight of rayon yarn, and

(*c*) weaving, finishing, converting or making-up and packing fabrics containing not less than 60 per cent. by weight of rayon yarn.";

(*d*) there shall be added, as paragraph 11 of Part I of the Second Schedule thereto, the following:—

"11. Promoting or undertaking scientific research.";

(*e*) Paragraph 1 of Part II of the Second Schedule thereto shall be omitted; and

(*f*) for the Fourth Schedule thereto there shall be substituted the Schedule to this Order;

2.—(1) The Interpretation Act, 1889(a), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(2) This Order may be cited as the Cotton Industry Development Council (Amendment No. 4) Order, 1961, and shall come into operation on the 15th day of May, 1961.

Dated this 9th day of May, 1961.

Niall Macpherson,
Parliamentary Secretary to
the Board of Trade.

SCHEDULE

(*Fourth Schedule to S.I.* 1948/629)

PART I

For the purposes of head (*c*) of paragraph (5) of Article 6 hereof spindle units shall be calculated as follows:—

(1) a ring spindle or a flyer spindle—

Of a diameter of not more than 1½ inches shall be 1·77 units.

Of a diameter of more than 1½ inches but not more than 2 inches shall be 1·96 units.

Of a diameter of more than 2 inches but not more than 2½ inches shall be 2·25 units.

Of a diameter of more than 2½ inches but not more than 3 inches shall be 2·90 units.

Of a diameter of more than 3 inches but not more than 3½ inches shall be 3·56 units.

Of a diameter of more than 3½ inches but not more than 4 inches shall be 3·89 units.

Of a diameter of more than 4 inches but not more than 4½ inches shall be 4·22 units.

Of a diameter of more than 4½ inches but not more than 5 inches shall be 4·61 units.

Of a diameter of more than 5 inches but not more than 5½ inches shall be 5·04 units.

Of a diameter of more than 5½ inches but not more than 6 inches shall be 5·54 units.

Of a diameter of more than 6 inches but not more than 6½ inches shall be 6·11 units.

Of a diameter of more than 6½ inches but not more than 7 inches shall be 6·48 units.

(a) 52 & 53 Vict. c. 63.

Of a diameter of more than 7 inches but not more than 7½ inches shall be 7·05 units.

Of a diameter of more than 7½ inches but not more than 8 inches shall be 7·43 units.

Of a diameter of more than 8 inches but not more than 8½ inches shall be 7·80 units.

Of a diameter of more than 8½ inches but not more than 9 inches shall be 8·18 units.

Of a diameter of more than 9 inches but not more than 9½ inches shall be 8·56 units.

Of a diameter of more than 9½ inches shall be 8·94 units.

(2) a twiner spindle shall be 1·29 units.

For the purposes of this Part the diameter of a ring spindle means the diameter of the ring and the diameter of a flyer spindle means the distance between the legs of the flyer.

PART II

For the purposes of head (*d*) of paragraph (5) of Article 6 hereof loom units shall be calculated in relation to any charge as follows:—

(1) in the case of looms working on single shift on the day determined by the Board under that head for the purposes of that charge—

A loom of a width of not more than 42 inches shall be 3 units.

A loom of a width of more than 42 inches but not more than 72 inches shall be 4 units.

A loom of a width of more than 72 inches shall be 5 units.

(2) in the case of looms working on more than one shift on that day—

A loom of a width of not more than 42 inches shall be 5 units.

A loom of a width of more than 42 inches but not more than 72 inches shall be 6⅔ units.

A loom of a width of more than 72 inches shall be 8½ units.

For the purposes of this Part the width of any loom means the maximum space available for the passage of warp threads through that loom.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order amends the Cotton Industry Development Council Order, 1948, as amended.

The principal changes are as follows:—

(1) The functions of promoting and undertaking scientific research may now be exercised by the Cotton Board in relation to the industry as a whole (that is both the cotton section and the man-made fibre section), and not as previously only in relation to the cotton section of the industry; and

(2) Charges, which hitherto could only be imposed in relation to the activities of the cotton section of the industry, may now be imposed in relation to the activities of both the man-made fibre section and the cotton section of the industry; the total amount payable in relation to the activities (other than making-up and packing) of the man-made fibre section of the industry is to be as near as possible 11 per cent. of the total amount payable in relation to the activities (other than making-up and packing) of both sections of the industry.