EXPLANATORY NOTE

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

As a result of the recent valuation of this Fund it has been possible to grant an increase in the temporary portion of the reduced pensions, namely, pensions issued to widows and orphans who became eligible for pensions after 4th June, 1949. The amendment of the Rules of the Fund has given effect to that increase.

INDUSTRIAL ORGANISATION AND DEVELOPMENT

The Cotton Industry Development Council (Amendment) Order, 1951*

1951 No. 2173

Made - - - - 8*th December*, 1951
Coming into Operation 1*st January*, 1952

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

1. The Cotton Industry Development Council Order, 1948(b), shall have effect subject to the following amendments:—

(*a*) in paragraph (1) of Article 1 thereof, for the words " the Cotton Board 1948 " there shall be substituted the words " the Cotton Board " ;

(*b*) 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 the period beginning on the 1st day of January, 1952, and ending on the 31st day of March, 1952, and thereafter 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 to each such person in accordance with the provisions of that paragraph, in respect of the period beginning on the 1st day of January, 1952, and ending on the 31st day of March, 1952, and thereafter 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 cotton cloth, a charge, calculated in relation to each such person in accordance with the provisions of paragraph (6) of this Article, in respect of the period beginning on the 1st day of January, 1952, and ending on the 31st day of March, 1952, and thereafter in respect of each year.

(a) 10 & 11 Geo. 6. c. 40. (b) S.I. 1948 (No. 629) I, p. 1623.

* In accordance with subsection (I) of section 8 of the Industrial Organisation and Development Act, 1947, this Order has been approved by a Resolution of each House of Parliament. The Resolution of the House of Lords was passed on the 4th December, 1951, and that of the House of Commons on the 15th November, 1951.

(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 that the total charges imposed in any year under those paragraphs are payable in respect of the activities carried on in the cotton section of the industry 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 activities of finishing, and making-up and packing; 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 cotton cloth 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, 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 cotton yarn or cotton cloth 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 £1,000 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 cotton cloth shall be calculated, in relation to each such person, by reference to the period or year in respect of which that charge is imposed, on the quantity of cotton cloth converted by him during that period or year, as the case may be, at a rate fixed by the Board in respect of each 100,000 square yards or part thereof;

Provided that no account shall be taken, for the purposes of this paragraph, of any quantity of cotton cloth converted by him during that period or that year, as the case may be, in excess of 10,000,000 square yards.

(7) The rate of any charge fixed by the Board under paragraph (5) or paragraph (6) of this Article in relation to any activity shall be the same for all persons carrying on that activity.

(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 £300,000 in the period beginning on the 1st day of January, 1952, and ending on the 31st day of March, 1952, and thereafter not more than that amount 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 the period referred to in that paragraph or 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 period or 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 period or that year, as the case may be;

(*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 cotton section of 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 cotton section of 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 cotton section of 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:—

" cotton cloth " and " cotton yarn " mean respectively cloth and yarn containing more than 40 per cent. by weight of cotton fibre (including waste from whatever process arising);

" mule spindles " means spindles designed to be used for spinning single cotton 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 cotton 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 ;

" spindles" means spindles used on the production of single cotton yarn, or on doubling cotton yarn ;

" 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 ;

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

(*c*) in the First Schedule thereto, for the definition of " Converting " there shall be substituted the following:—

" ' Converting ' means causing, by the owner thereof, yarn produced by spinning or doubling or fabric produced by weaving to be subjected (whether by persons employed by him or by other persons for him on commission) to any of the processes of finishing." ;

(*d*) for paragraph 4 of the Third Schedule thereto there shall be substituted the following:—

"4. There shall be paid by the Board—

(*a*) to the independent members of the Board, or to any of them, such remuneration (whether by way of salaries or by way of fees) as may be determined by the Board of Trade, and on the retirement or death of the Chairman of the Board, such pension or gratuity to him or to others by reference to his service as may be so determined; and

(*b*) to all members of the Board such allowances for expenses as may be so determined."; and

(*e*) there shall be added, as the Fourth Schedule thereto, the Schedule to this Order.

2. The change of name of the Board shall not affect any rights or obligations of the Board or render defective any legal proceedings by or against the Board, and any legal proceedings that might have been continued or commenced against them by their former name may be continued or commenced against them by their new name.

3.—(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) Order, 1951, and shall come into operation on the 1st day of January, 1952.

Dated this 8th day of December, 1951.

Peter Thorneycroft,
President of the Board of Trade.

SCHEDULE

(*Fourth Schedule to S.I.* 1948 *No.* 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.

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

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.

(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 6⅝ units.

A loom of a width of more than 72 inches shall be 8¼ 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, which is made under the Industrial Organisation and Development Act, 1947, amends the Cotton Industry Development Council Order, 1948, under which the Cotton Board 1948 was set up.

The principal changes are as follows:—

(1) the charge which could previously be imposed on spinners only may now be imposed on all persons in the cotton section of the industry;

(2) the maximum permissible amount of the levy has been increased from £250,000 per annum to £300,000;

(3) provision is made for payment to the Chairman of such pension or gratuity as the Board of Trade may determine; and

(4) the name of the Council has been changed from the "Cotton Board 1948" to "the Cotton Board".