STATUTORY INSTRUMENTS

1962 No. 2576

INDUSTRIAL ORGANISATION AND DEVELOPMENT

The Cutlery and Stainless Steel Flatware Industry (Scientific Research Levy) Order 1962

Laid before Parliament in draft
Made - - - - *26th November* 1962
Coming into Operation *1st January* 1963

Whereas funds have been made available, under the Cutlery and Stainless Steel Flatware Industry (Scientific Research Levy) Order 1960(a) to an unincorporated body called the Cutlery Research Council for the purpose of scientific research in connection with the cutlery and stainless steel flatware industry:

And whereas it appears to the Board of Trade that funds should continue to be made available for that purpose:

And whereas a body corporate called the Cutlery and Allied Trades Research Association is taking the place of the Cutlery Research Council and it appears to the Board of Trade that such Association is a body capable of carrying out such scientific research satisfactorily:

And whereas the Board of Trade have consulted the organisation appearing to them to be representative of substantial numbers of persons carrying on business in the cutlery and stainless steel flatware industry and the organisation representative of persons employed in that industry appearing to them 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 9 of the Industrial Organisation and Development Act 1947(b) hereby order as follows:—

Extent of the Industry

1. For the purposes of this Order the cutlery and stainless steel flatware industry (hereinafter called "the industry") shall consist of the activities designated in the Schedule hereto (hereinafter referred to as "the designated activities").

Persons to whom the Order applies

2. The persons to whom this Order applies are every person who on 1st January 1963 is carrying on, or who thereafter commences to carry on, business in the industry.

(a) S.I. 1960/2384 (1960 II, p. 1715). (b) 10 & 11 Geo. 6. c. 40.

Levy Periods

3. The levy periods shall be the periods of six months ending on 30th June and 31st December respectively in each year and the base year in relation to any levy period shall be the year ending on 31st December next but one preceding the commencement of that period.

Payment of levies

4. Every person to whom this Order applies shall pay in respect of each levy period during the whole or any part of which he has carried on business in the industry a charge calculated—

(*a*) if he was carrying on business in the industry both at any time during the base year and at any time during the first seven days of that levy period, in accordance with the provisions of Article 5 (1) hereof; and

(*b*) in any other case, in accordance with the provisions of Article 5 (2) hereof.

Computation of Levies

5.—(1) The charge to be paid by any person by virtue of the provisions of Article 4 (*a*) hereof in respect of any levy period shall be calculated at the rate of 15s. 0d. for every £1,000, in excess of £3,000, of the aggregate of—

(*a*) the value of the products of the designated activities supplied by him during the base year in pursuance of a contract of sale; and

(*b*) the amounts received by him during the base year in respect of the carrying out on commission by him at any time of any process comprised in the activities specified in paragraph 1 (1) of the Schedule hereto.

(2) The charge to be paid by any person by virtue of the provisions of Article 4 (*b*) hereof in respect of any levy period shall be calculated at the rate of 15s. 0d. for every £500, in excess of £1,500, of the aggregate of—

(*a*) the value of the products of the designated activities supplied by him during that levy period in pursuance of a contract of sale; and

(*b*) the amounts received by him during that levy period in respect of the carrying out on commission by him at any time of any process comprised in the activities specified in paragraph 1 (1) of the Schedule hereto.

(3) The amount of the charge payable by any person in respect of any levy period shall, where necessary, be rounded down to the nearest 15s. 0d.

Transfer of Businesses

6. For the purpose of determining whether a person (in this Article referred to as "the acquirer") is liable to pay a charge by virtue of the provisions of Article 4 (*a*) hereof, and the amount of charge payable under Article 5 (1) hereof, any business carried on by the acquirer at any time during the first seven days of the levy period which was at any time during the base year carried on by some other person (not being a person liable to pay a charge by virtue of the provisions of Article 4 (*a*) hereof calculated by reference to the value of the products actually supplied by him and amounts actually received by him in the course of that business during the base year) and acquired by the acquirer before the commencement of the levy period shall be deemed to have been carried

on by the acquirer during the base year, and the products supplied and the amounts received in the course of that business during the base year shall respectively be deemed to have been supplied and received by the acquirer.

Time for payment of levies

7.—(1) The Board of Trade will by notice, given in such manner as they think best adapted for informing the persons affected, require payment of the charges imposed by this Order in respect of each levy period and such notice shall—

(*a*) in the case of a person liable to pay a charge by virtue of the provisions of Article 4 (*a*) hereof, be given as soon as may be after the commencement of that levy period, and

(*b*) in the case of a person liable to pay a charge by virtue of the provisions of Article 4 (*b*) hereof, be given as soon as may be after the expiration of that levy period.

(2) Every person liable to pay a charge imposed by this Order in respect of any levy period shall pay that charge within 30 days of the date on which the notice referred to in paragraph (1) of this Article is given in respect of that period.

(3) Every such charge shall be paid direct to the Board of Trade.

(4) The amount of any such charge shall be recoverable by the Board of Trade as a debt.

(5) All monies received by the Board of Trade in respect of any such charge shall be paid by them into the Cutlery and Stainless Steel Flatware Industry (Levy) Deposit Account, being an account opened by Her Majesty's Paymaster General on behalf of the Board of Trade, and shall be issued thereout to the Cutlery and Allied Trades Research Association to meet any expenses incurred by it in respect of scientific research in connection with the industry.

Furnishing of Information

8.—(1) Every person to whom this Order applies shall—

(*a*) in the case of a person first becoming liable to pay a charge by virtue of the provisions of Article 4 (*a*) hereof, within 21 days of the commencement of the first levy period in respect of which he is liable to pay that charge, and

(*b*) in the case of a person first becoming liable to pay a charge by virtue of the provisions of Article 4 (*b*) hereof, within 14 days of the expiration of the first levy period in respect of which he is liable to pay that charge,

furnish to the Board of Trade the following information—

(i) his name and address;

(ii) the business name (if any) under which he carries on a business comprising any of the designated activities;

(iii) the principal place of such business; and

(iv) a description of such business:

Provided that a person shall not be required to furnish any information by virtue of the provisions of this paragraph if that information has been previously furnished to the Board of Trade by him in pursuance of the Cutlery and Stainless Steel Flatware Industry (Scientific Research Levy) Order 1960.

(2) The Board of Trade may by notice in writing require any person to whom this Order applies :—

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

(*b*) to keep such records ; and

(*c*) to produce for examination such books and other documents and records

as may appear to the Board of Trade to be reasonably requisite for the purpose of the recovery of any charge imposed by this Order.

Enforcement

9. Any person to whom this Order applies who is required by notice in writing by the Board of Trade under the provisions of Article 8 (2) hereof to furnish returns or other information, to keep records, or to produce for examination books or other documents or records, shall furnish in such form and manner and within such time such returns or other information as may be specified in the notice, or, as the case may be, keep such records or produce at such time such books or other documents or records in his custody or under his control as may be so specified.

Penalties

10.—(1) If any person required by or under the provisions of Article 8 hereof to furnish returns or other information, to keep records, or to produce for examination books or other documents or records, fails to furnish, keep or produce them in accordance with the requirement he shall, unless he proves that he had reasonable excuse for the failure, be liable on summary conviction to a fine not exceeding five pounds for every day during which the failure continues.

(2) If any person in purporting to fulfil any requirement imposed by or under the provisions of Article 8 hereof to furnish returns or other information knowingly or recklessly makes any statement which is false in a material particular he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding one hundred pounds or, in either case, to both such imprisonment and such fine.

Interpretation

11. In this Order—

"carrying out on commission" means in relation to any process the carrying out in pursuance of a contract of work and labour of that process upon or from materials owned by the person procuring the performance of the service ;

"value" means, in relation to any of the products of the designated activities supplied by a person to whom this Order applies, the price paid or payable for that product after any deduction by way of discount, commission or allowance and excluding delivery charges payable by the buyer, and any sum in respect of purchase tax.

Cessation of Charges and revocation

12.—(1) The provisions of Article 4 of the Cutlery and Stainless Steel Flatware Industry (Scientific Research Levy) Order 1960 shall not impose on any person any charge in respect of any period after 31st December 1962.

(2) The said Order shall on 31st March 1963 by virtue of this Order be revoked.

Citation and Commencement

13.—(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 and as if this Order and the Order hereby revoked were Acts of Parliament.

(2) This Order may be cited as the Cutlery and Stainless Steel Flatware Industry (Scientific Research Levy) Order 1962, and shall come into operation on 1st January 1963.

26th November 1962.

David Price,
Parliamentary Secretary
to the Board of Trade.

SCHEDULE

1. The cutlery and stainless steel flatware industry shall consist of the following activities so far as carried on in Great Britain:—

(1) (*a*) Carrying out in the manufacture of:—

table knives, forks and spoons;

knives and forks designed for use in the preparation and serving of food;

ham knives;

fishermen's knives;

fishmongers' knives;

butchers' knives and forks;

slaughtermen's knives;

hunting knives;

sheath knives;

ladles made of stainless steel or stainless iron;

fish, pastry and salad servers and other similar serving articles made of stainless steel or stainless iron;

sharpening steels; and

hafted knife sharpeners;

any process of forging; rolling; stamping; stripping; scouring; smithing; heat treatment; grinding; glazing; fork guarding; swaging; finishing; plating; polishing; marking; serrating; scale making; handle making; cutling; pronging; cross-rolling; pressing; filing; setting; buffing; edging; hafting; assembling; inspecting; warehousing.

(*b*) Carrying out in the manufacture of:—

spring knives; and

pen and pocket knives;

any process of blade forging; smithing; marking; heat treatment; grinding; finishing; swaging; scale making; lining making; bolster making; spring making; cutling; inspecting; warehousing.

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

(*c*) Carrying out in the manufacture of:—

scissors;

tailors' shears;

pinking shears;

dress makers' shears;

leather shears; and

leather scissors;

any process of forging; drop stamping; pressing; cutting out; trimming; smithing; filing; boring; heat treatment; grinding; finishing; putting together; plating; inspecting; warehousing.

(*d*) Carrying out in the manufacture of razors of the open or unguarded type any process of forging; hardening; cutting out; trimming; grinding; finishing; scale making; handle making; setting in; whetting; inspecting; warehousing.

(2) Procuring the carrying out on commission of any one or more of the processes comprised in the activities referred to in sub-paragraph (1) of this paragraph.

2. In this Schedule

" forging " includes hot forging and cold forging;

" steel " and " iron " include respectively stainless steel and stainless iron;

" table knives, forks and spoons " means knives, forks and spoons designed for use on the table made wholly or partly of metal, other than knives, forks and spoons made wholly of metal other than steel or iron;

" warehousing " means cleaning, whetting, wrapping and packing for despatch.

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, continues the imposition of levies on the cutlery and stainless steel flatware industry to finance scientific research to be carried out on behalf of the industry by the Cutlery and Allied Trades Research Association in succession to the Cutlery Research Council which the Association replaces.

The rates of levy payable under this Order are higher than those payable under the previous Order but levy is now payable only on turnover in excess of the specified amounts.