1966. No. 32 [C]

INDUSTRIAL TRAINING

Catering Industry Training Board

ORDER, DATED 14TH FEBRUARY, 1966, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE INDUSTRIAL TRAINING ACT (NORTHERN IRELAND) 1964.

The Ministry of Health and Social Services (hereinafter referred to as "the Ministry") after consultation with organisations and associations of organisations appearing to it to be representative respectively of substantial numbers of employers engaging in the activities hereinafter mentioned and of substantial numbers of persons employed in those activities and with the bodies established for the purpose of carrying on under public ownership industries in which the said activities are carried on to a substantial extent and in exercise of the powers conferred by section 1 of, and paragraphs 1 and 7 of Schedule 1 to, the Industrial Training Act (Northern Ireland) 1964(a) (hereinafter referred to as "the Act") and of all other powers enabling it in that behalf, hereby makes the following Order:

Citation

1. This Order may be cited as the Industrial Training (Catering Board) Order (Northern Ireland) 1966.

Establishment of Industrial Training Board

2. An industrial training board to be known as the Catering Industry Training Board (hereinafter referred to as "the Board") is hereby established to exercise in relation to the activities specified in Schedule 1 as the activities of the catering industry the functions conferred on industrial training boards by the Act.

Membership and proceedings of the Board

3. The provisions of Schedule 2 shall have effect in relation to the Board.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 14th day of February, nineteen hundred and sixty-six.

(L.S.) *W. G. H. Quigley,*
Assistant Secretary.

(a) 1964. c. 18 (N.I.).

SCHEDULE 1

The Catering Industry

1. Subject to the provisions of this Schedule, the activities of the catering industry are the following activities in so far as they are carried out in Northern Ireland:—

(*a*) the activities of any undertaking or part of an undertaking which consists wholly or mainly in the supply of food or drink for immediate consumption, or the provision of living accommodation for guests or lodgers or for persons employed in the undertaking;

(*b*) when carried out in conjunction with any of the foregoing activities, any related activities, being—

(i) incidental or ancillary to principal activities of the catering industry;

(ii) undertaken in the administrative control or direction of one or more establishments engaged wholly or mainly in principal activities of that industry, or in related activities incidental or ancillary thereto;

and carried out, in either case, by the employer engaged in those principal activities or, where that employer is a company, by the company or by an associated company of the company;

(*c*) any other activity of industry or commerce carried out at or from an establishment engaged mainly in one or more of the foregoing activities.

2. Notwithstanding anything contained in this Schedule there shall not be included in the activities of the catering industry:—

(*a*) the activities in paragraph 1 when carried out by a Hospital Management Committee, a Hospital Board of Management or other similar establishment;

(*b*) the activities of any company, association or body that is required by its constitution to apply its profits, if any, or other income in promoting its objects and is prohibited thereby from paying any dividend to its members, and that has for its sole or principal object or among its principal objects the provision of facilities for any of the purposes mentioned in section 15(1) of the Disabled Persons (Employment) Act (Northern Ireland) 1945(**a**) (which relates to the provision for registered persons who are seriously disabled of employment or work on their own account under special conditions and of training for such employment or work); or

(*c*) the activities of any local authority in the provision of sheltered employment carried on in accordance with arrangements under section 3 of the Disabled Persons (Employment) Act (Northern Ireland) 1960(**b**), or under section 14 of the Welfare Services Act (Northern Ireland) 1949(**c**), or under section 2 of the Mental Health Act (Northern Ireland) 1961(**d**).

3.—(1) In this Schedule:—

(*a*) "company", "holding company" and "subsidiary" have the same meanings as in section 148 of the Companies Act (Northern Ireland) 1960(**e**);

(*b*) "related activities" means any of the following activities, that is to say—

(i) research, development, design or drawing;

(ii) buying, selling, letting out on hire, testing, advertising, packing, distribution, delivery, transport or any similar operations;

(iii) operations of a kind performed at office premises or laboratories, at stores, warehouses or similar places or at garages;

(iv) training of employees or apprentices.

(2) For the purposes of the Schedule an activity shall not be deemed to be carried out in conjunction with any other activity unless such activities are carried

(**a**) 1945. c. 6. (**b**) 1960. c. 4. (**c**) 1949. c. 1. (**d**) 1961. c. 15
(**e**) 1960. c. 22.

out by the same employer, or by a holding company and another company which is a subsidiary of the holding company, or by companies which are subsidiaries of the same holding company.

SCHEDULE 2

Membership

1. A casual vacancy occurring in the membership of the Board shall be filled by a person who shall be appointed or appointed after consultation in like manner as the person whom he replaces was appointed.

2. The term of office of members of the Board shall be three years or such other period as may be determined by the Ministry at the time the appointments are made but a person appointed to fill a casual vacancy shall hold office only for the remainder of the term for which the member he replaces was appointed.

3. If a member of the Board—

(*a*) is absent from meetings of the Board for more than six months consecutively, unless his absence is due to illness or some other reason approved by the Ministry; or

(*b*) becomes in the opinion of the Ministry unfit to continue in office or incapable of performing his duties;

the Ministry may declare the office of that member to be vacant and shall notify the fact in such manner as it shall think fit, and thereupon the office of the member shall become vacant.

4. A member of the Board may at any time resign from the Board by giving to the Ministry a notice in writing signed by him of his resignation.

5. A person who has held office as a member of the Board shall be eligible for reappointment.

Proceedings and Meetings

6. At a meeting of the Board three-fifths of the members shall be the quorum, or if the number so ascertained includes a fraction the nearest higher whole number of members.

7. The chairman shall preside at all meetings of the Board at which he shall be present, but if at any meeting the said chairman be not present within 5 minutes of the time appointed for holding the meeting the members present shall choose some one of their number to be chairman of the meeting.

8. At a meeting of the Board a resolution put to the vote on any matter not relating to the imposition of a levy shall be decided on a show of hands of the members present and voting; each member shall have one vote and if the votes are equally divided the chairman of the meeting shall have a second or casting vote.

9.—(1) If at a meeting of the Board a resolution relating to the imposition of a levy is put to the vote of the members appointed as mentioned in paragraph 3(1)(*a*) of Schedule 1 to the Act, each such member shall have one vote, and the resolution shall be decided by a show of hands of those members present and voting unless a poll is demanded by any such member (before or on the declaration of the result of the show of hands) in which case the poll shall be taken forthwith and the votes may be given either personally or by proxy.

(2) The instrument appointing a proxy shall be in writing under the hand of the appointor, and the proxy shall be a member of the Board appointed as mentioned in paragraph 3(1)(*a*) of Schedule 1 to the Act.

(3) An instrument appointing a proxy shall be in the following form or a form as near thereto as circumstances admit:—

I ..... of .....
being a member of the Catering Industry Training Board appointed as mentioned in paragraph 3(1)(*a*) of Schedule 1 to the Industrial Training Act (Northern Ireland) 1964, hereby appoint .....
of ..... or failing him .....
of ..... as my proxy to vote for me on my behalf on any matter relating to the imposition of a levy at the meeting of the said Board to be held on the ..... day of ..... 19....
and at any adjournment thereof.

Signed this ..... day of ..... 19....

(4) A vote given in accordance with the terms of an instrument of proxy shall be valid notwithstanding the previous death or insanity of the principal or revocation of the proxy, provided that no intimation in writing of any such death, insanity or revocation shall have been received by the Board at its office before the commencement of the meeting or adjourned meeting at which the proxy is used.

10. Minutes shall be kept of the proceedings of the Board and any such minutes shall, if signed by any person purporting to have acted as chairman of the meeting or at a meeting at which they were read, be evidence of the proceedings at the first-mentioned meeting, and a meeting to which any such minutes relate shall, unless the contrary is proved, be taken to have been regularly convened and constituted.

11. The Board shall have an office at which communications and notices will at all times be received.

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 Training Act (Northern Ireland) 1964, establishes an industrial training board to be known as the Catering Industry Training Board, and defines the industry to which it relates. Provision is made as to the membership of the Board and its meetings and proceedings.