1965 No. 1391

INDUSTRIAL TRAINING

The Industrial Training (Ceramics, Glass and Mineral Products Board) Order 1965

Made - - - -	12*th July* 1965
Laid before Parliament	21*st July* 1965
Coming into Operation	23*rd July* 1965

The Minister of Labour (hereinafter referred to as " the Minister ") after consultation with organisations and associations of organisations appearing 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 a body established for the purpose of carrying on under national ownership an industry in which the said activities are carried on to a substantial extent and by virtue of the powers conferred on him by section 1 of, and paragraphs 1 and 7 of the Schedule to, the Industrial Training Act 1964(a) (hereinafter referred to as " the Act ") and of all other powers enabling him in that behalf hereby makes the following Order:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Industrial Training (Ceramics, Glass and Mineral Products Board) Order 1965 and shall come into operation on 23rd July 1965.

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

Establishment of Industrial Training Board

2. An industrial training board to be known as the Ceramics, Glass and Mineral Products Industry Training Board (hereinafter referred to as " the Board ") is hereby established to exercise in relation to the activities specified in Schedule 1 to this Order as the activities of the ceramics, glass and mineral products industry the functions conferred on industrial training boards by the Act.

Membership and proceedings of the Board

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

Dated 12th July 1965.

R. J. Gunter,
Minister of Labour.

(a) 1964 c. 16. (b) 52 & 53 Vict. c. 63.

SCHEDULE 1

THE CERAMICS, GLASS AND MINERAL PRODUCTS INDUSTRY

1. Subject to the provisions of this Schedule, the activities of the ceramics, glass and mineral products industry are the following activities in so far as they are carried out in Great Britain:—

(*a*) the lifting or extracting of mineral deposits or products of minerals from the earth or of mineral deposits from the bed of any lake or river or of the sea;

(*b*) when carried out on land in or adjacent to a mine or quarry and in conjunction with the operation thereof, the crushing, grinding, washing, drying, foaming, grading, screening, cutting, splitting, dressing, polishing or mixing of mineral deposits or products of minerals or any similar operations;

(*c*) the burning of limestone or the hydration of lime;

(*d*) the production of cement, plaster, or whiting;

(*e*) the production of ready-mixed concrete or ready-mixed mortar or the batching or mixing of ingredients in connection with such production;

(*f*) the exfoliation of vermiculite or any similar material;

(*g*) the production of coated material for the purpose of the construction or repair of roads or footways;

(*h*) the processing of slag;

(*i*) the manufacture of—

(i) articles consisting mainly of bonded abrasive material or coated with abrasive material;

(ii) glass; or

(iii) calcium silicate bricks;

(*j*) the manufacture of articles or other products wholly or mainly from—

(i) asbestos cement;

(ii) clay;

(iii) concrete, cast stone, or cement, or from any mixture of aggregate together with a cementing or bonding agent;

(iv) glass;

(v) plaster; or

(vi) one or more refractory materials;

(*k*) the milling, grinding, or mixing of any material for the purpose of the manufacture of pottery;

(*l*) the calibrating, graduating or toughening of glass or glass articles;

(*m*) when carried out in conjunction with any of the foregoing activities, any of the following activities, being incidental or ancillary thereto, that is to say—

(i) research, development, design or drawing;

(ii) operations in connection with sale, packing, warehousing, distribution or transport; or

(iii) work done at any office or laboratory, at any store, warehouse or similar place or at a garage;

(*n*) 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 ceramics, glass and mineral products industry:—

(*a*) the activities of any establishment engaged mainly in one or more activities not included in paragraph 1 of this Schedule;

(*b*) the activities included in paragraph (1) (*m*) of this Schedule when carried out by a local authority;

(*c*) the activities of any establishment engaged wholly or mainly in the activities following, or any of them, that is to say—

(i) the getting, winning, screening or washing of coal;

(ii) the quarrying or mining of iron ore or the treatment or preparation of iron ore for smelting;

(iii) the quarrying of limestone in association with any of the following activities, that is to say, the quarrying or mining of iron ore, the treatment or preparation of iron ore for smelting, the smelting of iron ore in a blast furnace with or without other metalliferous materials, the production of iron by any other process or the production of steel by any process;

(iv) dredging for the primary purpose of maintaining or improving the navigation of a harbour, estuary, or water-way or for the benefit of vessels coming to, leaving or using any dock or other premises;

(v) the production of any non-ferrous metal or semi-manufactured sections from such metal, including the operations of smelting, refining, casting, rolling, drawing, extruding or forging;

(vi) the searching or boring for, or getting of, petroleum;

(vii) the pumping or raising of brine from shafts, wells, springs or mines or the mining of rocksalt;

(viii) any operations in a building work or in a civil engineering work;

(ix) the preparation of stone for building or monumental purposes;

(x) the manufacture of pre-fabricated buildings or sections of buildings;

(xi) the construction of shop, office, or similar fittings on the premises on which they are to be installed, or when carried out in conjunction with such construction, the prefabrication elsewhere of those fittings;

(xii) the manufacture wholly or mainly from plaster of effigies, models or toys;

(xiii) the manufacture of any article wholly or mainly from plastics material reinforced by glass fibres or bonding such fibres;

(xiv) the manufacture of any lens for an eye-glass or spectacles, any article embodying a lens or prism, any primary cell or battery or electric accumulator, any electric cable, electric filament lamp, electric discharge lamp or photographic flashbulb, any thermionic, cold cathode or photo-cathode valve or tube, cathode-ray tube, electric

capacitor or resistor, any device using ferrite for electrical purposes or any semi-conductor device;

(xv) the manufacture of any article of jewellery;

(xvi) the manufacture of any medical, pharmaceutical or cosmetic product, wholly or mainly from clay or plaster;

(xvii) the manufacture of any woven fabric;

(xviii) the repair of mechanically propelled vehicles used on roads; or

(xix) the cutting, bevelling, silvering or decorating of glass or glass articles;

(*d*) the supply of food or drink for immediate consumption;

(*e*) the activities of a harbour authority within the meaning of the Harbours Act 1964(**a**) when acting in that capacity;

(*f*) dock work performed by a registered dock worker;

(*g*) 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 1944(**b**) (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

(*h*) 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 1958(**c**), or under section 29 of the National Assistance Act 1948(**d**) as extended by section 8(2) of the Mental Health Act 1959(**e**) and section 8(2) of the Mental Health (Scotland) Act 1960(**f**), or under section 31 of the National Assistance Act 1948 (as substituted by the National Assistance Act 1948 (Amendment) Act 1962(**g**)), or under section 28 of the National Health Service Act 1946(**h**) as extended by section 6 of the Mental Health Act 1959, or under section 27 of the National Health Service (Scotland) Act 1947(**i**) as extended by section 7 of the Mental Health (Scotland) Act 1960.

3. In this Schedule:—

(*a*) " aggregate " includes wood-wool, clinker, fly-ash, shale, slag, vermiculite and similar materials;

(*b*) " article " includes a part or component of an article;

(*c*) " asbestos " means any fibrous silicate mineral and any admixture containing any such mineral whether crude, crushed or opened;

(*d*) " building " includes any structure or erection and any part of a building as so defined;

(*e*) " building work " means the construction, alteration, repair or demolition of a building;

(*f*) " cement " includes Portland cements, high alumina cements or cements of a similar character;

(**a**) 1964 c. 40. (**b**) 7 & 8 Geo. 6. c. 10. (**c**) 6 & 7 Eliz. 2. c. 33.
(**d**) 11 & 12 Geo. 6. c. 29. (**e**) 7 & 8 Eliz. 2. c. 72. (**f**) 8 & 9 Eliz. 2. c. 61.
(**g**) 10 & 11 Eliz. 2. c. 24. (**h**) 9 & 10 Geo. 6. c. 81. (**i**) 10 & 11 Geo. 6. c. 27.

(*g*) " civil engineering work " means—

(i) the construction or demolition of a railway-line, siding or monorail ;

(ii) the construction, structural alteration, repair or demolition of any aerodrome, airport, bridge, road, viaduct, dock, harbour, pier, quay, wharf, coast protection, river or drainage work, aqueduct, canal, inland navigation, reservoir, waterworks, bore-hole, well (other than an oil-well), filter bed, sewage works, sewer, cooling tower or pond, tunnel, heading, adit, chimney, furnace, carbonising or gas-making plant, nuclear or thermal power station, hydro-electric station, electric line or any structure designed for its support, cable trench or duct, oil refinery, pipe-line or defence installation ;

(iii) the preparation of the site or the laying down of a foundation or substructure in connection with a building work or with any of the operations above-mentioned in this sub-paragraph or with the erection of structural metalwork ; or

(iv) the construction of a swimming pool or other bathing place, or of a playing field or ground for sporting or recreational purposes, or the laying out of a cemetery ;

(*h*) " clay " includes shale, brick earth, or similar materials, or China stone ;

(*i*) " coal " means bituminous coal, cannel coal or anthracite ;

(*j*) " coated material " means any mixture consisting of bitumen, tar or asphalt together with slag or one or more mineral deposits ;

(*k*) " company ", " holding company ", and " subsidiary " have the same meanings as in section 154 of the Companies Act 1948(**a**) ;

(*l*) " concrete " includes pre-cast, pre-stressed, reinforced or autoclaved aerated concrete ;

(*m*) " dock work " and " registered dock worker " have the same meanings as in the Scheme contained in the Second Schedule to the Dock Workers (Regulation of Employment) (Amendment) Order 1961(**b**) ;

(*n*) " glass " includes glass fibres or laminated glass ;

(*o*) " jewellery " includes any article of personal adornment, whether or not containing stones ;

(*p*) " local authority " means in England and Wales a local authority within the meaning of the Local Government Act 1933(**c**), or the Common Council of the City of London and, in Scotland, the council of a county, the town council of a burgh or a district council ;

(*q*) " manufacture " includes assembly or any process or operation incidental or appertaining to manufacture or assembly ;

(*r*) " mine " and " quarry " have the same meanings as in the Mines and Quarries Act 1954(**d**) ;

(*s*) " mineral deposits " includes any natural deposits (except peat) capable of being lifted or extracted from the earth or from the bed of any lake or river or of the sea ;

(**a**) 11 & 12 Geo. 6. c. 38.
(**b**) S.I. 1961/2107 (1961 III, p. 3837).
(**c**) 23 & 24 Geo. 5. c. 51.
(**d**) 2 & 3 Eliz. 2. c. 70.

(*t*) " petroleum " includes any mineral oil or relative hydro-carbon and natural gas existing in its natural condition in strata, but does not include coal or bituminous shales or other stratified deposits from which oil can be extracted by destructive distillation ;

(*u*) " plaster " means calcium sulphate, lime plaster or plaster of a similar character ;

(*v*) " plastics material " means any material made wholly or mainly by addition, polyaddition, condensation, polycondensation, polymerisation, copolymerisation, esterification or other similar chemical process, or regenerated or modified cellulose, or hardened proteins, or natural resin modified by fusion or esterification ;

(*w*) " refractory materials " includes andalusite, bauxite, chromite, dolomite, fireclay, ganister, kyanite, magnesite, mica, silica and sillimanite.

4. For the purposes of this Schedule, an activity shall not be deemed to be carried out in conjunction with any other activity unless such activities are carried 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. The appointment of a member of the Board shall be for such term as the Minister may determine and, subject to the provisions of this Schedule, a member shall hold and vacate office in accordance with the terms of the instrument appointing him to be a member.

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

3. A member of the Board may resign his office by notice in writing to the Minister and the resignation shall have effect on such date as the Minister shall appoint.

4. 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 Minister ; or

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

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

PROCEEDINGS AND MEETINGS

5. At a meeting of the Board one-third of the members shall be the quorum, or if the number so ascertained includes a fraction the nearest higher whole number of members.

6. The chairman or if absent the deputy chairman (if any) shall preside at all meetings of the Board at which he shall be present, but if at any meeting the said chairman and any deputy chairman be not present within 10 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.

7. 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.

8.—(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(*a*) of the Schedule to the Act, each such member shall have one vote, and the resolution shall be decided on 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(*a*) of the Schedule 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 ..... in the county of ..... being a member of the Ceramics, Glass and Mineral Products Industry Training Board appointed as mentioned in paragraph 3(*a*) of the Schedule to the Industrial Training Act 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.

9. 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.

10. The Board shall have an office at which communications and notices will at all times be received and shall notify to the Minister the address of that office and any change of that address.

EXECUTION AND ISSUE OF INSTRUMENTS

11. The seal of the Board shall be authenticated by the signature of the chairman of the Board or some other member of the Board authorised by the Board to act in that behalf and of the secretary or some other person authorised by the Board so to act.

12. Every document purporting to be a document duly executed or issued either under the seal of the Board authenticated in the manner provided by this Schedule or on behalf of the Board, or purporting to be signed by the secretary or any other person, being a member, officer or servant of the Board authorised to act in that behalf, shall, until the contrary be proved, be deemed to be a document so executed or issued or so signed as the case may be.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which is made under the Industrial Training Act 1964, establishes an industrial training board to be known as the Ceramics, Glass and Mineral Products 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.