STATUTORY INSTRUMENTS

1967 No. 924

INDUSTRIAL TRAINING

The Industrial Training (Construction Board) Order 1967

Made - - - -	19*th June* 1967
Laid before Parliament	28*th June* 1967
Coming into Operation	13*th July* 1967

The Minister of Labour after consultation with the Construction Industry Training Board and 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 the bodies established for the purpose of carrying on under national ownership industries in which the said activities are carried on to a substantial extent and by virtue of the powers conferred on him by section 9 of the Industrial Training Act 1964(a) 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 (Construction Board) Order 1967 and shall come into operation on 13th July 1967.

(2) In this Order—

(*a*) "the Act" means the Industrial Training Act 1964;

(*b*) "the Board" means the Construction Industry Training Board;

(*c*) "levy Order" means the Industrial Training Levy (Construction Board) Order 1965(b), or the Industrial Training Levy (Construction Board) Order 1966(c);

(*d*) "the principal Order" means the Industrial Training (Construction Board) Order 1964(d).

(3) The Interpretation Act 1889(e) 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 principal Order were Acts of Parliament.

Activities of the Board

2. The activities in relation to which the Board exercises the functions conferred by the Act upon industrial training boards shall, in lieu of the activities specified in Schedule 1 to the principal Order, be the activities specified

(a) 1964 c. 16.
(b) S.I. 1965/1218 (1965 II, p. 3456).
(c) S.I. 1966/1059 (1966 II, p. 2595).
(d) S.I. 1964/1079 (1964 II, p. 2384).
(e) 1889 c. 63.

in the Schedule to this Order, and accordingly in the principal Order the latter Schedule shall be substituted for the former Schedule.

Transitional provisions

3.—(1) The chairman and other members of the Board on the date upon which this Order comes into operation shall continue to be members of the Board and to hold and vacate their offices in accordance with the terms of the instruments appointing them to be members.

(2) The provisions of this Order shall not—

(*a*) extend the operation of either levy Order;

(*b*) affect the operation of either levy Order in relation to the assessment of an employer within the meaning of that Order in respect of an establishment that was engaged in the first levy period or the second levy period, as the case may be, wholly or mainly in activities included in the Schedule to this Order;

(*c*) affect the operation of any assessment notice served by the Board under the provisions of either levy Order before the date upon which this Order comes into operation or any appeal or other proceedings arising out of any such notice;

(*d*) affect any rights or obligations of the Board or of any other person arising otherwise than under either levy Order.

19th June 1967.

R. J. Gunter,
Minister of Labour.

SCHEDULE

The Construction Industry

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

(*a*) all operations in—

(i) the construction, alteration, repair or demolition of a building or part of a building;

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

(iii) 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;

(iv) the sinking of a shaft or bore-hole in a mine of coal, stratified ironstone, shale or fireclay, or the construction of a road below ground in such a mine;

(v) the construction or repair 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;

(vi) the preparation of the site or the laying down of a foundation or substructure in connection with any of the above-mentioned operations or with the erection of structural metalwork;

(vii) the manufacture, wholly or mainly from concrete or cast stone, on the site of any building work or civil engineering work and for the purposes of any operations above-mentioned carried out on the site of the building work or civil engineering work, of any of the following products, that is to say, industrialised building components or sections, prefabricated buildings or sections of buildings, beams, columns, piles, caissons, tunnel segments or other civil engineering sections or structures or parts of structures;

(viii) the provision or continued provision for any building or other construction or work above-mentioned of water, gas, electricity, lighting, heating, ventilation or air-conditioning, being operations undertaken in, upon, above or under the building or the close, curtilage or precincts thereof, or such construction or work or any site above-mentioned;

(ix) the erection, repair or dismantling of walls, fencing, hoardings or scaffolding;

(x) the working of bituminous coal, cannel coal or anthracite by opencast operations or the screening, washing or other preparation of coal on the site of opencast workings;

(xi) the restoration of land affected by the working of coal by opencast operations, or of land which has been excavated in the course of winning or working ironstone by opencast operations;

(*b*) the cutting and bending of reinforcing steel for the purposes of any operations above-mentioned;

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

(*d*) the manufacture of—

(i) industrialised building components or sections or of prefabricated buildings or sections of buildings, being components, sections or buildings made wholly or mainly from wood or framed in wood;

(ii) composite framed or laminated woodwork absorbing calculated stresses applied direct or from attached non-loadbearing portions of a building;

(iii) doors, window frames, built-in storage units, stairs or curtain walling being articles wholly or mainly of wood;

(iv) bank, church or laboratory joinery or joinery of any other kind;

(*e*) the cutting, bevelling, silvering or decorating of flat glass;

(*f*) the installation of leaded lights or leaded windows, or the manufacture of such lights or windows by the employer engaged in the installation;

(*g*) the construction of shop, office or similar fittings on the premises on which they are to be installed, or the prefabrication elsewhere of such fittings by the employer engaged in the installation;

(*h*) the erection or dismantling of exhibition stands;

(*i*) the maintenance or repair of contractors' plant, or the letting out on hire of such plant or of scaffolding;

(*j*) dealing (not being selling by retail) by a merchant or factor in building, plumbing, decorating, heating, ventilating or air-conditioning materials or equipment, in architectural and builders' ironmongery or in cloakroom fittings, where such products are supplied to persons engaging in principal activities of the construction industry;

(*k*) any activities, being—

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

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

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;

(*l*) any activities of industry or commerce (other than construction activities) carried out at or from an establishment mainly engaged—

(i) in construction activities; or

(ii) in construction activities and in activities described in the Appendix to this Schedule, but to a greater extent in construction activities than in activities described in that Appendix in relation to any one industry.

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

(*a*) the activities of any establishment (not being that of a local authority or river authority) engaged—

(i) mainly in activities not being construction activities or activities described in the Appendix to this Schedule; or

(ii) to a less extent in construction activities than in activities described in that Appendix in relation to any one industry;

(*b*) the activities of any establishment engaged wholly or mainly in related activities, being activities—

(i) incidental or ancillary to the activities of one or more establishments (in this sub-paragraph hereafter referred to as "the principal establishment") engaged wholly or mainly in any activities not being principal activities of the construction industry; and

(ii) carried out by the employer carrying on the principal establishment or, where that employer is a company, by the company or by an associated company of the company;

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

(i) the erection of the main framework of buildings, being framework of metallic construction;

(ii) the erection of other structures consisting wholly or mainly of metal (not being structures forming part of a building, electric lines or structures designed for the support thereof, walls, fencing, hoardings, exhibition stands or scaffolding);

(iii) the installation, testing, inspection or repair of machinery or plant (other than contractors' plant), not being operations included in paragraph 1(*a*)(viii) of this Schedule;

(iv) the treatment of wood, being part of a building, with any toxic product for the purpose of the eradication or prevention of any fungal or insect infestation;

(v) dealing in wood of any description, battenboard, blockboard, chipboard, fibre building board, flaxboard, laminboard, plywood or veneer, or the storage of such wood or materials;

(vi) the assembly, installation, cleaning or repair of venetian blinds;

(vii) the making of inside or outside blinds or awnings or the installation of such blinds by the manufacturer thereof;

(viii) the laying out of golf courses, bowling greens or gardens;

(ix) any operations in agriculture or horticulture or in forestry; or

(x) banking, finance or insurance;

(*d*) the activities of—

(i) the Electricity Council, the Central Electricity Generating Board or an Area Electricity Board;

(ii) the North of Scotland Hydro-Electric Board or the South of Scotland Electricity Board;

(iii) the Gas Council or an Area Gas Board;

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

(v) statutory water undertakers within the meaning of the Water Act 1945(b) or local water authorities within the meaning of the Water (Scotland) Act 1946(c) being the activities of such undertakers or authorities in the exercise of their powers or duties as such; or

(vi) the United Kingdom Atomic Energy Authority;

(*e*) any activities specified in paragraph 1(*k*) or paragraph 1(*l*) of this Schedule when carried out by a local authority or river authority;

(*f*) any activities of a local authority in the provision of a passenger road transport service;

(*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(d) (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);

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

(*i*) the supply of food or drink for immediate consumption.

3. In this Schedule—

(*a*) "architectural and builders' ironmongery" means fittings or attachments to doors or windows or the frames thereof, being fittings or attachments constructed wholly or mainly of metal or of metal and plastics material;

(*b*) "building" includes any erection in the nature of a building;

(*c*) "company" includes any body corporate, and "subsidiary" has the same meaning as by virtue of section 154 of the Companies Act 1948(l) it has for the purposes of that Act;

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

(*e*) "construction activities" means any one or more of the principal activities of the construction industry and the activities included in that industry by virtue of paragraph 1(*k*) of this Schedule;

(*f*) "contractors' plant" means machinery, plant or equipment of a kind used or intended for use in operations on the site of any building work or civil engineering work, but does not include lorries, ready-mixed concrete vehicles or other mechanically propelled vehicles mainly used for the carriage of goods on roads;

(*g*) "dealing" in relation to any products means buying, selling, importing or exporting such products or any other dealing in them (not being a letting

(a) 1964 c. 40.
(b) 1945 c. 42.
(c) 1946 c. 42.
(d) 1944 c. 10.
(e) 1958 c. 33.
(f) 1948 c. 29.
(g) 1959 c. 72.
(h) 1960 c. 61.
(i) 1962 c. 24.
(j) 1946 c. 81.
(k) 1947 c. 27.
(l) 1948 c. 38.

out on hire) and for the purposes of this definition "letting out on hire" does not include any arrangement in the nature of hire purchase;

(*h*) "drainage work" does not include drainage by the methods of tile drainage, mole drainage or surface gripping or the construction or maintenance of open or piped farm ditches;

(*i*) "electric line" means a wire or wires, conductor or other means used for the purpose of conveying, transmitting or distributing electricity, or any apparatus connected therewith;

(*j*) "local authority" means—

(i) in relation to England and Wales, a local authority within the meaning of the Local Government Act 1933(a) or the Common Council of the City of London, and includes a joint board or joint committee of such authorities;

(ii) in relation to Scotland, a county council, town council or district council, and includes any joint board or joint committee of such authorities appointed under any enactment, order or scheme;

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

(*l*) "office premises" has the same meaning as in section 1(2) of the Offices, Shops and Railway Premises Act 1963(b);

(*m*) "pipe-line" means a pipe or system of pipes (together with any apparatus or works associated therewith) for the conveyance of anything, but does not include a pneumatic despatch tube;

(*n*) "principal activities of the construction industry" means activities which, subject to the provisions of paragraph 2 of this Schedule, are specified in paragraph 1, other than sub-paragraphs (*k*) and (*l*) thereof, as activities of the construction industry;

(*o*) "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, transport or any similar operations;

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

(iv) cleaning, washing or garaging vehicles or carrying out running repairs or minor adjustments thereto;

(v) training of employees or apprentices;

(*p*) "repair" in relation to a building includes maintenance, re-pointing, redecoration and external cleaning;

(*q*) "river authority" has the same meaning as in the Water Resources Act 1963(c);

(*r*) "road below ground" does not include an unwalkable outlet;

(*s*) "shaft" means a shaft the top of which is, or is intended to be, at the surface;

(*t*) "site of any building work or civil engineering work" means the site of any operations mentioned in heads (i) to (vi) of paragraph 1(*a*) of this Schedule, and includes any other place occupied temporarily by the person carrying out such operations, being a place where the activities carried out are the manufacture, wholly or mainly from concrete or cast stone and solely for the purposes of the said operations, of any products specified in paragraph 1(*a*)(vii) of this Schedule.

4.—(1) References in this Schedule to the provisions of any enactment shall be construed as references to those provisions as amended by or under any subsequent enactment.

(2) For the purposes of this Schedule two companies shall be taken to be associated companies if one is a subsidiary of the other, or both are subsidiaries of a third company, and "associated company" shall be construed accordingly.

(a) 1933 c. 51.
(b) 1963 c. 41.
(c) 1963 c. 38.

APPENDIX

The activities that would be included in an industry specified in Column 1 hereof by virtue of the industrial training order specified in the corresponding entry in Column 2, if the provisions specified in Column 3 were omitted from that order.

Column 1	Column 2	Column 3
The wool, jute and flax industry	The Industrial Training (Wool Industry Board) Order 1964 as amended by the Industrial Training (Wool, Jute and Flax Board) Order 1966(a)	Schedule 1 Paragraph 1(*r*)
The iron and steel industry	The Industrial Training (Iron and Steel Board) Order 1964(b)	Schedule 1 Paragraph 1(*j*)
The construction industry	The Industrial Training (Construction Board) Order 1964(c)	Schedule 1 Paragraph 1(*h*)
The engineering industry	The Industrial Training (Engineering Board) Order 1964 as amended by the Industrial Training (Engineering Board) Order 1967(d)	Schedule 1 Paragraph 1(*l*)
The shipbuilding industry	The Industrial Training (Shipbuilding Board) Order 1964(e)	Schedule 1 Paragraph 1(*d*)
The ceramics, glass and mineral products industry	The Industrial Training (Ceramics, Glass and Mineral Products Board) Order 1965(f)	Schedule 1 Paragraph 1(*n*)
The furniture and timber industry	The Industrial Training (Furniture and Timber Industry Board) Order 1965(g)	Schedule 1 Paragraph 1(*r*)
The man-made fibres producing industry	The Industrial Training (Man-made Fibres Producing Industry Board) Order 1966(h)	Schedule 1 Paragraph 1(*d*)
The carpet industry	The Industrial Training (Carpet Board) Order 1966(i)	Schedule 1 Paragraph 1(*d*)
The knitting, lace and net industry	The Industrial Training (Knitting, Lace and Net Industry Board) Order 1966(j)	Schedule 1 Paragraph 1(*j*)
The cotton and allied textiles industry	The Industrial Training (Cotton and Allied Textiles Board) Order 1966(k)	Schedule 1 Paragraph 1(*p*)
The agricultural, horticultural and forestry industry	The Industrial Training (Agricultural, Horticultural and Forestry Board) Order 1966(l)	Schedule 1 Paragraph 1(*m*)
The road transport industry	The Industrial Training (Road Transport Board) Order 1966(m)	Schedule 1 Paragraph 1(*o*)

(a) S.I. 1964/907, 1966/428 (1964 II, p. 1928; 1966 I, p. 925).
(b) S.I. 1964/949 (1964 II, p. 2127).
(c) S.I. 1964/1079 (1964 II, p. 2384).
(d) S.I. 1964/1086, 1967/279 (1964 II, p. 2402; 1967 I, p. 999).
(e) S.I. 1964/1782 (1964 III, p. 3928).
(f) S.I. 1965/1391 (1965 II, p. 4062).
(g) S.I. 1965/2028 (1965 III, p. 5998).
(h) S.I. 1966/143 (1966 I, p. 257).
(i) S.I. 1966/245 (1966 I, p. 499).
(j) S.I. 1966/246 (1966 I, p. 506).
(k) S.I. 1966/823 (1966 II, p. 1907).
(l) S.I. 1966/969 (1966 II, p. 2333).
(m) S.I. 1966/1112 (1966 III, p. 2712).

APPENDIX—*contd.*

Column 1	Column 2	Column 3
The hotel and catering industry	The Industrial Training (Hotel and Catering Board) Order 1966(a)	Schedule 1 Paragraph 1(*e*)
The civil air transport industry	The Industrial Training (Civil Air Transport Board) Order 1967(b)	Schedule 1 Paragraph 1(*h*)
The petroleum industry	The Industrial Training (Petroleum Board) Order 1967(c)	Schedule 1 Paragraph 1(*h*)

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

The Construction Industry Training Board was established on 21st July 1964 by the Industrial Training (Construction Board) Order 1964 to exercise the functions of an industrial training board in relation to the activities of the construction industry as specified in Schedule 1 to that Order.

This Order, which is made under section 9 of the Industrial Training Act 1964, re-defines the activities in relation to which the Board exercises functions. These are specified in the Schedule to this Order.

Amongst the activities henceforth to be included in the construction industry are the following:—

(*a*) opencast coal mining;

(*b*) the restoration of land affected by opencast coal mining or ironstone working;

(*c*) wholesale dealing by a merchant or factor in certain building materials;

(*d*) monumental masonry; and

(*e*) the manufacture on a building site from concrete or cast stone of prefabricated buildings or sections, industrialised building components or sections or civil engineering sections or structures;

but, except in the circumstances mentioned in paragraph (*e*) above, the manufacture of industrialised building components or sections, or of prefabricated buildings or sections, will not be included amongst the activities of the construction industry unless the components, buildings or sections are made of, or framed in, wood.

(a) S.I. 1966/1347 (1966 III, p. 3669).
(b) S.I. 1967/263 (1967 I, p. 968).
(c) S.I. 1967/648 (1967 I, p. 2032).