STATUTORY INSTRUMENTS

1971 No. 1766

INDUSTRIAL TRAINING

The Industrial Training (Construction Board) Order 1971

Made - - -	28*th October* 1971
Laid before Parliament	8*th November* 1971
Coming into Operation	30*th November* 1971

The Secretary of State 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 in exercise of his powers under 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 1971 and shall come into operation on 30th November 1971.

(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" includes the Industrial Training Levy (Construction Board) Order 1965(**b**), the Industrial Training Levy (Construction Board) Order 1966(**c**), the Industrial Training Levy (Construction Board) Order 1967(**d**), the Industrial Training Levy (Construction Board) Order 1968(**e**), the Industrial Training Levy (Construction Board) Order 1969(**f**), the Industrial Training Levy (Construction Board) Order 1970(**g**) and the Industrial Training Levy (Construction Board) Order 1971(**h**) ;

(*d*) "the 1967 Order" means the Industrial Training (Construction Board) Order 1967(**i**) ;

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

(3) The Interpretation Act 1889(**k**) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order, the principal Order and the 1967 Order were Acts of Parliament.

(**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. 1967/1042 (1967 II, p. 3127).
(**e**) S.I. 1968/1061 (1968 II, p. 2854).
(**f**) S.I. 1969/1125 (1969 II, p. 3328).
(**g**) S.I. 1970/471 (1970 I, p. 1570).
(**h**) S.I. 1971/837 (1971 II, p. 2412).
(**i**) S.I. 1967/924 (1967 II, p. 2757).
(**j**) S.I. 1964/1079 (1964 II, p. 2384).
(**k**) 1889 c. 63.

Revocation

2. The 1967 Order is hereby revoked.

Activities of the Board

3. 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 (as amended by the 1967 Order), be the activities specified in the Schedule to this Order, and accordingly in the principal Order the latter Schedule shall be substituted for the former Schedule.

Transitional Provisions

4.—(1) The chairman and other members of the Board on the day 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 a levy Order;

(*b*) affect the operation of a 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 relevant levy period 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 a levy Order before the day upon which this Order comes into operation or any appeal or other proceedings arising out of any such notice.

Signed by order of the Secretary of State.
28th October 1971.

Paul Bryan,
Minister of State,
Department of Employment.

Article 3

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 a 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 installation, testing, inspection, maintenance or repair of contractors' plant, or the letting out on hire of such plant or of scaffolding;

(*j*) any activities (other than those above-mentioned) 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;

(*k*) 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 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, scaffolding or contractors' plant);

(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 manufacture, wholly or mainly from concrete and tiles or from stone set in concrete, of fire-places;

(v) the application of any form of chemical treatment to wood, being part of a building, for preventing or remedying the presence of insects, mites, fungi or marine organisms;

(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 operation in thatching; 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 regional water boards or water development boards within the meaning of the Water (Scotland) Act 1967(c) being the activities of such undertakers or boards in the exercise of their powers or duties as such; or

(vi) the United Kingdom Atomic Energy Authority;

(*e*) the activities of a local authority or river authority;

(*f*) the activities of a charity;

(*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 work or training);

(*h*) any work, occupation or training that is provided in accordance with arrangements made by a local authority under the Disabled Persons (Employment) Act 1958(e) or any other enactment that authorises or requires the provision of arrangements for persons suffering from illness, severe physical defect or disability or from mental disorder, or for persons who have been suffering from illness or whose care is undertaken with a view to preventing them from becoming ill, or for old people.

(*i*) any activities in agriculture; or

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

3. In this Schedule, unless the context otherwise requires:—

(*a*) "agriculture" has the same meaning as in section 109(3) of the Agriculture Act 1947(f) or, in relation to Scotland, as in section 86(3) of the Agriculture (Scotland) Act 1948(g);

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

(*c*) "charity" has the same meaning as in section 360 of the Income and Corporation Taxes Act 1970(h);

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

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

(a) 1964 c. 40. (b) 1945 c. 42. (c) 1967 c. 78.
(d) 1944 c. 10. (e) 1958 c. 33. (f) 1947 c. 48.
(g) 1948 c. 45. (h) 1970 c. 10. (i) 1948 c. 38.

(*f*) "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(*j*) of this Schedule;

(*g*) "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;

(*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*) "letting out on hire" does not include any arrangement in the nature of hire purchase;

(*k*) "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;

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

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

(*n*) "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;

(*o*) "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 (*j*) and (*k*) thereof, as activities of the construction industry;

(*p*) "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;

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

(*r*) "river authority" has the same meaning as in the Countryside Act 1968(**c**);

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

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

(*u*) "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

(**a**) 1933 c. 51. (**b**) 1963 c. 41. (**c**) 1968 c. 41.

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.

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 1968(a)	Schedule 1 Paragraph 1(*s*)
The iron and steel industry	The Industrial Training (Iron and Steel Board) Order 1964 as amended by the Industrial Training (Iron and Steel Board) Order 1969(b)	Schedule 1 Paragraph 1(*k*)
The engineering industry	The Industrial Training (Engineering Board) Order 1964 as amended by the Industrial Training (Engineering Board) Order 1971(c)	Schedule 1 Paragraph 1(*m*)
The shipbuilding industry	The Industrial Training (Shipbuilding Board) Order 1964 as amended by the Industrial Training (Shipbuilding Board) Order 1968(d)	Schedule 1 Paragraph 1(*g*)
The ceramics, glass and mineral products industry	The Industrial Training (Ceramics, Glass and Mineral Products Board) Order 1965 as amended by the Industrial Training (Ceramics, Glass and Mineral Products Board) Order 1969(e)	Schedule 1 Paragraph 1(*p*)
The furniture and timber industry	The Industrial Training (Furniture and Timber Industry Board) Order 1965 as amended by the Industrial Training (Furniture and Timber Industry Board) Order 1969 and the Industrial Training (Furniture and Timber Industry Board) Order 1969 (Amendment) Order 1970(f)	Schedule 1 Paragraph 1(*x*)
The man-made fibres producing industry	The Industrial Training (Man-made Fibres Producing Industry Board) Order 1966 as amended by the Industrial Training (Man-made Fibres Producing Industry Board) Order 1969(g)	Schedule 1 Paragraph 1(*e*)

(a) S.I. 1964/907, 1968/898 (1964 II, p. 1928; 1968 II, p. 2376).
(b) S.I. 1964/949, 1969/884 (1964 II, p. 2127; 1969 II, p. 2517).
(c) S.I. 1964/1086, 1971/1530 (1964 II, p. 2402; 1971 III, p. 4309).
(d) S.I. 1964/1782, 1968/1614 (1964 III, p. 3928; 1968 III, p. 4432).
(e) S.I. 1965/1391, 1969/689 (1965 II, p. 4062; 1969 II, p. 1860).
(f) S.I. 1965/2028, 1969/1290, 1970/1634 (1965 III, p. 5998; 1969 III, p. 3820; 1970 III, p. 5372).
(g) S.I. 1966/143, 1969/1210 (1966 I, p. 257; 1969 II, p. 3545).

Column 1	Column 2	Column 3
The carpet industry	The Industrial Training (Carpet Board) Order 1966 as amended by the Industrial Training (Carpet Board) Order 1968(a)	Schedule 1 Paragraph 1(*f*)
The knitting, lace and net industry	The Industrial Training (Knitting, Lace and Net Industry Board) Order 1966(b)	Schedule 1 Paragraph 1(*j*)
The cotton and allied textiles industry	The Industrial Training (Cotton and Allied Textiles Board) Order 1966(c)	Schedule 1 Paragraph 1(*p*)
The agricultural, horticultural and forestry industry	The Industrial Training (Agricultural, Horticultural and Forestry Board) Order 1966 as amended by the Industrial Training (Agricultural, Horticultural and Forestry Board) Order 1970(d)	Schedule 1 Paragraph 1(*d*)
The road transport industry	The Industrial Training (Road Transport Board) Order 1966 as amended by the Industrial Training (Road Transport Board) Order 1969 and the Industrial Training (Road Transport Board) Order 1969 (Amendment) Order 1969(e)	Schedule 1 Paragraph 1(*p*)
The hotel and catering industry	The Industrial Training (Hotel and Catering Board) Order 1966 as amended by the Industrial Training (Hotel and Catering Board) Order 1969(f)	Schedule 1 Paragraph 1(*e*)
The air transport and travel industry	The Industrial Training (Civil Air Transport Board) Order 1967 as amended by the Industrial Training (Air Transport and Travel Industry Board) Order 1970(g)	Schedule 1 Paragraph 1(*i*)
The petroleum industry	The Industrial Training (Petroleum Board) Order 1967 as amended by the Industrial Training (Petroleum Board) Order 1970(h)	Schedule 1 Paragraph 1(*i*)
The rubber and plastics processing industry	The Industrial Training (Rubber and Plastics Processing Board) Order 1967(i)	Schedule 1 Paragraph 1(*k*)
The chemical and allied products industry	The Industrial Training (Chemical and Allied Products Board) Order 1967 as amended by the Industrial Training (Chemical and Allied Products Board) Order 1970(j)	Schedule 1 Paragraph 1(*w*)
The paper and paper products industry	The Industrial Training (Paper and Paper Products Board) Order 1968(k)	Schedule 1 Paragraph 1(*j*)
The printing and publishing industry	The Industrial Training (Printing and Publishing Board) Order 1968(l)	Schedule 1 Paragraph 1(*n*)

(a) S.I. 1966/245, 1968/1882 (1966 I, p. 499; 1968 III, p. 5017).
(b) S.I. 1966/246 (1966 I, p. 506).
(c) S.I. 1966/823 (1966 II, p. 1907).
(d) S.I. 1966/969, 1970/1886 (1966 II, p. 2333; 1970 III, p. 6227).
(e) S.I. 1966/1112, 1969/879, 1871 (1966 III, p. 2712; 1969 II, p. 2495; 1969 III, p. 5815).
(f) S.I. 1966/1347, 1969/1405 (1966 III, p. 3669; 1969 III, p. 4132).
(g) S.I. 1967/263, 1970/252 (1967 I, p. 968; 1970 I, p. 983).
(h) S.I. 1967/648, 1970/205 (1967 I, p. 2032; 1970 I, p. 926).
(i) S.I. 1967/1062 (1967 II, p. 3151).
(j) S.I. 1967/1386, 1970/1743 (1967 III, p. 4049; 1970 III, p. 5706).
(k) S.I. 1968/787 (1968 II, p. 2194). (l) S.I. 1968/786 (1968 II, p. 2185).

Column 1	Column 2	Column 3
The distributive industry	The Industrial Training (Distributive Board) Order 1968 as amended by the Industrial Training (Distributive Board) Order 1970(a)	Schedule 1 Paragraph 1(*h*)
The food, drink and tobacco industry	The Industrial Training (Food, Drink and Tobacco Board) Order 1968 as amended by the Industrial Training (Food, Drink and Tobacco Board) Order 1971(b)	Schedule 1 Paragraph 1(*g*)
The footwear, leather and fur skin industry	The Industrial Training (Footwear. Leather and Fur Skin Board) Order 1968(c)	Schedule 1 Paragraph 1(*v*)
The clothing and allied products industry	The Industrial Training (Clothing and Allied Products Board) Order 1969(d)	Schedule 1 Paragraph 1(*j*)
The hairdressing and allied services industry	The Industrial Training (Hairdressing and Allied Services Board) Order 1969(e)	Schedule 1 Paragraph 1(*g*)

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order re-defines the activities in relation to which the Construction Industry Training Board exercises its functions. The Board was established on 21st July 1964 by the Industrial Training (Construction Board) Order 1964. The relevant activities were re-defined by the Industrial Training (Construction Board) Order 1967, which Order is now revoked.

The following activity is no longer included in the construction industry—

dealing 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 activities of the construction industry.

Amongst the activities henceforth to be excluded from the industry are those of establishments engaged wholly or mainly in any operations in thatching.

The activities of a charity are also excluded from the industry.

(a) S.I. 1968/1032, 1970/1053 (1968 II, p. 2709; 1970 II, p. 3273).
(b) S.I. 1968/1033, 1971/648 (1968 II, p. 2721; 1971 I, p. 1709).
(c) S.I. 1968/1763 (1968 III, p. 4785).
(d) S.I. 1969/1375 (1969 III, p. 4094).
(e) S.I. 1969/1634 (1969 III, p. 5133).