STATUTORY INSTRUMENTS

# 1969 No. 1634

## INDUSTRIAL TRAINING

## The Industrial Training (Hairdressing and Allied Services Board) Order 1969

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| *Made - - - -* | 19*th November* 1969 |
| *Laid before Parliament* | 1*st December* 1969 |
| *Coming into Operation* | 10*th December* 1969 |

The Secretary of State 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 in exercise of her powers under 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 her in that behalf hereby makes the following Order:—

*Citation, commencement and interpretation*

**1.**—(1) This Order may be cited as the Industrial Training (Hairdressing and Allied Services Board) Order 1969 and shall come into operation on 10th December 1969.

(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 Hairdressing and Allied Services 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 hairdressing and allied services 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.

19th November 1969.

*Barbara Castle,*
First Secretary of State and
Secretary of State for Employment and Productivity.

(a) 1964 c. 16. (b) 1889 c. 63.

Article 2

## SCHEDULE 1

### THE HAIRDRESSING AND ALLIED SERVICES INDUSTRY

1. Subject to the provisions of this Schedule, the activities of the hairdressing and allied services industry are the following activities in so far as they are carried out by way of business in Great Britain:-

(*a*) hairdressing;

(*b*) wig making or fitting;

(*c*) beauty treatment;

(*d*) the provision of facilities for taking turkish, sauna or other steam or dry heat baths;

(*e*) giving instruction in any of the activities above mentioned in this paragraph;

(*f*) any activities (other than those above mentioned), being—

(i) related activities incidental or ancillary to principal activities of the hairdressing and allied services 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;

(*g*) any activities of industry or commerce (other than hairdressing and allied services activities) carried out at or from an establishment mainly engaged—

(i) in hairdressing and allied services activities; or

(ii) in hairdressing and allied services activities and in activities described in the Appendix to this Schedule, but to a greater extent in hairdressing and allied services 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 hairdressing and allied services industry:-

(*a*) the activities of any establishment engaged—

(i) mainly in activities not being hairdressing and allied services activities or activities described in the Appendix to this Schedule; or

(ii) to a less extent in hairdressing and allied services 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 hairdressing and allied services 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 hospital, nursing home, convalescent home or similar establishment providing treatment or accommodation for the sick, infirm or mentally disordered, including the activities of any person employed therein as a nursing assistant, nursing auxiliary or nursing cadet;

(*d*) any activities undertaken personally in the exercise of his profession as such by a person who is registered as a dentist, dispensing or ophthalmic optician, medical practitioner or pharmaceutical chemist or who is registered—

(i) with a Board established under the Professions Supplementary to Medicine Act 1960(**a**);

(ii) as a member of the Institute of Trichologists (Incorporated); or

(iii) as an osteopath by the General Council and Register of Osteopaths;

(*e*) any activities undertaken personally in the exercise of his profession as such by a person who is—

(i) registered as a nurse with the General Nursing Council;

(ii) enrolled on the roll of nurses of the General Nursing Council;

(iii) included in the list of student and pupil nurses maintained by the General Nursing Council;

(iv) a midwife holding the certificate of the Central Midwives Board;

(v) included in the list of pupil midwives maintained by the Central Midwives Board;

(vi) under training for, or holding, the diploma or certificate in orthopaedic nursing of the Joint Examination Board of the British Orthopaedic Association and the Central Council for the Care of the Disabled;

(vii) under training for, or holding, the diploma of ophthalmic nursing of the Ophthalmic Nursing Board;

(viii) under training for, or holding, the thoracic nursing certificate of the British Tuberculosis Association; or

(ix) holding the certificate of the Royal Medico-Psychological Association;

(*f*) any activities when carried out by the master or a member of the crew of a ship or by a person ordinarily employed as a seaman who is employed in or about a ship in port by the owner or charterer thereof on work of a kind ordinarily done by a seaman on a ship while it is in port; or

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

3. In this Schedule unless the context otherwise requires—

(a) "beauty treatment" means any treatment that is designed to enhance the appearance of the human face or body and, without prejudice to the generality of this definition, includes in particular—

(i) the application of beauty packs;

(ii) the application of cosmetics;

(iii) eyebrow shaping or colouring;

(iv) manicure;

(v) massage;

(vi) the removal from the skin of superfluous hair;

(*b*) "business" means a trade or business carried on for the purposes of gain;

(*c*) "Central Midwives Board" means the Central Midwives Board for England and Wales or for Scotland, as the case may be;

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

(*e*) "General Nursing Council" means the General Nursing Council for England and Wales or for Scotland, as the case may be;

(**a**) 1960 c. 66. (**b**) 1948 c. 38.

(*f*) "hairdressing" means shaving, cutting, shampooing, tinting, dyeing, bleaching, waving, curling, straightening, setting, or dressing of the hair, upon the scalp or face, with or without the aid of any apparatus or appliance, preparation or substance, and includes the hand or vibro massage of the scalp or face ;

(*g*) "hairdressing and allied services activities" means any one or more of the principal activities of the hairdressing and allied services industry and the activities included in that industry by virtue of paragraph 1(*f*) of this Schedule ;

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

(*i*) "principal activities of the hairdressing and allied services industry" means activities which, subject to the provisions of paragraph 2 of this Schedule, are specified in paragraph 1, other than sub-paragraphs (*f*) and (*g*) thereof, as activities of the hairdressing and allied services industry ;

(*j*) "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 ;

(iv) operations of a kind performed at stores, warehouses or similar places ;

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

(vi) training of employees and apprentices ;

(*k*) "wig making" means the making of wigs or hair pieces from any material, or the weaving of hair pieces into growing hair, and includes the cleaning and dressing of wigs or hair pieces.

4. 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**) 1963 c. 41.

## 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 construction industry | The Industrial Training (Construction Board) Order 1964 as amended by the Industrial Training (Construction Board) Order 1967(c) | Schedule 1 Paragraph 1(*l*) |
| The engineering industry | The Industrial Training (Engineering Board) Order 1964 as amended by the Industrial Training (Engineering Board) Order 1968 and the Industrial Training (Engineering Board) Order 1968 (Amendment) Order 1969(d) | 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(e) | 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(f) | 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(g) | 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(h) | 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. 1964/1079, 1967/924 (1964 II, p. 2384; 1967 II, p. 2757).
(d) S.I. 1964/1086, 1968/1333, 1969/1376 (1964 II, p. 2402; 1968 II, p. 3694; 1969 III, p. 4103).
(e) S.I. 1964/1782, 1968/1614 (1964 III, p. 3928; 1968 III, p. 4432).
(f) S.I. 1965/1391, 1969/689 (1965 II, p. 4062; 1969 II, p. 1860).
(g) S.I. 1965/2028, 1969/1290 (1965 III, p. 5998; 1969 III, p. 3820).
(h) 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(d) | Schedule 1 Paragraph 1(*m*) |
| The road transport industry | The Industrial Training (Road Transport Board) Order 1966 as amended by the Industrial Training (Road Transport Board) 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 civil air transport industry | The Industrial Training (Civil Air Transport Board) Order 1967(g) | Schedule 1 Paragraph 1(*h*) |
| The petroleum industry | The Industrial Training (Petroleum Board) Order 1967(h) | Schedule 1 Paragraph 1(*h*) |
| 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(j) | Schedule 1 Paragraph 1(*s*) |
| 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*) |
| The distributive industry | The Industrial Training (Distributive Board) Order 1968(m) | Schedule 1 Paragraph 1(*h*) |
| The food, drink and tobacco industry | The Industrial Training (Food, Drink and Tobacco Board) Order 1968(n) | Schedule 1 Paragraph 1(*q*) |
| The footwear, leather and fur skin industry | The Industrial Training (Footwear, Leather and Fur Skin Board) Order 1968(o) | Schedule 1 Paragraph 1(*v*) |
| The clothing and allied products industry | The Industrial Training (Clothing and Allied Products Board) Order 1969(p) | Schedule 1 Paragraph 1(*j*) |

(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 (1966 II, p. 2333).
(e) S.I. 1966/1112, 1969/879 (1966 III, p. 2712; 1969 II, p. 2495).
(f) S.I. 1966/1347, 1969/1405 (1966 III, p. 3669; 1969 III, p. 4132).
(g) S.I. 1967/263 (1967 I, p. 968).
(h) S.I. 1967/648 (1967 I, p. 2032).
(i) S.I. 1967/1062 (1967 II, p. 3151).
(j) S.I. 1967/1386 (1967 III, p. 4049).
(k) S.I. 1968/787 (1968 II, p. 2194).
(l) S.I. 1968/786 (1968 II, p. 2185).
(m) S.I. 1968/1032 (1968 II, p. 2709).
(n) S.I. 1968/1033 (1968 II, p. 2721).
(o) S.I. 1968/1763 (1968 III, p. 4785).
(p) S.I. 1969/1375 (1969 III, p. 4094).

Article 3

## SCHEDULE 2

### MEMBERSHIP

1. The appointment of a member of the Board shall be for such term as the Secretary of State 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 re-appointment.

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

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

the Secretary of State may declare the office of that member to be vacant and shall notify the fact in such manner as she 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 Hairdressing and Allied Services 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 Secretary of State 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 contary be proved, be deemed to be a document so executed or issued or so signed as the case may be.

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## 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 Hairdressing and Allied Services 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.