1967. No. 185 [C]

INDUSTRIAL TRAINING

Industrial Training Levy (Catering Industry)

ORDER, DATED 18TH JULY 1967, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE INDUSTRIAL TRAINING ACT (NORTHERN IRELAND) 1964.

The Ministry of Health and Social Services after approving proposals submitted by the Catering Industry Training Board for the imposition of a levy in the catering industry and in exercise of the powers conferred by section 4 of the Industrial Training Act (Northern Ireland) 1964(**a**) and of all other powers enabling it in that behalf, hereby makes the following Order:—

Citation and interpretation

1.—(1) This Order may be cited as the Industrial Training Levy (Catering Industry) Order (Northern Ireland) 1967.

(2) In this Order—

"an appeal tribunal" means an industrial tribunal established under section 13 of the Industrial Training Act (Northern Ireland) 1964;

"assessment" means an assessment of an employer to the levy;

"the Board" means the Catering Industry Training Board;

"business" means any activity of industry or commerce;

"catering establishment" means an establishment in Northern Ireland engaged wholly or mainly in the catering industry for a total of 27 or more weeks in the period of 12 months that commenced on 1st July 1966 or, being an establishment that commenced to carry on business in the said period, for a total number of weeks exceeding one half of the total number of weeks in the period commencing with the day on which business was commenced and ending on 30th June 1967;

"the catering industry" means any one or more of the activities which, subject to the provisions of paragraph 2 of Schedule 1 to the industrial training order, are specified in paragraph 1 of that Schedule (other than sub-paragraph (*c*) thereof) as activities of the catering industry;

"employer" means an employer in the catering industry;

"the second levy period" means the period commencing with the date on which this Order comes into operation and ending on 5th April 1968;

"the industrial training order" means the Industrial Training (Catering Board) Order (Northern Ireland) 1966(**b**);

"the levy" means the levy imposed by the Board in respect of the second levy period;

"the Ministry" means the Ministry of Health and Social Services;

"notice" means a notice in writing.

(3) A person employed at any time in the period of 12 months ending on 30th June 1967 at or from an establishment that is taken over (whether directly or indirectly) by an employer in succession to, or jointly with,

(**a**) 1964. c. 18 (N.I.). (**b**) S.R. & O. (N.I.) 1966, No. 32.

another employer shall, during that time, be deemed for the purposes of this Order to have been in the employment of—

(*a*) the person or persons carrying on the said establishment on the date of this Order; or

(*b*) if no person is carrying on the said establishment on the last mentioned date, by the person who last employed any person at or from the said establishment prior to that date.

(4) Any reference in this Order to an establishment that commences or ceases to carry on business shall not be taken to apply where the location of the establishment is changed but its business is continued wholly or mainly at or from the new location, or where the suspension of activities is of a temporary or seasonal nature.

Imposition of the Levy

2.—(1) The levy to be imposed by the Board on employers in respect of the second levy period shall be assessed and paid in accordance with the provisions of this Order.

(2) This Order shall not apply to an employer in whose case the average of the numbers of persons employed, or deemed to have been employed, calculated in accordance with Article 3(2) is less than 3, but save as aforesaid shall apply to any person who, on the date upon which this Order comes into operation, is an employer or who at any time thereafter in the second levy period becomes an employer.

Assessment of the Levy

3.—(1) The levy shall be assessed by the Board separately in respect of each catering establishment of an employer, but in agreement with the employer a single assessment may be made in respect of any number of such establishments, in which case those establishments shall be deemed for the purposes of that assessment to constitute one establishment.

(2) The amount of the levy imposed in respect of a catering establishment shall be calculated by multiplying the sum of £3 by the number which is the average (calculated to the lowest whole number) of the numbers of persons employed, or deemed to have been employed at or from that establishment on, 1st October 1966, 1st January 1967, 1st April 1967 and 1st July 1967.

(3) The amount of the levy imposed in respect of a catering establishment that ceases to carry on business in the second levy period shall be in the same proportion to the amount that would otherwise be due under the foregoing provisions of this Article as the number of days between the commencement of the said levy period and the date of cessation of business (both dates inclusive) bears to the number of days in the said levy period.

Assessment Notice

4.—(1) The Board shall serve an assessment notice imposing a levy calculated in accordance with Article 3(2) on every employer assessed to the levy, but a single notice may be served in respect of several assessments.

(2) An assessment notice may be served on an employer either by delivering it to him personally or by leaving it, or sending it to him by post, at his last known address or place of business in the United Kingdom or, if the employer is a company, at the company's registered address.

Payment of Levy

5.—(1) Subject to the provisions of this Article and Articles 6 and 7, the amount of an assessment appearing in an assessment notice served by the

Board shall be paid by the employer to the Board one month after the date of the notice.

(2) The amount of an assessment shall not be recoverable by the Board until any time allowed for appealing against the assessment has expired or, where an appeal is brought, until the appeal is decided or withdrawn.

Review of Assessment

6.—(1) The Board may, by notice served on the employer, withdraw an assessment at any time within which the employer may appeal, or be allowed to appeal, against the assessment under the provisions of Article 7.

(2) The withdrawal of an assessment shall be without prejudice to the power of the Board to serve a further assessment notice in respect of any establishment to which that assessment related.

Appeals

7.—(1) An employer shall be entitled to appeal to an appeal tribunal against an assessment within one month from the date of the service of the relevant assessment notice.

(2) The Board for good cause by notice may allow an employer to appeal to an appeal tribunal against an assessment at any time within the period of six months from the date of the service of the relevant assessment notice or within such further period or periods as the Board may allow before such time as may then be limited for appealing has expired.

(3) If the Board shall not allow an application for extension of time for appealing an appeal tribunal shall upon application made by the employer to the tribunal have the like powers as the Board under paragraph (2).

(4) An appeal or an application to an appeal tribunal under this Article shall be made in accordance with the Industrial Tribunals Regulations (Northern Ireland) 1965(a).

(5) The powers of an appeal tribunal under paragraph (3) may be exercised by the President of the Industrial Tribunals.

Evidence

8.—(1) Upon the discharge by an employer of his liability under an assessment the Board shall if so requested issue to him a certificate in writing to the effect that he has done so.

(2) The production in any proceedings of a document purporting to be certified by the Secretary of the Board to be a true copy of an assessment or other notice issued by the Board or of a certificate such as is mentioned in paragraph (1) shall, unless the contrary is proved, be sufficient evidence of the document and of the facts stated therein.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 18th day of July 1967.

(L.S.)

W. G. H. Quigley,
Assistant Secretary.

(a) S.R. & O. (N.I.) 1965, No. 112, as amended by S.R. & O. (N.I.) 1966, No. 261 and S.R. & O. (N.I.) 1967, No. 109.

EXPLANATORY NOTE

(This note is not part of the Order but is intended to indicate its general purport.)

This Order gives effect to proposals submitted by the Catering Industry Training Board to the Ministry of Health and Social Services for the imposition of a levy upon employers in the catering industry for the purpose of raising money towards the expenses of the Board.

The levy is to be imposed in respect of the second levy period commencing with the date upon which the Order comes into operation and ending on 5th April 1968. The levy will be asessed by the Board and there will be a right of appeal against an assessment to an industrial tribunal.

1967. No. 186 **[NC]**

OFFICE AND SHOP PREMISES

Exemption (No. 2) Order

ORDER, DATED 19TH JULY 1967, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER SECTION 44 OF THE OFFICE AND SHOP PREMISES ACT (NORTHERN IRELAND) 1966.

The Ministry of Health and Social Services in exercise of the powers conferred on it by section 44 of the Office and Shop Premises Act (Northern Ireland) 1966(a) (hereinafter referred to as "the Act") and of all other powers enabling it in that behalf, and after consultation with organisations appearing to it to be representative respectively of workers and employers concerned and there appearing to it to be no other persons concerned, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Office and Shop Premises (Exemption) (No. 2) Order (Northern Ireland) 1967 and shall come into operation on 1st August 1967.

Exemption of certain premises

2. The Ministry of Health and Social Services hereby exempts the class of premises specified in Article 3 from the requirements imposed by section 9 (which relates to sanitary conveniences) of the Act, subject to the conditions specified in Article 4.

Class of premises exempted

3. Article 2 applies to buildings in the case of which all the following circumstances exist, that is to say—

(*a*) that they consist of one room only;

(*b*) that their floor area does not exceed one hundred square feet;

(*c*) that they do not form part of a larger building and are unconnected with and separate from any other building;

(a) 1966, c. 26 (N.I.).