1968 No. 226

INDUSTRIAL TRAINING

The Industrial Training Levy (Civil Air Transport) Order 1968

Made - - -	21*st February* 1968
Laid before Parliament	4*th March* 1968
Coming into Operation	1*st April* 1968

The Minister of Labour after approving proposals submitted by the Civil Air Transport Industry Training Board for the imposition of a levy on employers in the civil air transport industry and by virtue of the powers conferred on him by section 4 of the Industrial Training Act 1964(a) and of all other powers enabling him in that behalf hereby makes the following Order :—

Title and commencement

1. This Order may be cited as the Industrial Training Levy (Civil Air Transport) Order 1968 and shall come into operation on 1st April 1968.

Interpretation

2.—(1) In this Order unless the context otherwise requires :—

(*a*) "Air Corporation" means the British Overseas Airways Corporation or the British European Airways Corporation, and includes B.O.A.C. Associated Companies Limited and BEA Helicopters Limited ;

(*b*) "an appeal tribunal" means an industrial tribunal established under section 12 of the Industrial Training Act 1964 ;

(*c*) "assessment" means an assessment of an employer to the levy ;

(*d*) "the Board" means the Civil Air Transport Industry Training Board ;

(*e*) "business" means any activities of industry or commerce ;

(*f*) "civil air transport establishment" means an establishment in Great Britain engaged wholly or mainly in the civil air transport industry for a total of twenty-seven or more weeks in the period of twelve months that commenced on 1st April 1967 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 number of weeks in the part of the said period commencing with the day on which business was commenced and ending on the last day thereof ;

(*g*) "the civil air transport 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 as the activities of the civil air transport industry ;

(a) 1964 c. 16.

(*h*) "employer" (except in Article 3(7)(*b*) of this Order) means a person who is an employer in the civil air transport industry at any time in the first levy period;

(*i*) "the first levy period" means the period commencing on 1st April 1968 and ending on 31st March 1969;

(*j*) "the industrial training order" means the Industrial Training (Civil Air Transport Board) Order 1967(**a**);

(*k*) "the levy" means the levy imposed by the Board in respect of the first levy period;

(*l*) "notice" means a notice in writing;

(*m*) "the relevant dates" means 14th January 1967 and 15th July 1967;

(*n*) other expressions have the same meaning as in the industrial training order.

(2) Any reference in this Order to an establishment that commences to carry on business or that 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.

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

Imposition of the Levy

3.—(1) The levy to be imposed by the Board on employers in respect of the first levy period shall be assessed in accordance with the provisions of this Article.

(2) The levy shall be assessed by the Board separately in respect of each civil air transport establishment of an employer, not being an Air Corporation or the British Airports Authority, but in agreement with the employer one 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.

(3) Subject to the provisions of this Article, the levy assessed in respect of a civil air transport establishment shall be the amount obtained by multiplying the sum of £8 by the number that is equal to the average (calculated to the lowest whole number) of the numbers of the persons employed, or deemed under the provisions of the next following paragraph to have been employed, at or from the establishment by the employer on each of the relevant dates.

(4) In the case where a civil air transport establishment is taken over (whether directly or indirectly) by an employer in succession to, or jointly with, another person, a person employed at or from the establishment on either or both of the relevant dates by a person other than the employer carrying on the establishment on 1st April 1968 shall be deemed for the purposes of this Article to have been employed by the last mentioned employer.

(5) The amount of the levy imposed in respect of a civil air transport establishment that ceases to carry on business in the first levy period shall be in the same proportion to the amount that would otherwise be due under paragraph (3) 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.

(**a**) S.I. 1967/263 (1967 I, p. 968). (**b**) 1889 c. 63.

(6) The levy shall be assessed by the Board in respect of each Air Corporation and of the British Airports Authority, and the amount of the levy shall, subject to the provisions of this Article, be equal to the amount obtained by multiplying the sum of £8 by the number that is equal to the average (calculated to the lowest whole number) of the numbers of all persons employed on each of the relevant dates by such Corporation or Authority, as the case may be.

(7) For the purposes of this Article, no regard shall be had to any person employed as follows :—

(*a*) by a local authority in—

(i) the manufacture, installation, testing, inspection or repair of any articles (being certain articles made wholly or mainly from metal or metal and plastics material) to which paragraph 2(*b*)(iv) of Schedule 1 to the industrial training order applies ;

(ii) any operations (being certain building work or civil engineering work) specified in paragraph 2(*b*)(viii) of the said Schedule ;

(iii) any activities specified in paragraph 1(*g*) or 1(*h*) of that Schedule, not being activities mentioned in head (ii) or head (iv) of paragraph 3(*o*) thereof ; or

(iv) the repair of motor vehicles, including the carrying out of running repairs or of minor adjustments thereto ;

(*b*) as a member of the crew of an aircraft that is operated by an employer having his sole or principal place of business outside Great Britain ; or

(*c*) wholly in the supply of food or drink for immediate consumption, except where such person is a member of the crew of an aircraft.

Assessment Notices

4.—(1) The Board shall serve an assessment notice on every employer assessed to the levy, but one notice may comprise two or more assessments.

(2) An assessment notice shall state the Board's address for the service of a notice of appeal or of an application for an extension of time for appealing.

(3) An assessment notice may be served on the person assessed to the levy 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 that person is a corporation, by leaving it, or sending it by post to the corporation, at such address or place of business or at its registered or principal office.

Payment of the Levy

5.—(1) Subject to the provisions of this Article and of Articles 6 and 7, the amount of each assessment appearing in an assessment notice served by the Board shall be payable to the Board in two instalments equal to three-eighths and five-eighths of that amount respectively, and the said instalments shall be due respectively one month and seven months after the date of the notice.

(2) An instalment of an assessment shall not be recoverable by the Board until there has expired the time allowed for appealing against the assessment by Article 7(1) of this Order and any further period or periods of time that the Board or an appeal tribunal may have allowed for appealing under paragraph (2) or (3) of that Article or, where an appeal is brought, until the appeal is decided or withdrawn.

Withdrawal of Assessment

6.—(1) The Board may, by a notice served on the person assessed to the levy in the same manner as an assessment notice, withdraw an assessment if that person has appealed against that assessment under the provisions of Article 7 of this Order and the appeal has not been entered in the Register of Appeals kept under the appropriate Regulations specified in paragraph (5) of that Article.

(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 or, as the case may be, persons to which that assessment related and, where the withdrawal is made by reason of the fact that an establishment has ceased to carry on business in the first levy period, the said notice may provide that the whole amount payable thereunder in respect of the establishment shall be due one month after the date of the notice.

Appeals

7.—(1) A person assessed to the levy may appeal to an appeal tribunal against the assessment within one month from the date of the service of the assessment notice or within any further period or periods of time that may be allowed by the Board or an appeal tribunal under the following provisions of this Article.

(2) The Board by notice may for good cause allow a person assessed to the levy to appeal to an appeal tribunal against the assessment at any time within the period of four months from the date of the service of the 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 to the tribunal by the person assessed to the levy have the like powers as the Board under the foregoing paragraph.

(4) In the case of an establishment that ceases to carry on business in the first levy period on any day after the date of the service of the relevant assessment notice the foregoing provisions of this Article shall have effect as if for the period of four months from the date of the service of the assessment notice mentioned in paragraph (2) of this Article there were substituted the period of six months from the date of the cessation of business.

(5) An appeal or an application to an appeal tribunal under this Article shall be made in accordance with the Industrial Tribunals (England and Wales) Regulations 1965(**a**) as amended by the Industrial Tribunals (England and Wales) (Amendment) Regulations 1967(**b**) except where the assessment relates to an establishment that is wholly in Scotland in which case the appeal or application shall be made in accordance with the Industrial Tribunals (Scotland) Regulations 1965(**c**) as amended by the Industrial Tribunals (Scotland) (Amendment) Regulations 1967(**d**).

(6) The powers of an appeal tribunal under paragraph (3) of this Article may be exercised by the President of the Industrial Tribunals (England and Wales) or by the President of the Industrial Tribunals (Scotland) as the case may be.

(**a**) S.I. 1965/1101 (1965 II, p. 2805).
(**b**) S.I. 1967/301 (1967 I, p. 1040).
(**c**) S.I. 1965/1157 (1965 II, p. 3266).
(**d**) S.I. 1967/302 (1967 I, p. 1050).

Evidence

8.—(1) Upon the discharge by a person assessed to the levy of his liability under an assessment the Board shall if so requested issue to him a certificate to that effect.

(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 purporting to be a certificate such as is mentioned in the foregoing paragraph of this Article shall, unless the contrary is proved, be sufficient evidence of the document and of the facts stated therein.

21st February 1968.

R. J. Gunter,
Minister of Labour.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order gives effect to proposals submitted by the Civil Air Transport Industry Training Board to the Minister of Labour for the imposition of a levy upon employers in the civil air transport industry for the purpose of raising money towards the expenses of the Board.

The levy is to be imposed in respect of the first levy period commencing on 1st April 1968 and ending on 31st March 1969. The levy will be assessed by the Board and there will be a right of appeal against an assessment to an industrial tribunal.