EXPLANATORY MEMORANDUM TO

THE INDUSTRIAL TRAINING LEVY (CONSTRUCTION INDUSTRY) ORDER (NORTHERN IRELAND) 2026

S.R. 2026 No. 137

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for the Economy to accompany the Statutory Rule: The Industrial Training Levy (Construction Industry) Order (Northern Ireland) 2026.

1.2 This Statutory Rule is made in exercise of the powers conferred by Articles 23(2) and (3) and 24(3) and (4) of the Industrial Training (Northern Ireland) Order 1984. The Rule is subject to the negative resolution procedure.

2. Background, Purpose and Timing of S.R.

2.1 The Industrial Training Levy (Construction Industry) Order (Northern Ireland) 2026 enables CITB NI (formerly known as the Construction Industry Training Board) to fulfil its role and raise funding through a levy on employers in the industry. The purpose of the Board, as set in legislation, is to encourage the adequate training of those employed, or intending to be employed, in the construction industry in Northern Ireland. It has a strategic vision of establishing a training culture throughout the construction industry. It is funded through a statutory levy which is determined by a percentage of the payroll costs of employers in the construction industry.

2.2 The levy is to be imposed in respect of the period commencing on 1 September 2026 and ending on 31 August 2027.

2.3 The levy rate of 0.55% in respect of relevant earnings remains the same rate operating during the preceding levy period which expires on 31 August 2026 (see Industrial Training Levy (Construction Industry) Order (Northern Ireland) 2025 S.R. 2025 No.110.

2.4 An employer will be exempt from levy where the relevant earnings are less than £80,000 (which is the same threshold applied in the preceding levy period).

3. Consultation

3.1 CITB NI is legally required to consult employers in the construction sector on the annual levy proposals. The consultation commenced by formal letter on 02 March 2026. As normal, CITB NI's consultation is with NI Industry Federations who represent the in-scope employers within the sector.

3.2 At a meeting of the CITB NI Board held on 26 March 2026 the Board noted that due to the change to the legislative process for the making of the Annual Levy Order meant that it no longer fitted in with the budgeting cycle for CITB

NI Finance and Board meetings. However, at previous Board meetings it had been highlighted by the members, including all of the employer members present, that the Industrial Training (Construction) Levy, in respect of the forthcoming levy period (the sixty second base period), should be set at 0.55% of earnings (emoluments). This keeps the levy rate the same as the current levy.

3.3 The department is content to set the levy rate at 0.55% for a further year until 31 August 2027 as it maintains the status quo and consistency.

4. Section 24 of Northern Ireland Act 1998 / Equality Impact

4.1 The Department considers the Order to be compliant with Section 24 of the Northern Ireland Act 1998. The Rule is considered to have no impact on Human Rights or on Equality issues. This legislation involves neither the commencement of a new policy or a change of existing policy.

5. Regulatory Impact

5.1 A Regulatory Impact Assessment has not been prepared for this Rule as it does not place an additional burden on businesses, charities or voluntary bodies.

6. Financial Implications

6.1 This Rule imposes a levy of 0.55% on the payroll costs of employers in the industry and is the same rate that applied in the previous levy period.

6.2 This Rule exempts employers from paying levy where the relevant payroll costs are less than £80,000 (which is the same threshold applied in the preceding levy period).

6.3 There is a right of appeal against a levy assessment to an industrial tribunal.

7. EU Implications

7.1 Not applicable.

8. Parity or Replicatory Measure

- This Rule is broadly similar to the equivalent GB Statutory Instrument, The Industrial Training Levy (Construction Industry Training Board) Order 2025 however; the levy rate that applies in Northern Ireland is agreed through local consultation with employers.

9. Additional Information

9.1 Not applicable.