STATUTORY INSTRUMENTS

1968 No. 1477

INDUSTRIAL TRAINING

The Industrial Training Levy (Engineering) (No. 2) Order 1967 (Amendment) Order 1968

Made - - - -	17*th September* 1968
Laid before Parliament	26*th September* 1968
Coming into Operation	27*th September* 1968

The Secretary of State after approving proposals submitted by the Engineering Industry Training Board for the amendment of the Industrial Training Levy (Engineering) (No. 2) Order 1967(a) (which Order, hereinafter referred to as "the principal Order", makes provision in respect of the third levy period commencing on 9th October 1967 and ending on 31st August 1968 as to the levy to be imposed by the Board on employers in the engineering industry) and in exercise of her powers under section 4 of the Industrial Training Act 1964(b) and of all other powers enabling her in that behalf hereby makes the following Order:—

Title and commencement

1.—(1) This Order may be cited as the Industrial Training Levy (Engineering) (No. 2) Order 1967 (Amendment) Order 1968 and shall come into operation on 27th September 1968.

(2) The Interpretation Act 1889(c) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the principal Order were Acts of Parliament.

Amendment of the principal Order

2. The principal Order shall be amended in accordance with the provisions of the Schedule hereto.

17th September 1968.

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

(a) S.I. 1967/1427 (1967 III, p. 4127). (b) 1964 c. 16. (c) 1889 c. 63.

SCHEDULE

AMENDMENTS TO THE INDUSTRIAL TRAINING LEVY (ENGINEERING) (NO. 2) ORDER 1967

1.—(1) Article 2 of the principal Order shall be amended as follows.

(2) For paragraph 1(*f*) there shall be substituted the following:—

"(*f*) 'employer' (except in Article 2(2) of this Order) means a person who is an employer in the engineering industry at any time in the third levy period, but does not include a person in whose case the sum of the emoluments paid to all persons in his employment in the said industry in the third base period is less than £5,000;".

(3) For paragraph (1)(*g*) there shall be substituted the following:—

"(*g*) 'engineering establishment' means an establishment in Great Britain (not being a foundry establishment) engaged in the third base period wholly or mainly in the engineering industry for a total of twenty-seven or more weeks or, being an establishment that commenced to carry on business in the third base 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, but does not include an establishment in the case of which the sum of the emoluments of all persons employed in the third base period at or from the establishment by the person carrying on the same does not exceed £5,000;".

(4) Immediately after paragraph 1(*h*) there shall be inserted as sub-paragraphs (*ha*) and (*hb*) respectively the following:—

"(*ha*) 'establishment' (except in relation to the expressions 'engineering establishment' and 'foundry establishment') means an establishment that is either an engineering establishment or a foundry establishment;

(*hb*) 'foundry establishment' means an establishment in Great Britain engaged in the third base period wholly or mainly in foundry work, die casting or pattern making (being activities in the engineering industry) or in any combination of those activities for a total of twenty-seven or more weeks or, being an establishment that commenced to carry on business in the third base 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;".

(5) For paragraph (1)(*i*) there shall be substituted the following:—

"(*i*) 'the industrial training order' means the Industrial Training (Engineering Board) Order 1968(**a**);".

(6) Paragraph 1(*k*), which defines the expression "local authority", shall cease to have effect.

(7) Paragraphs (2), (3) and (4) shall be re-numbered respectively as paragraphs (3), (4) and (5), and there shall be inserted as paragraph (2) the following:—

"(2) In reckoning the amount of emoluments for the purposes of this Order no regard shall be had to the emoluments of—

(**a**) S.I. 1968/1333 (1968 II, p. 3694).

(*a*) any person engaged wholly in the supply of food or drink for immediate consumption;

(*b*) any person undergoing a course of training as a seagoing officer or rating under an agreement in writing with an employer in the shipping industry or with any organisation of employers in that industry or with any association of such organisations; or

(*c*) any person employed by the London Transport Board wholly in activities specified in paragraph 1(*l*) of the Schedule to the industrial training order, not being design or drawing or the training of employees or apprentices.".

2. For Articles 3 and 4 of the principal Order there shall be substituted as Article 3 the following:—

"*Imposition of the Levy*

3.—(1) The levy to be imposed by the Board on employers in respect of the third 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 establishment of an employer, but in agreement with the employer one assessment may be made in respect of any number of engineering establishments, in which case such establishments shall be deemed for the purposes of that assessment to constitute one establishment.

(3) The levy assessed in respect of an engineering establishment of an employer shall be an amount equal to—

(*a*) 1.0 per cent. of the sum determined in accordance with the next following paragraph or of the first £10,000 of that sum where it exceeds £10,000; and

(*b*) 2.5 per cent. of any amount by which the sum determined in accordance with the said paragraph exceeds £10,000.

(4) The sum referred to in the foregoing paragraph is the sum (less £5,000) of the emoluments of all persons employed in the third base period at or from the establishment by the employer and of any persons deemed to have been so employed under the provisions of Article 2(3) of this Order.

(5) The levy assessed in respect of a foundry establishment of an employer shall be an amount equal to 2.5 per cent. of the emoluments of all persons employed in the third base period at or from the establishment by the employer and of any persons deemed to have been so employed under the said provisions of Article 2(3).

(6) The amount of the levy imposed in respect of any establishment that ceases to carry on business in the third levy period shall be in the same proportion to the amount that would otherwise be due under 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.".

3. Article 5 of the principal Order shall be re-numbered as Article 4 and for paragraph (4) there shall be substituted the following:—

"(4) 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.".

4. For Article 6 of the principal Order there shall be substituted as Article 5 the following:—

"*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 by the employer to the Board in two equal instalments, 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.".

5. For Article 7 of the principal Order there shall be substituted as Article 6 the following:—

"*Withdrawal of Assessment*

6.—(1) The Board may, by 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 (4) 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 to which that assessment related.".

6. Article 8 of the principal Order shall be re-numbered as Article 7 and in paragraph (4) thereof:—

(*a*) the words "or the employer is a local authority in Scotland" shall be deleted;

(*b*) for the word "cases" there shall be substituted the word "case".

7. Article 9 of the principal Order shall be re-numbered as Article 8, and in paragraph (1) thereof for the words "an employer" there shall be substituted the words "a person assessed to the levy".

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order gives effect to proposals submitted by the Engineering Industry Training Board to the Secretary of State for Employment and Productivity for the amendment of the Industrial Training Levy (Engineering) (No. 2) Order 1967, which makes provision for the imposition of a levy on employers in the engineering industry in respect of the third levy period commencing on 9th October 1967 and ending on 31st August 1968.

The principal changes affect engineering establishments that are not foundry establishments. If the emoluments of all persons employed in such engineering establishments in the third base period ended 5th April 1968 did not exceed £5,000, no levy will be assessed in respect of such establishments and if those emoluments exceeded £5,000, the levy will be reduced.