STATUTORY INSTRUMENTS

1970 No. 1367

INDUSTRIAL TRAINING

The Industrial Training Levy (Gas) Order 1970

Made - - -	*15th September* 1970
Laid before Parliament	*25th September* 1970
Coming into Operation	*30th September* 1970

The Secretary of State after approving proposals submitted by the Gas Industry Training Board for the imposition of a further levy on employers in the gas industry and in exercise of his powers under 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 (Gas) Order 1970 and shall come into operation on 30th September 1970.

Interpretation

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

(*a*) "activities of the gas industry" means any activities (not being in agriculture) 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 activities of the gas industry ;

(*b*) "agriculture" has the same meaning as in section 109(3) of the Agriculture Act 1947(**b**) or, in relation to Scotland, as in section 86(3) of the Agriculture (Scotland) Act 1948(**c**) ;

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

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

(*e*) "emoluments" means all emoluments assessable to income tax under Schedule E, being emoluments from which tax under that Schedule is deductible, whether or not tax in fact falls to be deducted from any particular payment thereof, but does not include pensions or any sums paid by way of metropolitan allowances ;

(*f*) "employer" means the Gas Council or an Area Gas Board ;

(*g*) "the fifth base period" means the period of twelve months that commenced on 1st April 1969 ;

(**a**) 1964 c. 16.
(**b**) 1947 c. 48.
(**c**) 1948 c. 45.

(*h*) "the fifth levy period" means the period commencing with the day upon which this Order comes into operation and ending on 31st July 1971 ;

(*i*) "the Industrial Training Board" means the Gas Industry Training Board ;

(*j*) "the industrial training order" means the Industrial Training (Gas Industry Board) Order 1965(**a**) ;

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

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

(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.

Imposition of the Levy

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

(2) The levy shall be assessed by the Industrial Training Board in respect of each employer.

(3) The amount of the levy imposed on an employer shall be equal to 1·5 per cent. of the sum of the emoluments of all persons employed by the employer in activities of the gas industry in the fifth base period, the said amount being rounded down to the nearest £1.

Assessment Notices

4.—(1) The Industrial Training Board shall serve an assessment notice on every employer.

(2) An assessment notice shall state the Industrial Training 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 an employer by sending it by post to the employer's principal office.

Payment of the Levy

5.—(1) Subject to the provisions of this Article and of Articles 6 and 7, the amount of an assessment appearing in an assessment notice served by the Industrial Training Board shall be due and payable to the Board one month after the date of the assessment notice.

(2) The amount of an assessment shall not be recoverable by the Industrial Training 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 Industrial Training 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.

(**a**) S.I. 1965/1257 (1965 II, p. 3552). (**b**) 1889 c. 63.

Withdrawal of Assessment

6.—(1) The Industrial Training Board may, by a notice served on the employer in the same manner as an assessment notice, withdraw an assessment if the employer 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 on the employer.

Appeals

7.—(1) An employer 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 Industrial Training Board or an appeal tribunal under the following provisions of this Article.

(2) The Industrial Training Board by notice may for good cause allow an employer 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 said Board may allow before such time as may then be limited for appealing has expired.

(3) If the Industrial Training Board shall not allow an application for extension of time for appealing, an appeal tribunal shall upon application made to the tribunal by the employer assessed to the levy have the like powers as the said Board under the last foregoing paragraph.

(4) 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 employer is the Scottish Gas Board, 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**).

(5) 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.

Evidence

8.—(1) Upon the discharge of an employer's liability under an assessment the Industrial Training Board shall if so requested issue to the employer a certificate to that effect.

(2) The production in any proceedings of a document purporting to be certified by the Secretary of the Industrial Training Board to be a true copy

(**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).

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.

15th September 1970.

Robert Carr,
Secretary of State for Employment and Productivity.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order gives effect to proposals submitted by the Gas Industry Training Board to the Secretary of State for Employment and Productivity for the imposition of a further levy on employers in the Gas Industry for the purpose of raising money towards the expenses of the Board.

The levy is to be imposed in respect of the fifth levy period commencing with the day on which this Order comes into operation and ending on 31st July 1971. The levy will be assessed by the industrial training board and there will be a right of appeal against an assessment to an industrial tribunal.

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