STATUTORY INSTRUMENTS

1967 No. 1109

INDUSTRIAL TRAINING

The Industrial Training Levy (Water Supply) Order 1967

Made - - -	*21st July* 1967
Laid before Parliament	*1st August* 1967
Coming into Operation	*2nd August* 1967

The Minister of Labour after approving proposals submitted by the Water Supply Industry Training Board for the imposition of a further levy on employers in the water supply 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 (Water Supply) Order 1967 and shall come into operation on 2nd August 1967.

Interpretation

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

(*a*) "activities of the water supply industry" means any 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 activities of the water supply industry;

(*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 Water Supply Industry Training Board;

(*e*) "emoluments" means all emoluments assessable to income tax under Schedule E (other than pensions), 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;

(*f*) "employer" means an employer in the water supply industry, being on the day upon which this Order comes into operation statutory water undertakers or a local water authority;

(*g*) "the industrial training order" means the Industrial Training (Water Supply Board) Order 1965(b);

(*h*) "the levy" means the levy imposed by the Board in respect of the second levy period;

(*i*) "local water authority" means a local water authority within the meaning of the Water (Scotland) Act 1946(c);

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

(a) 1964 c. 16. (b) S.I. 1965/1258 (1965 II, p.3556). (c) 1946 c. 42.

(*k*) "the second base period" means the period of twelve months that commenced on 1st April 1966;

(*l*) "the second levy period" means the period commencing with the day upon which this Order comes into operation and ending on 31st March 1968;

(*m*) "statutory water undertakers" means any statutory water undertakers within the meaning of the Water Act 1945(**a**).

(2) A person employed at any time in the second base period in a water undertaking or part of a water undertaking that on the day on which this Order comes into operation forms part of the water undertaking of an employer shall, during the said time, be deemed for the purposes of this Order to have been in the employment of that employer, whether or not such was the case.

(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. 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.

Assessment of the Levy

4.—(1) The levy shall be assessed by the Board in respect of each employer.

(2) The amount of the levy imposed on an employer shall be a sum equal to 1.1 per cent. of the emoluments of all persons employed by the employer in activities of the water supply industry in the second base period and of any persons deemed to have been so employed under the provisions of Article 2 of this Order.

Assessment Notice

5.—(1) The Board shall serve an assessment notice on every employer.

(2) An assessment notice shall state the address of the Board 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 registered or principal office.

Payment of the Levy

6.—(1) Subject to the provisions of this Article and of Articles 7 and 8, the amount of an assessment appearing in an assessment notice served by the Board shall be payable by the employer to the Board in two equal instalments, of which the first such instalment shall be due one month after the date of the notice and the other after three further months.

(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 8(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

7.—(1) The Board may, by notice served on the employer in the same manner as an assessment notice, withdraw an assessment if the employer has appealed

(**a**) 1945 c. 42. (**b**) 1889 c. 63.

against that assessment under the provisions of Article 8 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

8.—(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 Board or an appeal tribunal under the following provisions of this Article.

(2) The 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 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 employer assessed to the levy have the like powers as the Board under the 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 a local water authority 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

9.—(1) Upon the discharge of an employer's liability under an assessment the 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 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 July 1967.

R. J. Gunter,
Minister of Labour.

(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).

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order gives effect to proposals submitted to the Minister of Labour by the Water Supply Industry Training Board for the imposition of a further levy on employers in the water supply 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 on which this Order comes into operation and ending on 31st March 1968. The levy will be assessed by the Board and there will be a right of appeal against an assessment to an industrial tribunal.