STATUTORY INSTRUMENTS

1971 No. 1034

INDUSTRIAL TRAINING

The Industrial Training Levy (Water Supply) Order 1971

Made - - -	22*nd June* 1971
Laid before Parliament	1*st July* 1971
Coming into Operation	14*th July* 1971

The Secretary of State 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 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 (Water Supply) Order 1971 and shall come into operation on 14th July 1971.

Interpretation

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

(*a*) "activities of the water supply industry" means any activities (not being 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 water supply 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 (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 regional water board;

(*g*) "the Industrial Training Board" means the Water Supply Industry Training Board;

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

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

(*i*) "the levy" means the levy imposed by the Board in respect of the sixth levy period;

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

(*k*) "regional water board" means a regional water board within the meaning of the Water (Scotland) Act 1967(**b**);

(*l*) "the sixth base period" means the period of twelve months that commenced on 6th April 1970;

(*m*) "the sixth levy period" means the period commencing with the day upon which this Order comes into operation and ending on 31st March 1972;

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

(2) The Interpretation Act 1889(**d**) 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 sixth 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 a sum equal to 1·6 per cent. of the emoluments of the persons following—

(*a*) in the case of statutory water undertakers, all persons employed by the employer in the sixth base period in activities of the water supply industry and any other persons employed at any time in that period in a water undertaking or part of a water undertaking that on the day upon which this Order comes into operation forms part of the water undertaking of the employer;

(*b*) in the case of a regional water board, all persons employed by the board in activities of the water supply industry in the sixth base period.

(4) For the purposes of this Article no regard shall be had to persons wholly engaged in agriculture or in the supply of food or drink for immediate consumption.

Assessment Notice

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

(2) An assessment notice shall state the address of the said 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.

(**a**) S.I. 1965/1258 (1965 II, p. 3556).
(**b**) 1967 c. 78.
(**c**) 1945 c. 42.
(**d**) 1889 c. 63.

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 payable to the Board in two instalments determined in accordance with the provisions of the next following paragraph, and the said instalments shall be due respectively one month and five months after the date of the assessment notice.

(2) The first of the said instalments shall be equal to 1·0 per cent. of the emoluments by reference to which the amount of the said levy has been assessed in accordance with the provisions of Article 3 of this Order, and the second instalment shall be equal to the balance of the amount payable under the assessment notice.

(3) An instalment 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 said 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 Industrial Training 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 (4) of that Article.

(2) The withdrawal of an assessment shall be without prejudice to the power of the Industrial Training Board to serve a further assessment notice on the person assessed to the levy.

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 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 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 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 person assessed to the levy have the like powers as the 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 in the case of a regional water board when 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 by a person assessed to the levy of his liability under an assessment the Industrial Training 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 Industrial Training 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.

Signed by order of the Secretary of State.
22nd June 1971.

Paul Bryan,
Minister of State,
Department of Employment.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order gives effect to proposals submitted by the Water Supply Industry Training Board to the Secretary of State for Employment 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 sixth levy period commencing with the date on which this Order comes into operation and ending on 31st March 1972. 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.

(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).