STATUTORY INSTRUMENTS

1968 No. 1762

INDUSTRIAL TRAINING

The Industrial Training Levy (Wool, Jute and Flax) Order 1968

Made - - - -	4*th November* 1968
Laid before Parliament	14*th November* 1968
Coming into Operation	27*th November* 1968

The Secretary of State after approving proposals submitted by the Wool, Jute and Flax Industry Training Board for the imposition of a further levy on employers in the wool, jute and flax industry and in exercise of her powers under section 4 of the Industrial Training Act 1964(a) and of all other powers enabling her in that behalf hereby makes the following Order:—

Title and commencement

1. This Order may be cited as the Industrial Training Levy (Wool, Jute and Flax) Order 1968 and shall come into operation on 27th November 1968.

Interpretation

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

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

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

(*c*) "the Board" means the Wool, Jute and Flax Industry Training Board;

(*d*) "business" means any activities of industry or commerce;

(*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 a person who is an employer in the wool, jute and flax industry at any time in the fourth levy period;

(*g*) "the fourth base period" means the period of twelve months that commenced on 6th April 1967;

(*h*) "the fourth levy period" means the period commencing with the day upon which this Order comes into operation and ending on 5th April 1969;

(*i*) "the industrial training order" means the Industrial Training (Wool, Jute and Flax Board) Order 1968(b);

(*j*) "the levy" means the levy imposed by the Board in respect of the fourth levy period;

(a) 1964 c. 16.

(b) S.I. 1968/898 (1968 II, p. 2376).

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

(*l*) "related or administrative activities" means activities of a kind to which paragraph 1 (*r*) of the Schedule to the industrial training order applies, being activities undertaken in relation to any activities specified in head (*n*) (*i*) of this sub-paragraph or in one of the seven groups of activities specified in the Appendix to this Schedule;

(*m*) "wool, jute and flax establishment" means an establishment in Great Britain engaged in the fourth base period wholly or mainly in the wool, jute and flax industry for a total of twenty-seven or more weeks or, being an establishment that commenced to carry on business in the fourth 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;

(*n*) "the wool, jute and flax industry" means any one or more of the activities which, subject to the provisions of paragraph 2 of the Schedule to the industrial training order, are specified in paragraph 1 of that Schedule as the activities of the wool, jute and flax industry, but does not include the activities of an establishment engaged wholly or mainly in the activities following or any of them, that is to say—

(i) dealing in fleeces, textile fibres (not being jute, flax, hemp or similar fibres) or tops; or

(ii) any related or administrative activities.

(2) In the case where a wool, jute and flax establishment is taken over (whether directly or indirectly) by an employer in succession to, or jointly with, another person, a person employed at any time in the fourth base period at or from the establishment shall be deemed, for the purposes of this Order, to have been so employed by the employer carrying on the said establishment on the day upon which this Order comes into operation, and any reference in this Order to persons employed by an employer at any time in the fourth base period shall be construed accordingly.

(3) Any reference in this Order to an establishment that commences to carry on business or that ceases to carry on business shall not be taken to apply where the location of the establishment is changed but its business is continued wholly or mainly at or from the new location, or where the suspension of activities is of a temporary or seasonal nature.

(4) The Interpretation Act 1889(a) 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 Board on employers in respect of the fourth levy period shall be assessed in accordance with the provisions of this Article and of the Schedule to this Order.

(2) The levy shall be assessed by the Board separately in respect of each wool, jute and flax establishment of an employer, but in agreement with the employer one assessment may be made in respect of any number of such establishments, in which case those establishments shall be deemed for the purposes of that assessment to constitute one establishment.

(a) 1889 c. 63.

Assessment Notices

4.—(1) The Board shall serve an assessment notice on every employer assessed to the levy, but one notice may comprise two or more assessments.

(2) An assessment notice shall state the amount of the levy payable by the person assessed to the levy, and that amount shall be equal to the total amount (rounded down where necessary to the nearest £1) of the levy assessed by the Board under this Order in respect of each establishment included in the notice.

(3) An assessment notice shall state the Board's address for the service of a notice of appeal or of an application for an extension of time for appealing.

(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.

Payment of the Levy

5.—(1) Subject to the provisions of this Article and of Articles 6 and 7, the amount of the levy payable under an assessment notice served by the Board shall be payable to the Board in two instalments equal to two-fifths and three-fifths of the said amount respectively, and the said instalments shall be due respectively one month and two months after the date of the notice.

(2) The amount of an instalment mentioned in the foregoing paragraph may be rounded up or down by the Board to a convenient figure, but so that the aggregate amount of both instalments shall be equal to the amount of the levy stated in the assessment notice in accordance with Article 4(2) of this Order.

(3) Where the number of persons employed by the employer in the wool, jute and flax industry on 5th April 1968 did not exceed ten, the amount of the levy payable under an assessment notice shall be due and payable two months after the date of the notice.

(4) No part of an assessment shall 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.

Withdrawal of Assessment

6.—(1) The 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 (5) of that Article.

(2) The withdrawal of an assessment shall be without prejudice—

(*a*) to the power of the Board to serve a further assessment notice in respect of any establishment to which that assessment related and, where the withdrawal is made by reason of the fact that an establishment has ceased

to carry on business in the fourth levy period, the said notice may provide that the whole amount payable thereunder in respect of the establishment shall be due one month after the date of the notice; or

(*b*) to any other assessment included in the original assessment notice, and such notice shall thereupon have effect as if any assessment withdrawn by the Board had not been included therein.

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

(2) The 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 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 foregoing paragraph.

(4) In the case of an establishment that ceases to carry on business in the fourth levy period on any day after the date of the service of the relevant assessment notice, the foregoing provisions of this Article shall have effect as if for the period of four months from the date of the service of the assessment notice mentioned in paragraph (2) of this Article there were substituted the period of six months from the date of the cessation of business.

(5) 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 establishment to which the relevant assessment relates is wholly in Scotland 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**).

(6) 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 Board shall if so requested issue to him a certificate to that effect.

(**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).

(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.

4th November 1968.

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

SCHEDULE

1.—(1) In this Schedule unless the context otherwise requires—

(*a*) "the appropriate percentage" means, in relation to the emoluments of persons employed in a wool, jute and flax establishment that was engaged wholly or mainly in any one or more of the activities comprised in one of the seven groups of activities specified in the first and second columns of the Appendix to this Schedule, the percentage specified in relation to that group in the third column of that Appendix;

(*b*) "arranging for the carrying out on commission" in relation to any activities mentioned in the Appendix to this Schedule means arranging for the carrying out by another person in pursuance of a contract of work or labour (with or without the provision of materials) of those activities wholly or mainly upon or from materials owned in the course of his business by the person for whom such activities are to be carried out;

(*c*) "production" in relation to any yarn or fabric includes any of the processes mentioned in sub-paragraphs (*d*), (*e*), (*f*) and (*g*) of paragraph 1 of the Schedule to the industrial training order;

(*d*) other expressions have the meanings assigned to them respectively by paragraph 3 or 4 of the Schedule to the industrial training order or by Article 2 of this Order.

(2) In reckoning any sum of emoluments for the purposes of this Schedule no regard shall be had to the emoluments of any person engaged wholly in the supply of food or drink for immediate consumption.

2. Subject to the provisions of this Schedule, the amount of the levy imposed on an employer in respect of a wool, jute and flax establishment shall be equal to the appropriate percentage of—

(*a*) one-half of the sum of the emoluments of all persons employed by the employer in the fourth base period at or from the establishment, if the said sum did not exceed £4,000; or

(*b*) the sum (less £2,000) of the emoluments of all such persons, if the said sum exceeded £4,000.

3.—(1) The provisions of this paragraph shall apply in relation to an employer having a wool, jute and flax establishment at or from which ten or fewer persons were employed on 5th April 1968, in this paragraph hereafter referred to as "a small establishment".

(2) Where the employer (or any person from whom the employer has taken over a small establishment) was on 5th April 1968 one individual person who in the fourth base period devoted substantially the whole, or the major part, of his time to the activities of a small establishment—

(*a*) paragraph 2(*a*) of this Schedule shall apply as if for the words "one-half" there were substituted the words "three-quarters"; and

(*b*) paragraph 2(*b*) of this Schedule shall apply as if the figure of £1,000 were substituted for the figure of £2,000.

(3) Where the employer (or any person from whom the employer has taken over a small establishment) was on 5th April 1968 a partnership firm—

(*a*) if in the fourth base period any partner in the firm devoted substantially the whole, or the major part, of his time to the activities of a small establishment, paragraph 2 of this Schedule shall apply as if there were substituted for sub-paragraphs (*a*) and (*b*) thereof the words following—

"the sum of the emoluments of all persons employed by the employer in the fourth base period at or from the establishment.";

(*b*) in any other case—

(i) the said paragraph 2(*a*) shall apply as if for the words "one-half" there were substituted the words "three-quarters"; and

(ii) the said paragraph 2(*b*) shall apply as if the figure of £1,000 were substituted for the figure of £2,000.

4. The amount of the levy imposed in respect of a wool, jute and flax establishment that ceases to carry on business in the fourth levy period shall be in the same proportion to the amount that would otherwise be due in accordance with the foregoing provisions of this Schedule 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.

APPENDIX

Group No.	*Description of Activities*	*Appropriate Percentage*
1.	The activities following or any of them— (*a*) dealing in yarn not consisting of jute, flax, hemp or similar fibres; (*b*) sorting, packing or warehousing fleeces not being the property of the British Wool Marketing Board; (*c*) sorting, packing, re-packing or warehousing textile fibres, tops or yarns; (*d*) arranging, either directly or through another person, for the carrying out on commission of— (i) any of the activities mentioned in paragraph (*b*) or (*c*) of this Group; or (ii) the conversion, for use in making rovings or spinning yarn, of any textile fibres or tow (other than jute, flax, hemp or similar fibres or tow made therefrom) into tops, hank tops, bumps, or slivers; (*e*) any related or administrative activities.	0·3
2.	The activities following (not being activities included in Group 4 or 7 of this Appendix) or any of them— (*a*) treating (other than dyeing) using or consuming textile fibres or tops not being jute, flax, hemp or similar fibres;	0·8

Group No.	*Description of Activities*	*Appropriate Percentage*
	(*b*) treating (other than dyeing) rags or reducing into a fibrous form rags or yarn or, when carried out by an employer engaged in any such process, the ripping of rags;	
	(*c*) arranging, either directly or through another person, for the carrying out on commission of any activities mentioned in paragraph (*a*) or (*b*) of this Group;	
	(*d*) any related or administrative activities.	
3.	The activities following or any of them—	1·1
	(*a*) the manufacture of pressed or needle felt;	
	(*b*) the production of—	
	(i) yarn from jute;	
	(ii) any woven fabric from such yarn; or	
	(iii) any other yarn or woven fabric, being production in a textile factory from any textile fibres or from continuous filament and, in either case, by a system of manufacture commonly employed in the production of jute yarn or jute fabric or by a system similar thereto;	
	(*c*) arranging, either directly or through another person, for the carrying out on commission of any activities mentioned in paragraph (*a*) or (*b*) of this Group;	
	(*d*) any related or administrative activities.	
4.	The activities following or any of them—	1·3
	(*a*) hackling, carding, combing or re-combing any textile fibres or the conversion, for use in making rovings or spinning yarn, of any textile fibres or tow (other than jute, flax, hemp or similar fibres or tow made therefrom), into tops, hank tops, bumps or slivers;	
	(*b*) dyeing textile fibres, tops or yarn or any woven fabric made from yarn (other than jute, flax, hemp or similar fibres or yarn or any woven fabric made therefrom);	
	(*c*) any process of dyeing, flame-proofing, moth-proofing, rot proofing, waterproofing, tarring, bleaching, shrinking, printing, calendering, finishing, milling, tentering, raising, whipping, binding, tabbing, perching, assessing or cloth examination of any woven fabrics containing textile fibres other than jute, flax, hemp or similar fibres;	
	(*d*) arranging, either directly or through another person, for the carrying out on commission of any activities mentioned in paragraph (*b*) or (*c*) of this Group;	
	(*e*) any related or administrative activities.	
5.	Any activities of the wool, jute and flax industry not being activities comprised in any other Group in this Appendix.	1·5
6.	The activities following or any of them—	1·75
	(*a*) making rovings, from textile fibres or tops, or spinning yarn or twisting, doubling, folding, winding, warping, warp dressing, beaming, reeling, curling, sizing or any other process (not being dyeing) in the preparation of yarn for further processing, when neither the employer engaged in such activities nor an associated company of the employer, being a company, is engaged in making up the yarn in the form of hanks, skeins, balls or the like of a kind normally sold by retail;	

Group No.	*Description of Activities*	*Appropriate Percentage*
	(*b*) making up yarn for the purpose of hand knitting in the form of hanks, skeins, balls or the like of a kind normally sold by retail when neither the employer engaged in such making up nor an associated company of the employer, being a company, is engaged in the production of woollen or worsted yarn;	
	(*c*) arranging, either directly or through another person, for the carrying out on commission of any activities mentioned in paragraph (*a*) or (*b*) of this Group;	
	(*d*) any related or administrative activities.	
7.	The activities following or any of them—	2·0
	(*a*) the production (other than dyeing) of woollen or worsted yarn for the purpose of hand knitting, when the employer engaged in the production of such yarn (or an associated company of the employer, being a company) is engaged, at the same establishment or elsewhere and either directly or through another person on commission, in making up such yarn in the form of hanks, skeins, balls or the like of a kind normally sold by retail;	
	(*b*) the production of—	
	(i) yarn from flax;	
	(ii) any woven fabric from such yarn; or	
	(iii) any other yarn or woven fabric, being production in a textile factory from any textile fibres or from continuous filament and, in either case, by a system of manufacture commonly employed in the production of flax yarn or flax fabric or by a system similar thereto;	
	(*c*) the making or re-making of rope, cord, core for wire ropes, lines, twine, string or similar articles, not being fancy cords;	
	(*d*) arranging, either directly or through another person, for the carrying out on commission of any activities mentioned in paragraph (*a*) ,(*b*) or (*c*) of this Group;	
	(*e*) any related or administrative activities.	

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order gives effect to proposals submitted to the Secretary of State for Employment and Productivity by the Wool, Jute and Flax Industry Training Board for the imposition of a further levy upon employers in the wool, jute and flax industry for the purposes of raising money towards the expenses of the Board.

The levy is to be imposed in respect of the fourth levy period commencing with the day upon which this Order comes into operation and ending on 5th April 1969. The levy will be assessed by the Board and there will be a right of appeal to an industrial tribunal.