STATUTORY INSTRUMENTS

1972 No. 772

INDUSTRIAL TRAINING

The Industrial Training (Road Transport Board) Order 1972

Made - - -	17*th May* 1972
Laid before Parliament	30*th May* 1972
Coming into Operation	20*th June* 1972

The Secretary of State after consultation with the Road Transport Industry Training Board and with organisations and associations of organisations appearing to be representative respectively of substantial numbers of employers engaging ir the activities hereinafter mentioned and of substantial numbers of persons employed in those activities and with the bodies established for the purpose of carrying on under national ownership industries in which the said activities are carried on to a substantial extent and in exercise of his powers under section 9 of the Industrial Training Act 1964(**a**) and of all other powers enabling him in that behalf hereby makes the following Order:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Industrial Training (Road Transport Board) Order 1972 and shall come into operation on 20th June 1972.

(2) In this Order—

(*a*) "the Act" means the Industrial Training Act 1964;

(*b*) "the Board" means the Road Transport Industry Training Board;

(*c*) "levy Order" includes the Industrial Training Levy (Road Transport) Order 1967(**b**), the Industrial Training Levy (Road Transport) Order 1968(**c**), the Industrial Training Levy (Road Transport) Order 1969(**d**), the Industrial Training Levy (Road Transport) Order 1970(**e**) and the Industrial Training Levy (Road Transport) Order 1971(**f**);

(*d*) "the 1969 Order" means the Industrial Training (Road Transport Board) Order 1969(**g**);

(*e*) "the amendment Order" means the Industrial Training (Road Transport Board) Order 1969 (Amendment) Order 1969(**h**);

(*f*) "the principal Order" means the Industrial Training (Road Transport Board) Order 1966(**i**).

(3) The Interpretation Act 1889(**j**) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order, the principal Order, the 1969 Order and the amendment Order were Acts of Parliament.

(**a**) 1964 c. 16.
(**b**) S.I. 1967/1309 (1967 III, p. 3939).
(**c**) S.I. 1968/1835 (1968 III, p. 4841).
(**d**) S.I. 1969/880 (1969 II, p. 2503).
(**e**) S.I. 1970/1062 (1970 II, p. 3305).
(**f**) S.I. 1971/1049 (1971 II, p. 3135).
(**g**) S.I. 1969/879 (1969 II, p. 2495).
(**h**) S.I. 1969/1871 (1969 III, p. 5815).
(**i**) S.I. 1966/1112 (1966 III, p. 2712).
(**j**) 1889 c. 63.

Revocation

2. The 1969 Order and the amendment Order are hereby revoked.

Activities of the Board

3. The activities in relation to which the Board exercises the functions conferred by the Act upon industrial training boards shall, in lieu of the activities specified in Schedule 1 to the principal Order (as amended by the 1969 Order and the amendment Order), be the activities specified in the Schedule to this Order, and accordingly in the principal Order the latter Schedule shall be substituted for the former Schedule.

Transitional provisions

4.—(1) The chairman and other members of the Board on the day upon which this Order comes into operation shall continue to be members of the Board and to hold and vacate their offices in accordance with the terms of the instruments appointing them to be members.

(2) The provisions of this Order shall not—

(*a*) extend the operation of a levy Order;

(*b*) affect the operation of a levy Order in relation to the assessment of an employer within the meaning of that Order in respect of an establishment that was engaged in the relevant levy period wholly or mainly in activities included in the Schedule to this Order;

(*c*) affect the operation of any assessment notice served by the Board under the provisions of a levy Order before the day upon which this Order comes into operation or any appeal or other proceedings arising out of any such notice.

Signed by order of the Secretary of State.

17th May 1972.

Dudley Smith,
Parliamentary Under Secretary of State,
Department of Employment.

SCHEDULE

Article 3

The Road Transport Industry

1. Subject to the provisions of this Schedule, the activities of the road transport industry are the following activities in so far as they are carried out in Great Britain:—

(*a*) the carriage of passengers by motor vehicles on roads for hire or reward;

(*b*) the carriage or haulage of goods by goods vehicles on roads for hire or reward;

(*c*) the letting out on hire (with or without the services of the drivers) of motor vehicles for the conveyance of persons or of goods vehicles for the carriage or haulage of goods;

(*d*) arranging by way of business the transport of goods by goods vehicles on roads;

(*e*) the manufacture or fitting out of vehicle bodies;

(*f*) the repair of motor vehicles or goods vehicles or the repair of vehicle bodies;

(*g*) the collection of motor vehicles or goods vehicles and their delivery by road by way of business;

(*h*) giving instruction by way of business in the driving of motor vehicles or goods vehicles;

(*i*) dealing in motor vehicles or goods vehicles;

(*j*) selling by retail, motor spirit, diesel fuel or lubricating or other oils for use in motor vehicles or goods vehicles;

(*k*) dealing (not being selling by retail) in components, replacements, spare parts or accessories (not being tyres) for motor vehicles or goods vehicles;

(*l*) dealing in, or letting out on hire, transport service equipment;

(*m*) dealing in, letting out on hire or the repair by way of business of, agricultural machinery and equipment;

(*n*) the removal of furniture by way of business;

(*o*) public warehousing;

(*p*) any activities (other than those above mentioned), being—

(i) related activities incidental or ancillary to principal activities of the road transport industry; or

(ii) activities undertaken in the administration, control or direction of one or more establishments, being establishments engaged wholly or mainly in principal activities of that industry, in related activities incidental or ancillary thereto, or in the administration, control or direction of one or more other establishments, engaged in such principal or related activities;

and carried out, in either case, by the employer engaged in those principal activities or, where that employer is a company, by the company or by an associated company of the company;

(*q*) any activities of industry or commerce (other than road transport activities) carried out at or from an establishment mainly engaged—

(i) in road transport activities; or

(ii) in road transport activities and in activities described in the Appendix to this Schedule, but to a greater extent in road transport activities than in activities described in that Appendix in relation to any one industry.

2. Notwithstanding anything contained in this Schedule, there shall not be included in the activities of the road transport industry: —

(*a*) the activities of any establishment engaged—

(i) mainly in activities not being road transport activities or activities described in the Appendix to this Schedule; or

(ii) to a less extent in road transport activities than in activities described in that Appendix in relation to any one industry;

(*b*) the activities of any establishment engaged wholly or mainly in related activities, being activities—

(i) incidental or ancillary to the activities of one or more establishments (in this sub-paragraph hereafter referred to as "the principal establishment") engaged wholly or mainly in any activities not being principal activities of the road transport industry; and

(ii) carried out by the employer carrying on the principal establishment or, where that employer is a company, by the company or by an associated company of the company;

(*c*) the activities of any establishment engaged wholly or mainly in business as follows—

(i) in banking, finance or insurance;

(ii) in funeral undertaking;

(iii) in the manufacture or fitting out of vehicles bodies where the employer is engaged in the manufacture of motor vehicles or where the vehicle bodies are manufactured or fitted out to the order of an employer engaged in the manufacture of motor vehicles;

(iv) in the manufacture, fitting out or repair of caravans; or

(v) in the operation of taxi-cabs;

(*d*) the activities of—

(i) the Electricity Council, the Central Electricity Generating Board, an Area Electricity Board, the North of Scotland Hydro-Electric Board or the South of Scotland Electricity Board;

(ii) the Gas Council or an Area Gas Board;

(iii) the Home-Grown Cereals Authority;

(iv) a harbour authority when acting in that capacity;

(v) a marketing board;

(vi) statutory water undertakers within the meaning of the Water Act 1945(**a**) or regional water boards or water development boards within the meaning of the Water (Scotland) Act 1967(**b**), being the activities of such undertakers or boards in the exercise of their powers or duties as such; or

(vii) the Post Office or the United Kingdom Atomic Energy Authority;

(*e*) when carried out by the London Transport Executive any activities that are specified in paragraph 1(*p*) of this Schedule, not being activities that are specified in head (ii), (v) or (vi) of the definition of related activities in paragraph 3 and are incidental or ancillary to principal activities of the road transport industry;

(*f*) any activities of a local authority or of a joint board or joint committee of such authorities, not being activities carried out for the purposes of a passenger road transport service provided by the authority, board or committee;

(*g*) the activities of a charity;

(*h*) the activities of any company, association or body that is required by its constitution to apply its profits, if any, or other income in promoting its objects and is prohibited thereby from paying any dividend to its members, and that has for its sole or principal object or among its principal objects the provision of facilities for any of the purposes mentioned in section 15(1) of the Disabled Persons (Employment) Act 1944(**c**) (which relates to the provision for registered persons who are seriously disabled of work or training);

(*i*) any work, occupation or training that is provided in accordance with arrangements made by a local authority under the Disabled Persons (Employment) Act 1958(**d**) or any other enactment that authorises or requires the provision of arrangements for persons suffering from illness, severe physical defect or disability or from mental disorder, or for persons who have been suffering from illness or whose care is undertaken with a view to preventing them from becoming ill, or for old people;

(a) 1945 c. 42.
(b) 1967 c. 78.
(c) 1944 c. 10.
(d) 1958 c. 33.

(*j*) dock work performed by a registered dock worker;

(*k*) any activities in agriculture; or

(*l*) the supply of food or drink for immediate consumption.

3. In this Schedule unless the context otherwise requires:—

"agricultural machinery and equipment" does not include lawn mowers but save as aforesaid means any machinery, plant, equipment or appliance designed primarily or adapted for use in agriculture;

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

"business" means a trade or business carried on for the purposes of gain;

"caravan" means a vehicle (not being a motor vehicle or railway rolling stock) which is designed for use, by one or more persons, as accommodation for living or business purposes;

"charity" has the same meaning as in section 360 of the Income and Corporation Taxes Act 1970(**c**);

"company" includes any body corporate, and "subsidiary" has the same meaning as by virtue of section 154 of the Companies Act 1948(**d**) it has for the purpose of that Act;

"dealing" means by way of business and in the capacity of principal, agent or broker—

(i) in relation to products situate in Great Britain, buying or selling such products;

(ii) in relation to products situate elsewhere, importing such products into Great Britain;

but does not include any transaction in the nature of an auction;

"dock work" and "registered dock worker" have the same meanings as in the Docks and Harbours Act 1966(**e**);

"goods" includes goods or burden of any description;

"goods vehicles" mean motor vehicles constructed or adapted for use for the carriage of goods, or trailers so constructed or adapted, and "trailers" means vehicles drawn by motor vehicles;

"harbour authority" means a harbour authority within the meaning of the Harbours Act 1964(**f**);

"letting out on hire" does not include a letting under a hire-purchase agreement;

"local authority" means—

(*a*) in relation to England and Wales, a local authority within the meaning of the Local Government Act 1933(**g**) or the Common Council of the City of London, and includes a joint board or joint committee of such authorities;

(*b*) in relation to Scotland, a county council, town council or district council, and includes any joint board or joint committee of such authorities appointed under any enactment, order or scheme.

"manufacture" includes assembly and any process or operation incidental or appertaining to manufacture or assembly;

"marketing board" means the British Wool Marketing Board, the Hops Marketing Board, the Potato Marketing Board or a milk marketing board;

(**a**) 1947 c. 48.
(**b**) 1948 c. 45.
(**c**) 1970 c. 10.
(**d**) 1948 c. 38.
(**e**) 1966 c. 28.
(**f**) 1964 c. 40.
(**g**) 1933 c. 51.

"milk marketing board" means the Aberdeen and District Milk Marketing Board, the Milk Marketing Board, the North of Scotland Milk Marketing Board or the Scottish Milk Marketing Board;

"motor vehicles" means mechanically propelled vehicles intended or adapted for use on roads, and includes tram-cars and trolley vehicles, but does not include implements for cutting grass that are not capable of being used or adapted for any other purpose, or contractors' plant; and for the purposes of this definition "contractors' plant" means machinery, plant or equipment of a kind intended for use in operations on the site of any building work or civil engineering work, but does not include lorries, ready-mixed concrete vehicles or other mechanically propelled vehicles mainly used for the carriage of goods on roads;

"office premises" has the same meaning as in section 1(2) of the Offices, Shops and Railway Premises Act 1963(a);

"petroleum" means crude oil, bitumen obtained therefrom, liquified petroleum gas, aviation fuel, motor spirit, kerosene, white spirit, diesel fuel, fuel oil, gas oil, lubricating oil or any similar product;

"principal activities of the road transport industry" means activities which, subject to the provisions of paragraph 2 of this Schedule, are specified in paragraph 1, other than sub-paragraphs (*p*) and (*q*) thereof, as activities of the road transport industry;

"public warehousing" means keeping any premises (not being a public garage or parking place, a caravan site, or a place where boats are anchored, laid up or moored) wholly or mainly for the purpose of the storage of goods for reward for persons other than the occupier or, where the occupier is a company, for persons other than the company or an associated company of the company, but does not include keeping any premises wholly or mainly for the storage of petroleum, or for the custody of animals or other living creatures or as a cloakroom, safe depository or cold store;

"related activities" means any of the following activities, that is to say

(i) research or development;

(ii) design or drawing;

(iii) buying, selling, letting out on hire, testing, advertising, packing, distribution, transport or any similar operations;

(iv) operations of a kind performed at booking offices, other office premises or laboratories, or at stores, warehouses, or similar places;

(v) cleaning, washing or garaging vehicles, or carrying out running repairs or minor adjustments thereto;

(vi) training of employees or apprentices;

"repair" (except in relation to the expression "running repairs") means all or any of the operations of repair, reconditioning, painting, paint spraying, modification, alteration, conversion, maintenance, cleaning, washing or carrying out running repairs or minor adjustments;

"road" means a highway or any other road to which the public has access;

"road transport activities" means any one or more of the principal activities of the road transport industry and the activities included in that industry by virtue of paragraph 1(*p*) of this Schedule;

"selling by retail" in relation to any products means selling such products by way of business to a person buying otherwise than for the purpose of re-sale, use in manufacture or processing;

"taxi-cab" means a motor vehicle standing or plying for hire;

"transport service equipment" means plant or equipment of a kind used in the testing or analysis of performance of motor vehicles or goods vehicles, in their repair or in their recovery when damaged;

"vehicle bodies" includes motor cycle sidecars.

(a) 1963 c. 41.

4. (1) References in this Schedule to the provisions of any enactment shall be construed as references to those provisions as amended by or under any subsequent enactment.

(2) For the purposes of this Schedule two companies shall be taken to be associated companies if one is a subsidiary of the other or both are subsidiaries of a third company, and "associated company" shall be construed accordingly.

(3) For the purposes of this Schedule, goods shall not be deemed to be carried or hauled for hire or reward if—

(*a*) they are goods sold, used or let on hire or hire-purchase in the course of a business carried on by the carrier or haulier thereof and are being delivered or collected by him; or

(*b*) they are goods which have been, or are to be, subjected to a process or treatment in the course of a business carried on by the carrier or haulier thereof, and are being delivered or collected by him; or

(*c*) they are carried by a person engaged in agriculture in any locality, for or in connection with the business of agriculture carried on by another person in that locality, and the goods vehicle in which they are carried is used by the carrier or haulier for the carriage of goods for or in connection with his agricultural business;

and for the purposes of this sub-paragraph the references to the carrier or haulier shall be taken to include an associated company of the carrier or haulier, being a company.

APPENDIX

The activities that would be included in an industry specified in Column 1 hereof by virtue of the industrial training order specified in the corresponding entry in Column 2, if the provisions specified in Column 3 were omitted from that order.

Column 1	Column 2	Column 3
The wool, jute and flax industry	The Industrial Training (Wool Industry Board) Order 1964 as amended by the Industrial Training (Wool, Jute and Flax Board) Order 1968**(a)**	Schedule 1 Paragraph 1(*s*)
The iron and steel industry	The Industrial Training (Iron and Steel Board) Order 1964 as amended by the Industrial Training (Iron and Steel Board) Order 1969**(b)**	Schedule 1 Paragraph 1(*k*)
The construction industry	The Industrial Training (Construction Board) Order 1964 as amended by the Industrial Training (Construction Board) Order 1971**(c)**	Schedule 1 Paragraph 1(*k*)
The engineering industry	The Industrial Training (Engineering Board) Order 1964 as amended by the Industrial Training (Engineering Board) Order 1971**(d)**	Schedule 1 Paragraph 1(*m*)
The shipbuilding industry	The Industrial Training (Shipbuilding Board) Order 1964 as amended by the Industrial Training (Shipbuilding Board) Order 1968**(e)**	Schedule 1 Paragraph 1**(g)**

(a) S.I. 1964/907, 1968/898 (1964 II, p. 1928; 1968 II, p. 2376).
(b) S.I. 1964/949, 1969/884 (1964 II, p. 2127; 1969 II, p. 2517).
(c) S.I. 1964/1079, 1971/1766 (1964 II, p. 2384; 1971 III, p. 4784).
(d) S.I. 1964/1086, 1971/1530 (1964 II, p. 2402; 1971 III, p. 4309).
(e) S.I. 1964/1782, 1968/1614 (1964 III, p. 3928; 1968 III, p. 4432).

APPENDIX—*continued*

Column 1	Column 2	Column 3
The ceramics, glass and mineral products industry	The Industrial Training (Ceramics, Glass and Mineral Products Board) Order 1965 as amended by the Industrial Training (Ceramics, Glass and Mineral Products Board) Order 1969**(a)**	Schedule 1 Paragraph 1(*p*)
The furniture and timber industry	The Industrial Training (Furniture and Timber Industry Board) Order 1965 as amended by the Industrial Training (Furniture and Timber Industry Board) Order 1969 and the Industrial Training (Furniture and Timber Industry Board) Order 1969 (Amendment) Order 1970**(b)**	Schedule 1 Paragraph 1(*x*)
The man-made fibres producing industry	The Industrial Training (Man-made Fibres Producing Industry Board) Order 1966 as amended by the Industrial Training (Man-made Fibres Producing Industry Board) Order 1969**(c)**	Schedule 1 Paragraph 1(*e*)
The carpet industry	The Industrial Training (Carpet Board) Order 1966 as amended by the Industrial Training (Carpet Board) Order 1968**(d)**	Schedule 1 Paragraph 1(*f*)
The knitting, lace and net industry	The Industrial Training (Knitting, Lace and Net Industry Board) Order 1966**(e)**	Schedule 1 Paragraph 1(*j*)
The cotton and allied textiles industry	The Industrial Training (Cotton and Allied Textiles Board) Order 1966**(f)**	Schedule 1 Paragraph 1(*p*)
The agricultural, horticultural and forestry industry	The Industrial Training (Agricultural, Horticultural and Forestry Board) Order 1966 as amended by the Industrial Training (Agricultural, Horticultural and Forestry Board) Order 1970**(g)**	Schedule 1 Paragraph 1(*d*)
The hotel and catering industry	The Industrial Training (Hotel and Catering Board) Order 1966 as amended by the Industrial Training (Hotel and Catering Board) Order 1969**(h)**	Schedule 1 Paragraph 1(*e*)
The air transport and travel industry	The Industrial Training (Civil Air Transport Board) Order 1967 as amended by the Industrial Training (Air Transport and Travel Industry Board) Order 1970**(i)**	Schedule 1 Paragraph 1(*i*)
The petroleum industry	The Industrial Training (Petroleum Board) Order 1967 as amended by the Industrial Training (Petroleum Board) Order 1970**(j)**	Schedule 1 Paragraph 1(*i*)
The rubber and plastics processing industry	The Industrial Training (Rubber and Plastics Processing Board) Order 1967**(k)**	Schedule 1 Paragraph 1(*k*)

(a) S.I. 1965/1391, 1969/689 (1965 II, p. 4062; 1969 II, p. 1860).
(b) S.I. 1965/2028, 1969/1290, 1970/1634 (1965 III, p. 5998; 1969 III, p. 3820; 1970 III, p. 5372).
(c) S.I. 1966/143, 1969/1210 (1966 I, p. 257; 1969 II, p. 3545).
(d) S.I. 1966/245, 1968/1882 (1966 I, p. 499; 1968 III, p. 5017).
(e) S.I. 1966/246 (1966 I, p. 506).
(f) S.I. 1966/823 (1966 II, p. 1907).
(g) S.I. 1966/969, 1970/1886 (1966 II, p. 2333; 1970 III, p. 6227).
(h) S.I. 1966/1347, 1969/1405 (1966 III, p. 3669; 1969 III, p. 4132).
(i) S.I. 1967/263, 1970/252 (1967 I, p. 968; 1970 I, p. 983).
(j) S.I. 1967/648, 1970/205 (1967 I, p. 2032; 1970 I, p. 926).
(k) S.I. 1967/1062 (1967 II, p. 3151).

APPENDIX—*continued*

Column 1	Column 2	Column 3
The chemical and allied products industry	The Industrial Training (Chemical and Allied Products Board) Order 1967 as amended by the Industrial Training (Chemical and Allied Products Board) Order 1970**(a)**	Schedule 1 Paragraph 1(*w*)
The paper and paper products industry	The Industrial Training (Paper and Paper Products Board) Order 1968**(b)**	Schedule 1 Paragraph 1(*j*)
The printing and publishing industry	The Industrial Training (Printing and Publishing Board) Order 1968**(c)**	Schedule 1 Paragraph 1(*n*)
The distributive industry	The Industrial Training (Distributive Board) Order 1968 as amended by the Industrial Training (Distributive Board) Order 1970 and the Industrial Training (Distributive Board) Order 1970 (Amendment) Order 1971**(d)**	Schedule 1 Paragraph 1(*h*)
The food, drink and tobacco industry	The Industrial Training (Food, Drink and Tobacco Board) Order 1968 as amended by the Industrial Training (Food, Drink and Tobacco Board) Order 1971**(e)**	Schedule 1 Paragraph 1(*q*)
The footwear, leather and fur skin industry	The Industrial Training (Footwear, Leather and Fur Skin Board) Order 1968 as amended by the Industrial Training (Footwear, Leather and Fur Skin Board) Order 1968 (Amendment) Order 1972**(f)**	Schedule 1 Paragraph 1(*v*)
The clothing and allied products industry	The Industrial Training (Clothing and Allied Products Board) Order 1969**(g)**	Schedule 1 Paragraph 1(*j*)
The hairdressing and allied services industry	The Industrial Training (Hairdressing and Allied Services Board) Order 1969**(h)**	Schedule 1 Paragraph 1(*g*)

(a) S.I. 1967/1386, 1970/1743 (1967 III, p. 4049; 1970 III, p. 5706).
(b) S.I. 1968/787 (1968 II, p. 2194).
(c) S.I. 1968/786 (1968 II, p. 2185).
(d) S.I. 1968/1032, 1970/1053, 1971/1876 (1968 II, p. 2709; 1970 II, p. 3273; 1971 III, p. 5109).
(e) S.I. 1968/1033, 1971/648 (1968 II, p. 2721; 1971 I, p. 1709).
(f) S.I. 1968/1763, 1972/597 (1968 III, p. 4785; 1972 I, p. 1966).
(g) S.I. 1969/1375 (1969 III, p. 4094).
(h) S.I. 1969/1634 (1969 III, p. 5133).

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order re-defines the activities in relation to which the Road Transport Industry Training Board exercises its functions. The Board was established on 15th September 1966 by the Industrial Training (Road Transport Board) Order 1966. The relevant activities were re-defined by the Industrial Training (Road Transport Board) Order 1969 as amended by the Industrial Training (Road Transport Board) Order 1969 (Amendment) Order 1969, which Orders are now revoked.

Amongst the activities henceforth to be excluded from the industry are:—

(*a*) keeping any premises as a cold store;

(*b*) the operation of taxi-cabs;

(*c*) the activities of a charity.

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