1964 No. 1782

INDUSTRIAL TRAINING

The Industrial Training (Shipbuilding Board) Order 1964

Made - - - -	10*th November* 1964
Laid before Parliament	18*th November* 1964
Coming into Operation	19*th November* 1964

The Minister of Labour (hereinafter referred to as "the Minister") after consultation with organisations and associations of organisations appearing to be representative respectively of substantial numbers of employers engaging in 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 by virtue of the powers conferred on him by section 1 of, and paragraphs 1 and 7 of the Schedule to, the Industrial Training Act 1964(a) (hereinafter referred to as "the Act") 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 (Shipbuilding Board) Order 1964 and shall come into operation on 19th November 1964.

(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.

Establishment of Industrial Training Board

2. An industrial training board to be known as the Shipbuilding Industry Training Board (hereinafter referred to as "the Board") is hereby established to exercise in relation to the activities specified in Schedule 1 to this Order as the activities of the shipbuilding industry the functions conferred on industrial training boards by the Act.

Membership and proceedings of the Board

3. The provisions of Schedule 2 to this Order shall have effect in relation to the Board.

Dated 10th November 1964.

R. J. Gunter,
Minister of Labour.

(a) 1964 c. 16. (b) 52 & 53 Vict. c. 63.

SCHEDULE 1

THE SHIPBUILDING INDUSTRY

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

(*a*) all operations carried out at or from a yard or dry dock (including the precincts thereof) or a harbour or wet dock in the construction, reconstruction, repair, refitting, painting or finishing of ships or vessels or other floating constructions;

(*b*) the preparation of drawings for the purpose of the construction of the hulls of ships or vessels;

(*c*) when carried out in conjunction with any of the foregoing activities, any of the following activities, that is to say—

(i) research, development, design or drawing;

(ii) operations in connection with sale, packing, warehousing, distribution or transport;

(iii) work done at any office or laboratory, at any store, warehouse or similar place or at a garage;

(*d*) any other activities of industry or commerce carried out at or from an establishment engaged mainly in one or more of the foregoing activities.

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

(*a*) the supply of food or drink for immediate consumption;

(*b*) the activities of any establishment engaged mainly in one or more activities not included in paragraph 1 of this Schedule;

(*c*) any operations when carried out by the master or a member of the crew of a ship or vessel;

(*d*) any operations mentioned in paragraph 1(*a*) of this Schedule when carried out by a person undergoing a course of training as a sea-going officer or rating (otherwise than in the sea-fishing service) under an agreement in writing with an employer in the shipping industry or with any organisation of employers in that industry or any association of such organisations.

3.—(1) In this Schedule—

(*a*) "company", "holding company" and "subsidiary" have the same meanings as in section 154 of the Companies Act 1948(a);

(*b*) "ship", "vessel" and "harbour" have the same meanings as in the Merchant Shipping Act 1894(b).

(2) For the purposes of this Schedule an activity shall not be deemed to be carried out in conjunction with any other activity unless such activities are carried out by the same employer, or by a holding company and another company which is a subsidiary of the holding company, or by companies which are subsidiaries of the same holding company.

SCHEDULE 2

MEMBERSHIP

1. The appointment of a member of the Board shall be for such term as the Minister may determine and, subject to the provisions of this Schedule, a member shall hold and vacate office in accordance with the terms of the instrument appointing him to be a member.

2. A person who has held office as a member of the Board shall be eligible for reappointment.

(a) 11 & 12 Geo. 6. c. 38. (b) 57 & 58 Vict. c. 60.

3. A member of the Board may resign his office by notice in writing to the Minister and the resignation shall have effect on such date as the Minister shall appoint.

4. If a member of the Board—

(*a*) is absent from meetings of the Board for more than six months consecutively, unless his absence is due to illness or some other reason approved by the Minister; or

(*b*) becomes in the opinion of the Minister unfit to continue in office or incapable of performing his duties;

the Minister may declare the office of that member to be vacant and shall notify the fact in such manner as he shall think fit, and thereupon the office of the member shall become vacant.

PROCEEDINGS AND MEETINGS

5. At a meeting of the Board one-third of the members shall be the quorum, or if the number so ascertained includes a fraction the nearest higher whole number of members.

6. The chairman or if absent the deputy chairman (if any) shall preside at all meetings of the Board at which he shall be present, but if at any meeting the said chairman and any deputy chairman be not present within 10 minutes of the time appointed for holding the meeting the members present shall choose some one of their number to be chairman of the meeting.

7. At a meeting of the Board a resolution put to the vote on any matter not relating to the imposition of a levy shall be decided on a show of hands of the members present and voting; each member shall have one vote and if the votes are equally divided the chairman of the meeting shall have a second or casting vote.

8.—(1) If at a meeting of the Board a resolution relating to the imposition of a levy is put to the vote of the members appointed as mentioned in paragraph 3(*a*) of the Schedule to the Act, each such member shall have one vote, and the resolution shall be decided on a show of hands of those members present and voting unless a poll is demanded by any such member (before or on the declaration of the result of the show of hands) in which case the poll shall be taken forthwith and the votes may be given either personally or by proxy.

(2) The instrument appointing a proxy shall be in writing under the hand of the appointor, and the proxy shall be a member of the Board appointed as mentioned in paragraph 3(*a*) of the Schedule to the Act.

(3) An instrument appointing a proxy shall be in the following form or a form as near thereto as circumstances admit:—

I ..... of ..... in the county of ..... being a member of the Shipbuilding Industry Training Board appointed as mentioned in paragraph 3(*a*) of the Schedule to the Industrial Training Act 1964, hereby appoint ..... of ..... or failing him ..... of ..... as my proxy to vote for me on my behalf on any matter relating to the imposition of a levy at the meeting of the said Board to be held on the ..... day of ..... 19 ..... and at any adjournment thereof.

Signed this .....day of ..... 19.....

(4) A vote given in accordance with the terms of an instrument of proxy shall be valid notwithstanding the previous death or insanity of the principal or revocation of the proxy, provided that no intimation in writing of any such death, insanity or revocation shall have been received by the Board at its office before the commencement of the meeting or adjourned meeting at which the proxy is used.

9. Minutes shall be kept of the proceedings of the Board and any such minutes shall, if signed by any person purporting to have acted as chairman of the meeting or at a meeting at which they were read, be evidence of the proceedings at the first-mentioned meeting, and a meeting to which any such minutes relate shall, unless the contrary is proved, be taken to have been regularly convened and constituted.

10. The Board shall have an office at which communications and notices will at all times be received and shall notify to the Minister the address of that office and any change of that address.

EXECUTION AND ISSUE OF INSTRUMENTS

11. The seal of the Board shall be authenticated by the signature of the chairman of the Board or some other member of the Board authorised by the Board to act in that behalf and of the secretary or some other person authorised by the Board so to act.

12. Every document purporting to be a document duly executed or issued either under the seal of the Board authenticated in the manner provided by this Schedule or on behalf of the Board, or purporting to be signed by the secretary or any other person, being a member, officer or servant of the Board authorised to act in that behalf, shall, until the contrary be proved, be deemed to be a document so executed or issued or so signed as the case may be.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, which is made under the Industrial Training Act 1964, establishes an industrial training board to be known as the Shipbuilding Industry Training Board, and defines the industry to which it relates. Provision is made as to the membership of the Board and its meetings and proceedings.