STATUTORY INSTRUMENTS

1968 No. 1614

INDUSTRIAL TRAINING

The Industrial Training (Shipbuilding Board) Order 1968

Made - - -	10*th October* 1968
Laid before Parliament	21*st October* 1968
Coming into Operation	30*th October* 1968

The Secretary of State after consultation with the Shipbuilding Industry Training Board and 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 in exercise of her powers under section 9 of the Industrial Training Act 1964(a) and of all other powers enabling her 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 1968 and shall come into operation on 30th October 1968.

(2) In this Order—

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

(*b*) "the Board" means the Shipbuilding Industry Training Board ;

(*c*) "Levy Order" includes the Industrial Training Levy (Shipbuilding) Order 1965(b), the Industrial Training Levy (Shipbuilding) Order 1966(c) and the Industrial Training Levy (Shipbuilding) Order 1967(d);

(*d*) "the principal Order" means the Industrial Training (Shipbuilding Board) Order 1964(e).

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

Activities of the Board

2. 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, 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.

(a) 1964 c. 16.
(b) S.I. 1965/1609 (1965 II, p. 4631).
(c) S.I. 1966/991 (1966 II, p. 2373).
(d) S.I. 1967/1387 (1967 III, p. 4060).
(e) S.I. 1964/1782 (1964 III, p. 3928).
(f) 1889 c. 63.

Transitional provisions

3.—(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 date upon which this Order comes into operation or any appeal or other proceedings arising out of any such notice.

10th October 1968.

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

SCHEDULE

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, a dry dock (including the precincts thereof), a harbour or a wet dock in the construction, fitting out, reconstruction, repair, refitting, painting or finishing of a ship or a floating construction;

(*b*) the construction or fitting out of a ship elsewhere than at a place mentioned in the foregoing sub-paragraph;

(*c*) the preparation of drawings for the purpose of the construction of the hull of a ship;

(*d*) in the capacity of agent or broker, dealing in any of the following craft not exceeding one hundred tons gross tonnage—

(i) motor boats or yachts;

(ii) sailing boats or yachts;

(iii) any similar craft;

(*e*) the letting out on hire of any craft of a kind and tonnage specified in the foregoing sub-paragraph by an employer engaged in the construction or repair of such craft;

(*f*) any activities (other than those above-mentioned) being—

(i) related activities incidental or ancillary to principal activities of the shipbuilding 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;

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

(i) in shipbuilding activities; or

(ii) in shipbuilding activities and in activities described in the Appendix to this Schedule, but to a greater extent in shipbuilding 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 shipbuilding industry:—

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

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

(ii) to a less extent in shipbuilding 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 shipbuilding 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 that is engaged elsewhere than at a place specified in paragraph 1(*a*) of this Schedule—

(i) wholly in the processing of ships' hulls from plastics material; or

(ii) mainly in such processing and partly in any other activities, not being the fitting out of ships;

(*d*) any operations when carried out by the master or a member of the crew of a ship, or by a person ordinarily employed in or about a ship in port on work of a kind ordinarily done by a seaman on a ship while it is in port;

(*e*) any operations mentioned in paragraph 1(*a*) or 1(*b*) 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; or

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

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

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

(*b*) "dealing" means by way of business—

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

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

(a) 1948 c. 38.

(*c*) "floating construction" does not include a hovercraft;

(*d*) "gross tonnage" means gross tonnage ascertained in accordance with Regulations made under section 1 of the Merchant Shipping Act 1965(a);

(*e*) "hovercraft" means a vehicle which is designed to be supported when in motion wholly or partly by air expelled from the vehicle to form a cushion of which the boundaries include the ground, water or other surface beneath the vehicle;

(*f*) "letting out on hire" does not include any arrangement in the nature of hire-purchase;

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

(*h*) "plastics material" means any material made wholly or mainly by addition, polyaddition, condensation, polycondensation, polymerisation, copolymerisation, esterification, or other similar chemical process, or regenerated or modified cellulose, or hardened proteins or natural resin modified by fusion or esterification, and includes any such material reinforced by glass fibres or bonding glass fibres;

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

(*j*) "related activities" means any of the following activities, that is to say—

(i) research, development, design or drawing;

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

(iii) operations of a kind performed at office premises or laboratories, or at stores, warehouses or similar places;

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

(v) training of employees or apprentices;

(*k*) "repair" includes all or any of the operations following, that is to say, repair, reconditioning, modification, alteration, conversion, the replacement of a part, the scaling, scurfing or cleaning of a boiler, the scaling or chipping of a hull, and the shot blasting of a tank or hull;

(*l*) "ship" includes any description of ship, vessel, boat or other floating craft, but does not include a hovercraft or an article that is inflatable by air, gas or liquid;

(*m*) "shipbuilding activities" means any one or more of the principal activities of the shipbuilding industry and the activities included in that industry by virtue of paragraph 1(*f*) of this Schedule.

4. 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.

(a) 1965 c. 47.

(b) 1963 c. 41.

APPENDIX

The activities that would be included in an industry specified in Column 1 hereof by virtue of the 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(b)	Schedule 1 Paragraph 1(*j*)
The construction industry	The Industrial Training (Construction Board) Order 1964 as amended by the Industrial Training (Construction Board) Order 1967(c)	Schedule 1 Paragraph 1(*l*)
The engineering industry	The Industrial Training (Engineering Board) Order 1964 as amended by the Industrial Training (Engineering Board) Order 1968(d)	Schedule 1 Paragraph 1(*m*)
The ceramics, glass and mineral products industry	The Industrial Training (Ceramics, Glass and Mineral Products Board) Order 1965(e)	Schedule 1 Paragraph 1(*n*)
The furniture and timber industry	The Industrial Training (Furniture and Timber Industry Board) Order 1965 (f)	Schedule 1 Paragraph 1(*r*)
The man-made fibres producing industry	The Industrial Training (Man-made Fibres Producing Industry Board) Order 1966(g)	Schedule 1 Paragraph 1(*d*)
The carpet industry	The Industrial Training (Carpet Board) Order 1966(h)	Schedule 1 Paragraph 1(*d*)
The knitting, lace and net industry	The Industrial Training (Knitting, Lace and Net Industry Board) Order 1966(i)	Schedule 1 Paragraph 1(*j*)
The cotton and allied textiles industry	The Industrial Training (Cotton and Allied Textiles Board) Order 1966(j)	Schedule 1 Paragraph 1(*p*)
The agricultural, horticultural and forestry industry	The Industrial Training (Agricultural, Horticultural and Forestry Board) Order 1966(k)	Schedule 1 Paragraph 1(*m*)
The road transport industry	The Industrial Training (Road Transport Board) Order 1966(l)	Schedule 1 Paragraph 1(*o*)
The hotel and catering industry	The Industrial Training (Hotel and Catering Board) Order 1966(m)	Schedule 1 Paragraph 1(*e*)
The civil air transport industry	The Industrial Training (Civil Air Transport Board) Order 1967(n)	Schedule 1 Paragraph 1(*h*)

(a) S.I. 1964/907, 1968/898 (1964 II, p. 1928; 1968 II, p. 2376).
(b) S.I. 1964/949 (1964 II, p. 2127).
(c) S.I. 1964/1079, 1967/924 (1964 II, p. 2384; 1967 II, p. 2757).
(d) S.I. 1964/1086, 1968/1333 (1964 II, p. 2402; 1968 II, p. 3694).
(e) S.I. 1965/1391 (1965 II, p. 4062).
(f) S.I. 1965/2028 (1965 III, p. 5998).
(g) S.I. 1966/143 (1966 I, p. 257).
(h) S.I. 1966/245 (1966 I, p. 499).
(i) S.I. 1966/246 (1966 I, p. 506).
(j) S.I. 1966/823 (1966 II, p. 1907).
(k) S.I. 1966/969 (1966 II, p. 2333).
(l) S.I. 1966/1112 (1966 III, p. 2712).
(m) S.I. 1966/1347 (1966 III, p. 3669).
(n) S.I. 1967/263 (1967 I, p. 968).

APPENDIX—continued

Column 1	Column 2	Column 3
The petroleum industry	The Industrial Training (Petroleum Board) Order 1967(a)	Schedule 1 Paragraph 1(*h*)
The rubber and plastics processing industry	The Industrial Training (Rubber and Plastics Processing Board) Order 1967(b)	Schedule 1 Paragraph 1(*k*)
The chemical and allied products industry	The Industrial Training (Chemical and Allied Products Board) Order 1967(c)	Schedule 1 Paragraph 1(*s*)
The printing and publishing industry	The Industrial Training (Printing and Publishing Board) Order 1968(d)	Schedule 1 Paragraph 1(*n*)
The paper and paper products industry	The Industrial Training (Paper and Paper Products Board) Order 1968(e)	Schedule 1 Paragraph 1(*j*)
The distributive industry	The Industrial Training (Distributive Board) Order 1968(f)	Schedule 1 Paragraph 1(*h*)
The food, drink and tobacco industry	The Industrial Training (Food, Drink and Tobacco Board) Order 1968(g)	Schedule 1 Paragraph 1(*q*)

(a) S.I. 1967/648 (1967 I, p. 2032).
(b) S.I. 1967/1062 (1967 II, p. 3151).
(c) S.I. 1967/1386 (1967 III, p. 4049).
(d) S.I. 1968/786 (1968 II, p. 2185).
(e) S.I. 1968/787 (1968 II, p. 2194).
(f) S.I. 1968/1032 (1968 II, p. 2709).
(g) S.I. 1968/1033 (1968 II, p. 2721).

EXPLANATORY NOTE

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

This Order re-defines the activities in relation to which the Shipbuilding Industry Training Board exercises its functions. The Board was established on 19th November 1964 by the Industrial Training (Shipbuilding Board) Order 1964.

Amongst the activities henceforth to be included in the shipbuilding industry are—

(*a*) the construction or fitting out of ships or other craft elsewhere than at a yard, dock or harbour;

(*b*) dealing by an agent or broker in motor or sailing boats, yachts or similar craft not exceeding 100 tons gross tonnage and, where an employer is engaged in the construction or repair of such craft, letting them out on hire.

The activities of an establishment engaged wholly or mainly in the processing from plastics material of ships' hulls are, however, excluded from the industry unless such activities are carried out at a yard, dock or harbour or the establishment is also engaged in the fitting out of ships or other craft.