1978 No. 160

INDUSTRIAL TRAINING

Industrial Training Levy (Food and Drink Industry) Order (Northern Ireland) 1978

Made . . . . . 16*th June* 1978
Coming into operation . . . 1*st August* 1978

The Department(**a**) of Manpower Services, after approving proposals submitted by the Food and Drink Industry Training Board for the imposition of a further levy on employers in the food and drink industry and in exercise of the powers conferred by section 4 of the Industrial Training Act (Northern Ireland) 1964(**b**) and now vested in it(**c**) and of all other powers enabling it in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Industrial Training Levy (Food and Drink Industry) Order (Northern Ireland) 1978 and shall come into operation on 1st August 1978.

(2) In this Order—

"an appeal tribunal" means an industrial tribunal established under section 13 of the Industrial Training Act (Northern Ireland) 1964;

"assessment" means an assessment of an employer to the levy;

"the Board" means the Food and Drink Industry Training Board established under the Industrial Training (Food and Drink Board) Order (Northern Ireland) 1969(**d**);

"business" means any activities of industry or commerce;

"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;

"employer" means a person who is an employer in the food and drink industry at any time in the ninth levy period, but does not include a person in whose case the sum of the emoluments paid or payable to all persons in his employment in the ninth base period is less than £37,500 or in the case of two or more food and drink establishments where the sum of the emoluments of all the persons employed in all of such establishments is less than £37,500;

"food and drink establishment" means an establishment in Northern Ireland engaged wholly or mainly in the food and drink industry for a total of twenty-seven or more weeks in the ninth base period, or, being an establishment that commenced to carry on business in the ninth 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;

(**a**) Formerly Ministry: *see* 1973 c. 36 s. 40 and Sch. 5 para. 8(1)
(**b**) 1964 c. 18 (N.I.)
(**c**) By S.R. & O. (N.I.) 1973 No. 504 Article 6(1) (II, p. 2992)
(**d**) S.R. & O. (N.I.) 1969 No. 165 (p. 596)

"the food and drink industry" means any one or more of the activities 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 the activities of the food and drink industry;

"the industrial training order" means the Industrial Training (Food and Drink Board) Order (Northern Ireland) 1969;

"the levy" means the levy imposed by the Board in respect of the ninth levy period;

"the ninth base period" means the year that commenced on 6th April 1977;

"the ninth levy period" means the year commencing on 1st August 1978;

"notice" means a notice in writing.

(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.

Imposition and assessment of the levy for the ninth levy period

2.—(1) The levy to be imposed on employers shall be assessed in accordance with the provisions of this article.

(2) The levy shall be assessed by the Board separately in respect of each food and drink 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.

(3) Subject to the provisions of this article, the amount of the levy imposed on an employer in respect of a food and drink establishment shall be equal to 0·8 per centum of the emoluments of all persons employed by the employer at or from that establishment in the ninth base period.

(4) The amount of the levy imposed in respect of a food and drink establishment that ceases to carry on business in the ninth levy period shall be in the same proportion to the amount that would otherwise be due under paragraph (3) 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.

(5) For the purposes of this article no regard shall be had to the emoluments of any person engaged wholly in the supply of food or drink for immediate consumption.

Assessment notices

3.—(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) The amount of any assessment payable under an assessment notice shall be rounded down to the nearest £1.

(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