STATUTORY INSTRUMENTS

1984 No. 1159 (N.I. 9)

The Industrial Training (Northern Ireland) Order 1984 [F1]

\- - - - - - *31st July 1984*

F1 functions transf. by SR 1999/481

Introductory

Title and commencement

1.—(1) This Order may be cited as the Industrial Training (Northern Ireland) Order 1984.

(2) This Order shall come into operation on the expiration of two months from the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

Definition rep. by 1990 NI 8

"compulsory school age" has the meaning assigned to it by Article 36 of the Education and Libraries (Northern Ireland) Order 1972;

"the Department" means the Department of Economic Development;

"employee" includes a person engaged under a contract for services, and "employer" shall be construed accordingly;

"employment" means employment under a contract of service or apprenticeship or a contract for services or otherwise than under a contract, and "employed" shall be construed accordingly;

"industrial training board" means a board established under section 1 of the Industrial Training Act (Northern Ireland) 1964 or Article 14(1);

"industrial training order" means an order under Article 14(1)**[**[F2], except a revocation order within the meaning of Article 19**]**;

"industry" includes commerce but does not include the public sector;

"the industry", in relation to an industrial training board, means the activities in relation to which the board exercises its functions;

"levy proposals" and "levy order" have the meanings respectively assigned to them by paragraph (1) and paragraph (2) of Article 23;

"non-remissible part of the levy" has the meaning given by Article 23(4);

"organisations" includes associations of organisations;

"public sector" means—

(a) any government department;

(b) any district council;

(c) any other body established by or under any statutory provision;

"remission proposals" has the meaning assigned to it by Article 25(1);

"statutory provision" has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

(3) For the purposes of this Order any body established for the purpose of carrying on under public ownership an industry or part of an industry or undertaking shall be treated as if it were an organisation representative of employers.

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Industrial training boards

Establishment

14.—(1) For the purpose of making better provision for the training of persons over compulsory school age for employment in any activities of industry the Department may make an order ("an industrial training order") specifying those activities and establishing a board to exercise in relation to them the functions conferred by this Order on industrial training boards.

(2) Before making an industrial training order the Department shall consult—

(a) any organisations appearing to the Department to be representative of substantial numbers of employers engaging in the activities concerned; and

(b) any organisations appearing to the Department to be representative of substantial numbers of employees engaging in the activities concerned; and

(c) if the activities concerned are carried on to a substantial extent by a body established for the purpose of carrying on under public ownership any industry or part of an industry or undertaking, that body;

and the Department may carry out such other consultations as it thinks fit.

(3) The provisions of Schedule 2 shall have effect with respect to industrial training boards.

(4) If an employer in the industry of an industrial training board requests the Department in writing to secure that the activities carried on at a particular establishment of his shall, instead of being included for the purposes of this Order in that industry, be included for those purposes in the industry of another industrial training board, the Department, after consulting both the boards in question about the request, may make an order giving effect to the request.

(5) Paragraph (4) is without prejudice to the power of the Department under paragraph (1) to amend an industrial training order after the consultations required by paragraph (2).

(6) An industrial training order or an order under paragraph (4) may provide for any incidental or supplementary matter for which it appears to the Department to be necessary or expedient to provide.

(7) Every industrial training order shall be subject to negative resolution.

Training for employment

15.—(1) The general purpose of an industrial training board shall be to encourage adequate training of persons employed or intending to be employed in the industry.

(2) An industrial training board—

(a) shall consider from time to time such employments in the industry as appear to the board to require consideration and publish recommendations with regard to the nature and length of the training for any such employment and the education to be associated with the training, the persons by and to whom the training ought to be given, the standards to be attained as a result of the training and the methods of ascertaining whether those standards have been attained;

(b) may carry on, or assist other persons in carrying on, research into any matter relevant to training for employment in the industry.

Provision of advice and courses, etc

16.—(1) An industrial training board may—

(a) provide advice about training connected with the industry;

(b) assist persons in finding facilities for being trained for employment in the industry.

(2) An industrial training board may apply or make arrangements for the application of selection tests and of tests or other methods for ascertaining the attainment of any standards recommended by the board and may award certificates of the attainment of those standards.

(3) An industrial training board—

(a) shall provide or secure the provision of such courses and other facilities (which may include residential accommodation) for the training of those persons as the board considers adequate, having regard to any courses or other facilities otherwise available to those persons;

(b) may approve such courses and facilities provided by other persons;

(c) may pay maintenance and travelling allowances to persons attending courses, or availing themselves of other facilities provided or approved by the board;

(d) may make grants or loans to persons providing courses or other facilities approved by the board, to persons who make studies relevant to such courses or facilities and to persons who maintain arrangements to provide such courses or facilities which are not for the time being in use;

(e) may pay fees to persons providing education in respect of persons who receive it in association with their training in courses provided or approved by the board;

(f) may make payments to persons in connection with arrangements under which they or their employees make use of courses or other facilities provided or approved by the board.

(4) An industrial training board may enter into contracts of service or apprenticeship with persons who intend to be employed in the industry and to attend courses or avail themselves of other facilities provided or approved by the board.

(5) An industrial training board may—

(a) at the request of another industrial training board provide advice for the other board and courses and other facilities for the training of persons employed or intending to be employed in the industry for which that other board is established;

(b) at the request of the Department provide such other advice, and such other courses and facilities for training, as are mentioned in the request;

(c) at the request of an employer in the industry provide for him advice about training connected with activities carried on in Great Britain or outside the United Kingdom which, if they were carried on in Northern Ireland, would be included in the industry;

but any expense incurred by the board in pursuance of sub-paragraph (c) shall not be defrayed out of sums received by way of levy.

(6) An industrial training board may take part in any arrangements made by the Department under section 2(2) of the Employment and Training Act (Northern Ireland) 1950 with respect to the industry.

Training for employment overseas

17.—(1) An industrial training board may, with the consent of the Department, exercise such functions in connection with training for employment outside Northern Ireland of persons temporarily in Northern Ireland as are exercisable by it under this Order in connection with the training of persons employed or intending to be employed in the industry.

(2) An industrial training board shall keep separate accounts—

(a) with respect to its functions under paragraph (1); and

(b) with respect to its other functions under this Order;

and no money raised by a levy imposed under this Order shall be carried to an account kept in pursuance of sub-paragraph (a), and any expenses and liabilities incurred by the board shall be disregarded for the purposes of Article 19(2) and Article 23(1).

Submission of proposals to Department, etc

18.—(1) An industrial training board—

(a) shall from time to time submit to the Department for its approval proposals for the exercise of functions conferred on the board by this Order; and

(b) shall submit to the Department for its approval proposals for the delegation of all or any of those functions to committees established under paragraph 5 of Schedule 2;

and the board shall exercise its functions under this Order in accordance with proposals submitted to the Department and approved by it.

(2) An industrial training board shall give to the Department such information or facilities for obtaining information with regard to the exercise of its functions, in such manner and at such times as the Department may reasonably require.

Winding up of boards

19.—(1) An order made under Article 14(1) revoking an industrial training order (in this Article referred to as "a revocation order") shall provide for the winding up of the industrial training board.

(2) A revocation order may provide—

(a) for the imposition of a levy on employers in the industry, other than such, if any, as may be exempted by the order, for the purpose of raising the whole or part of any amount by which the assets of the industrial training board may be insufficient to meet the liabilities of the board and the expenses of the winding up; and

(b) for the application for specified purposes of any amount by which those assets may exceed those liabilities and expenses.

(3) A revocation order making provision for the imposition of a levy—

(a) may provide for payments by way of levy to accrue due from day to day over a period specified in the order; and

(b) may contain provisions as to the evidence by which a person's liability to the levy or his discharge of that liability may be established and as to the time at which any amount payable by any person by way of levy shall (whether or not any period over which that amount accrues due has expired) become due and recoverable by the board.

(4) A revocation order shall give any person thereby assessed to the levy a right of appeal to an industrial tribunal and a revocation order shall make provision as to the time within such an appeal may be made.

(5) On an appeal under paragraph (4)—

(a) if the appellant satisfies the tribunal that he ought not to have been assessed to the levy or ought to have been assessed in a smaller amount, the tribunal shall rescind or, as the case may be, reduce the assessment but (subject to sub-paragraph (b)) in any other case shall confirm it; and

(b) if it appears to the tribunal that the appellant ought to have been assessed to the levy in a larger amount, the tribunal may increase the assessment accordingly.

(6) Where a revocation order has been made for the winding up of an industrial training board the Department may pay such pension, superannuation allowance or gratuity to or in respect of the chairman of the board as the Department may, with the approval of the Department of Finance and Personnel, determine.

(7) A revocation order may provide for any incidental, transitional or consequential matter for which it appears to the Department to be necessary or expedient to provide.

[[F3](7A) Without prejudice to the generality of paragraph (7), a revocation order may—

(a) make provision for the transfer to the employment of the Department of persons who immediately before the date on which the industrial training board is wound up are employed by that board;

(b) contain provision in relation to persons so transferred corresponding to the provision made by paragraphs (4) and (5) of Article 3 of the Industrial Training (Northern Ireland) Order 1990 in relation to persons transferred under that Article;

and paragraph (6) of that Article shall apply for the purposes of this paragraph as it applies for the purposes of paragraphs (3) and (4) of that Article.**]**

[[F3](8) A revocation order shall be subject to negative resolution.**]**

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Financial provisions

20.—(1) The Department may, with the approval of the Department of Finance and Personnel, make grants and loans to an industrial training board.

(2) The Department may give to an industrial training board such directions as the Department thinks fit for the purpose of securing—

(a) that the board's expenditure for a purpose specified in the directions does not exceed an amount so specified; and

(b) that the whole or part of any grant or loan made to the board in pursuance of paragraph (1) is used only for the purposes specified in the directions;

and the board shall comply with the directions.