

1973. No. 258

[C]

INDUSTRIAL TRAINING**Road Transport Industry Training Board**

ORDER, DATED 30TH JULY 1973, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE INDUSTRIAL TRAINING ACT (NORTHERN IRELAND) 1964.

The Ministry of Health and Social Services on behalf of the Secretary of State, after consultation with the Road Transport Industry Training Board and with organisations and associations of organisations appearing to it 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 public ownership industries in which the said activities are carried on to a substantial extent and in exercise of the powers conferred by section 10 of the Industrial Training Act (Northern Ireland) 1964(a) 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 (Road Transport Board) Order (Northern Ireland) 1973 and shall come into operation on 1st August 1973.

(2) In this Order—

“the Act” means the Industrial Training Act (Northern Ireland) 1964;

“the Board” means the Road Transport Industry Training Board;

“levy Order” includes the Industrial Training Levy (Road Transport Industry) Order (Northern Ireland) 1968(b), the Industrial Training Levy (Road Transport Industry) Order (Northern Ireland) 1969(c), the Industrial Training Levy (Road Transport Industry) Order (Northern Ireland) 1970(d), the Industrial Training Levy (Road Transport Industry) Order (Northern Ireland) 1971(e) and the Industrial Training Levy (Road Transport Industry) Order (Northern Ireland) 1972(f);

“the 1972 Order” means the Industrial Training (Road Transport Board) (Amendment) Order (Northern Ireland) 1972(g);

“the principal Order” means the Industrial Training (Road Transport Board) Order (Northern Ireland) 1967(h).

Revocation

2. The 1972 Order is hereby revoked.

(a) 1964. c. 18 (N.I.).

(b) S.R. & O. (N.I.) 1968, No. 164.

(c) S.R. & O. (N.I.) 1969, No. 251.

(d) S.R. & O. (N.I.) 1970, No. 165.

(e) S.R. & O. (N.I.) 1971, No. 246.

(f) S.R. & O. (N.I.) 1972, No. 148.

(g) S.R. & O. (N.I.) 1972, No. 362.

(h) S.R. & O. (N.I.) 1967, No. 30, as amended by S.R. & O. (N.I.) 1967, No. 236.

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 1972 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.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 30th day of July 1973.

(L.S.)

W. Bell,

Assistant Secretary.

SCHEDULE

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 Northern Ireland:—

- (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 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; 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 vehicle 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 or private car hire;
- (d) the activities of—
 - (i) any body or person authorised by or under any enactment to carry on any undertaking for the supply of electricity, gas or water, or any dock or harbour;
 - (ii) a marketing board; or
 - (iii) the Post Office;
- (e) 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;
- (f) 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 (Northern Ireland) 1945(i) (which relates to the provision for registered persons who are seriously disabled of work or training);
- (g) any work, occupation or training that is provided in accordance with arrangements made by a local authority under the Disabled Persons (Employment) Act (Northern Ireland) 1960(j) 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;
- (h) the activities of a charity;
- (i) dock work performed by a dock worker;
- (j) any activities in agriculture; or
- (k) the supply of food or drink for immediate consumption.

3. In this Schedule:—

“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 43(1) of the Agriculture Act (Northern Ireland) 1949(k);

(i) 1945. c. 6.
(j) 1960. c. 4.

(k) 1949. c. 2.