1969. No. 265 **[C]**

INDUSTRIAL TRAINING

Industrial Training Levy (Clothing and Footwear Industry)

ORDER, DATED 30TH SEPTEMBER 1969, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE INDUSTRIAL TRAINING ACT (NORTHERN IRELAND) 1964.

The Ministry of Health and Social Services after approving proposals submitted by the Clothing and Footwear Industry Training Board for the imposition of a further levy on employers in the Clothing and Footwear industry and in exercise of the powers conferred by section 4 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 and interpretation

1.—(1) This Order may be cited as the Industrial Training Levy (Clothing and Footwear Industry) Order (Northern Ireland) 1969.

(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 Clothing and Footwear Industry Training Board;

"business" means any activities of industry or commerce;

"clothing and footwear establishment" means an establishment in Northern Ireland engaged in the third base period wholly or mainly in the clothing and footwear industry;

"the clothing and footwear 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 clothing and footwear industry;

"employer" means a person who at any time in the third levy period is an employer in the clothing and footwear industry;

"the industrial training order" means the Industrial Training (Clothing and Footwear Board) Order (Northern Ireland) 1966(**b**);

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

"notice" means a notice in writing;

"the third base period" means the year that commences on 1st May 1969;

"the third levy period" means the period commencing with the date upon which this Order comes into operation and ending on 31st July 1970.

(3) Any reference in this Order to an establishment 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.

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

(b) S.R. & O. (N.I.) 1966, No. 130 as amended by S.R. & O. (N.I.) 1966, No. 222 and S.R. & O. (N.I.) 1967, No. 236.

Imposition and Assessment of the Levy for the Third 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 clothing and footwear 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 clothing and footwear establishment shall be equal to the amount obtained by multiplying the sum of £6 by the number that is equal to the average (calculated to the lowest whole number) of the numbers of persons employed or deemed under the provisions of paragraph (4) to have been employed at or from that establishment on the first Monday in May 1969, August 1969, November 1969 and February 1970.

(4) In the case where a clothing and footwear establishment is taken over (whether directly or indirectly) by an employer in succession to, or jointly with, another person, a person employed at or from the establishment at any time in the third base period shall be deemed, for the purposes of this Order, to have been so employed by the employer carrying on the said establishment on the day upon which this Order comes into operation.

(5) The amount of the levy imposed in respect of a clothing and footwear establishment that ceases to carry on business in the third levy period shall be in the same proportion to the amount that would otherwise be due under the foregoing provisions of this Article 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.

(6) For the purposes of this Article no regard shall be had to any employee 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) An assessment notice shall state the Board's address for service of a notice of appeal or of an application for an extension of time for appealing.

(3) 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 or, if that person is a corporation, by leaving it, or sending it by post to the corporation at such address or place of business or at its registered or principal office.

Payment of the Levy

4.—(1) Subject to the provisions of this Article and of Articles 5 and 6, the amount of each assessment appearing in an assessment notice served by the Board shall be payable to the Board in two equal instalments and the said instalments shall be due respectively on 1st May 1970 and 2nd November 1970.

(2) An instalment of an assessment shall not be recoverable by the Board until there has expired the time allowed for appealing against the assessment by