1969. No. 238 **[C]**

INDUSTRIAL TRAINING

Industrial Training Levy (Construction Industry)

ORDER, DATED 10TH 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 Construction Industry Training Board for the imposition of a further levy on employers in the construction 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 (Construction 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 Construction Industry Training Board;

"business" means any activities of industry or commerce;

"construction establishment" means an establishment in Northern Ireland engaged wholly or mainly in the construction industry for a total of twenty-seven or more weeks in the fifth base period, or, being an establishment that commenced to carry on business in the fifth 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, or, where an election is made, in any part of the alternative fifth base period;

"the construction industry" means any one or more of the activities which, subject to the provisions of paragraph 2 of the Schedule to the industrial training order, are specified in paragraph 1 of that Schedule as the activities of the construction industry;

"election" means an election, under the provisions of Article 2(3)(*a*)(ii), by an employer to pay the levy in respect of the emoluments of the persons employed in the relevant establishment during the alternative fifth base period;

"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 construction industry at any time in the fifth levy period;

"the fifth base period" means the year that commenced on the 6th April 1968, and "the alternative fifth base period" means the year that commenced on 6th April 1969;

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

"the fifth levy period" means the period commencing with the day upon which this Order comes into operation and ending on 31st August 1970;

"the industrial training order" means the Industrial Training (Construction Board) Order (Northern Ireland) 1964(**b**);

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

"the Ministry" means the Ministry of Health and Social Services;

"notice" means a notice in writing.

(3) In the case where a construction 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 fifth base period, or in any case where an election is made, at any time during that part of the alternative fifth base period which precedes the date upon which an assessment notice is first served under Article 3, 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.

(4) 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 Fifth 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 construction 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 construction establishment shall be equal to $1\frac{1}{2}$ per centum of the emoluments of—

(*a*) all persons employed by the employer at or from that establishment—

(i) in the fifth base period; or

(ii) where an election is made in accordance with the provisions of paragraph (4), in the alternative fifth base period; and

(*b*) all persons deemed to have been so employed under the provisions of Article 1(3).

(4) An election shall be made in writing and shall be in such form and made within such period as the Board may with the approval of the Ministry determine.

(5) The amount of the levy imposed in respect of a construction establishment that ceases to carry on business in the fifth 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.

(b) S.R. & O. (N.I.) 1964, No. 145 as amended by S.R. & O. (N.I.) 1967, No. 236