1969. No. 165 **[C]**

INDUSTRIAL TRAINING

Food and Drink Industry Training Board

ORDER, DATED 25TH JUNE 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 (hereinafter referred to as "the Ministry") after consultation 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 1 of, and paragraphs 1 and 7 of Schedule 1 to, the Industrial Training Act (Northern Ireland) 1964(a) (hereinafter referred to as "the Act") and of all other powers enabling it in that behalf, hereby makes the following Order:

Citation

1. This Order may be cited as the Industrial Training (Food and Drink Board) Order (Northern Ireland) 1969.

Establishment of Industrial Training Board

2. An industrial training board to be known as the Food and Drink Industry Training Board (hereinafter referred to as "the Board") is hereby established to exercise in relation to the activities specified in Schedule 1 as the activities of the food and drink industry the functions conferred on industrial training boards by the Act.

Membership and proceedings of the Board

3. The provisions of Schedule 2 shall have effect in relation to the Board.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 25th day of June 1969.

(L.S.)

W. G. H. Quigley,
Assistant Secretary.

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

SCHEDULE 1

The Food and Drink Industry

1. Subject to the provisions of this Schedule, the activities of the food and drink industry are the following activities in so far as they are carried out in Northern Ireland:—

(*a*) any operations by way of business in—
  (i) the processing of food or drink for human or animal consumption;
  (ii) the production of crude, refined or processed oil, being vegetable, animal, whale or fish oil;
  (iii) the production, from any part of an animal carcass, of fats, greases, tallows or sausage casings;

(*b*) the manufacture of fish meal;

(*c*) the manufacture of starches;

(*d*) the manufacture of ice;

(*e*) the slaughtering of cattle, sheep, swine, goats, horses, asses or mules, when the flesh is intended for human or animal consumption;

(*f*) slaughtering, de-feathering, eviscerating or preparing for sale, poultry;

(*g*) dealing (not being selling by retail) in all or any of the products following—
  (i) bread, flour, flour confectionery and yeast;
  (ii) milk, ice cream and any commodity similar to ice cream;
  (iii) meat;
  (iv) fish;
  (v) horticultural produce;
  (vi) intoxicating liquor, soft drink, tea and raw or green coffee;

(*h*) grading, packing or dealing (not being selling by retail) in shell eggs;

(*i*) selling by retail all or any of the products comprised in one or two (but not more than two) of the categories following—
  (i) bread, flour, flour confectionery and yeast;
  (ii) milk, ice cream and any commodity similar to ice cream;
  (iii) meat;
  (iv) bacon;
  (v) fish;
  (vi) horticultural produce;

(*j*) dealing in all or any of the products following—
  (i) grain, other cereals and pulse;
  (ii) vegetable, animal, whale or fish oil, whether crude, refined or processed, and oilseeds;
  (iii) feeding stuffs intended for use as food for animals;

(*k*) the administration, control or direction of one or more establishments engaged outside Northern Ireland wholly or mainly in any activities specified in sub-paragraph (*a*), (*b*) or (*j*)(ii);

(*l*) the activities of a marketing board;

(*m*) any activities (other than those above mentioned) being—
  (i) related activities incidental or ancillary to principal activities of the food and drink 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;

(*n*) any other activities of industry or commerce carried out at or from an establishment (not being an establishment of a marketing board) mainly engaged—

(i) in food and drink activities; or

(ii) in food and drink activities and in activities described in the Appendix but to a greater extent in food and drink activities than in activities described in the Appendix in relation to any one industry.

2. Notwithstanding anything contained in this Schedule, there shall not be included in the activities of the food and drink industry:—

(*a*) the activities of any establishment (not being an establishment of a marketing board) engaged—

(i) mainly in activities not being food and drink activities or activities described in the Appendix; or

(ii) to a less extent in food and drink activities than in activities described in the 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 food and drink 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 the activities following or any of them, that is to say—

(i) any operations in agriculture or horticulture;

(ii) dealing in shell eggs by an employer who is engaged substantially in the production of hens' eggs;

(iii) public warehousing;

(iv) the manufacture of infant or dietary milk food by an employer engaged mainly in the manufacture of drugs or medicines;

(v) the manufacture of any drug or medicine or of cosmetic or toilet compounds, mixtures or preparations;

(vi) the manufacture of a blend of colouring matter by an employer engaged mainly in the manufacture of natural or synthetic dyestuffs or pigments or their intermediates;

(vii) the manufacture of starches for use in the manufacture of any adhesive or size or in laundering;

(viii) the manufacture of fertilisers or conditioners of the soil;

(ix) the splitting or distillation of vegetable, animal, whale or fish fats or the production of fatty acids, fatty alcohols, stearine, glycerine or chemical products derived therefrom;

(x) the production of gelatines from the waste or residues of animals or fish; or

(xi) the gutting, filleting, freezing, curing or smoking of fish when carried out by an employer engaged mainly in the catching of fish;

(*d*) the activities of any establishment engaged wholly or mainly in business as follows—

(i) in banking, finance or insurance;

(ii) as exporters not being activities to which paragraph 1(*m*)(i) applies;

(iii) as futures brokers; or

(iv) as shipping and forwarding agents;

(*e*) any activities of the Milk Marketing Board for Northern Ireland in the provision of—

(i) services of artificial insemination for livestock at a centre providing such services; or

(ii) any services in respect of milk recording;

(*f*) the activities of any company, association or body that has for its sole or principal object the supply of ice to inshore fishermen;

(*g*) 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(**b**) (which relates to the provision for registered persons who are seriously disabled of work or training);

(*h*) the activities of any local authority in the provision of sheltered employment carried on in accordance with arrangements under section 3 of the Disabled Persons (Employment) Act (Northern Ireland) 1960(**c**), 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;

(*i*) any operations when carried out by a member of the crew of an aircraft, by the master or a member of the crew of a ship or by a person ordinarily employed as a seaman who is employed in or about a ship in port by the owner or charterer thereof on work of a kind ordinarily done by a seaman on a ship while it is in port;

(*j*) dock work performed by a dock worker; or

(*k*) the supply (including any preparation thereof by the person or body of persons engaged in such supply) of food or drink to persons, being a supply—

(i) for immediate consumption;

(ii) of hot fried fish or hot chipped potatoes; or

(iii) by means of an automatic vending machine at or in connection with a restaurant, café, snack bar, canteen, mess room or similar place of refreshment.

3. In this Schedule—

"agriculture or horticulture" includes fruit growing, seed growing, the production of horticultural produce or hay, dairy farming, the breeding or keeping of livestock, and the use of land as a market garden or nursery ground;

"animal" includes any bird, fish or reptile;

"blend of colouring matter" means a product consisting of a blend of any colouring matter and a diluent or of a blend of two or more colouring matters with or without a diluent, being a product of which the main purpose is the colouring of any food or drink;

"bread" includes rolls, baps, fancy loaves, milk loaves, malt loaves and fruit loaves;

"business" means a trade or business carried on for the purposes of gain;

"company" includes any body corporate, and "subsidiary" has the same meaning as by virtue of section 148 of the Companies Act (Northern Ireland) 1960(**d**) it has for the purposes of that Act;

"compounded additive" includes any clouding, foaming or thickening agent or any mixture of salts or preservatives with or without water;

"dealing" means by way of business and in the capacity of principal, agent or broker—

(i) in relation to products situate in Northern Ireland, buying or selling such products;

(**b**) 1945. c. 6.
(**c**) 1960. c. 4.
(**d**) 1960. c. 22.