1966. No. 153 **[C]**

INDUSTRIAL TRAINING

Industrial Training Levy (Construction Industry)

ORDER, DATED 6TH JULY, 1966, 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 levy 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) 1966.

(2) In this Order—

"the Act" means the Industrial Training Act (Northern Ireland) 1964;

"the appeal tribunal" means an industrial tribunal established under section 13 of the Act;

"assessment" means an assessment of an employer to the levy;

"the Board" means the Construction Industry Training Board;

"construction activities" means the activities specified in paragraph 1 of Schedule 1 to the industrial training order as the activities of the construction industry, and "principal activities of the construction industry" means the activities specified in sub-paragraphs (*a*) to (*f*) of the said paragraph 1;

"construction establishment" means an establishment in Northern Ireland engaged wholly or mainly in construction activities in the second base period or, where an election is made, the alternative second base period;

"the construction industry" means the activities specified in paragraph 1 of Schedule 1 to the industrial training order as the activities of the construction industry;

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

"emoluments" means all emoluments assessable to income tax under Schedule E of the Income Tax Act 1952(**b**) (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 an employer in the construction industry;

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

(**a**) 1964. c. 18 (N.I.).
(**b**) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 10.
(**c**) S.R. & O. (N.I.) 1964, No. 145.

"the levy" means the levy imposed by the Board in respect of the second levy period;
"local authority" has the meaning assigned in paragraph 3 of Schedule 1 to the industrial training order;
"the Ministry" means the Ministry of Health and Social Services;
"notice" means a notice in writing;
"the second base period" means the period of twelve months that commenced on 6th April, 1965, and "the alternative second base period" means the period of twelve months that commenced on 6th April, 1966;
"the second levy period" means the period commencing with the date upon which this Order comes into operation and ending on 5th April, 1967.

(3) A person employed at any time in the second base period or, in any case where an election is made, at any time during that part of the alternative second base period which precedes the date upon which an asssessment notice is first served under Article 4(1) or (2), in an establishment that is taken over (whether directly or indirectly) by an employer in succession to, or jointly with, another employer shall, during that time, be deemed for the purposes of this Order to have been in the employment of—

(*a*) the person or persons carrying on the said establishment on the date upon which an assessment notice is first served under Article 4(1) or (2); or

(*b*) if no person is carrying on the said establishment on the last mentioned date, by the person who last employed any person in the said establishment prior to that date.

Imposition of the Levy

2.—(1) The levy to be imposed by the Board on employers in respect of the second levy period shall be assessed and paid in accordance with the provisions of this Order.

(2) The levy shall apply to any person who, on the date upon which this Order comes into operation, is an employer or who at any time thereafter in the second levy period becomes an employer.

Assessment of the Levy

3.—(1) The levy shall be assessed by the Board separately in respect of each construction establishment of an employer, but in agreement with the employer a single 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.

(2) Subject to paragraph (3), the amount of the levy imposed in respect of a construction establishment shall be equal to 1 per centum of the total emoluments of the persons employed by the employer in that establishment in the second base period and of any persons deemed to have been so employed under the provisions of Article 1(3).

(3) An employer may elect that the levy imposed under the provisions of paragraph (2) shall not be imposed in respect of the total emoluments of persons employed in the relevant establishment in the second base period but shall be in respect of the total emoluments of persons so employed in the alternative second base period.

(4) An election under the provisions of paragraph (3) 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.