

## 1970 No. 205

## INDUSTRIAL TRAINING

## The Industrial Training (Petroleum Board) Order 1970

<i>Made</i> - - - -	12th February 1970
<i>Laid before Parliament</i>	23rd February 1970
<i>Coming into Operation</i>	4th March 1970

The Secretary of State after consultation with the Petroleum Industry Training Board and with organisations and associations of organisations appearing 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 national ownership industries in which the said activities are carried on to a substantial extent and in exercise of her powers under section 9 of the Industrial Training Act 1964(a) and of all other powers enabling her in that behalf hereby makes the following Order:—

*Citation, commencement and interpretation*

1.—(1) This Order may be cited as the Industrial Training (Petroleum Board) Order 1970 and shall come into operation on 4th March 1970.

(2) In this Order—

- (a) “the Act” means the Industrial Training Act 1964;
- (b) “the Board” means the Petroleum Industry Training Board;
- (c) “the levy Order” means the Industrial Training Levy (Petroleum) Order 1968(b);
- (d) “the principal Order” means the Industrial Training (Petroleum Board) Order 1967(c).

(3) The Interpretation Act 1889(d) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the principal Order were Acts of Parliament.

*Activities of the Board*

2. 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, 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*

3.—(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

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(a) 1964 c. 16.  
(c) S.I. 1967/648 (1967 I, p. 2032).

(b) 1968/1453 (1968 III, p. 4193).  
(d) 1889 c. 63.

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 the levy Order;
- (b) affect the operation of the 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 first 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 the levy Order before the date upon which this Order comes into operation or any appeal or other proceedings arising out of any such notice.

12th February 1970.

*Barbara Castle,*  
First Secretary of State and Secretary of State  
for Employment and Productivity.

## SCHEDULE

## Article 2

### THE PETROLEUM INDUSTRY

1. Subject to the provisions of this Schedule, the activities of the petroleum industry are the following activities in so far as they are exercised within Great Britain:—

- (a) the searching or boring for or getting of petroleum;
- (b) the distillation, conversion, extraction, refining or blending of petroleum or any petroleum product;
- (c) the production or blending of petroleum jelly, solid lubricants, grease or wax;
- (d) the collection or recovery of any waste petroleum product;
- (e) the public warehousing of petroleum or any petroleum product;
- (f) dealing in petroleum or any petroleum product;
- (g) the administration, control, co-ordination or direction of one or more establishments engaged outside Great Britain wholly or mainly in any of the activities above-mentioned, or the provision of an advisory or information service for any such establishment;
- (h) any activities (other than those above-mentioned) being—
  - (i) related activities incidental or ancillary to principal activities of the petroleum 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;
- (i) any activities of industry or commerce (other than petroleum activities) carried out at or from an establishment mainly engaged—
  - (i) in petroleum activities; or

- (ii) in petroleum activities and in activities described in the Appendix to this Schedule, but to a greater extent in petroleum 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 petroleum industry:—

- (a) the activities of any establishment engaged—
  - (i) mainly in activities not being petroleum activities or activities described in the Appendix to this Schedule; or
  - (ii) to a less extent in petroleum 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 petroleum 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) the lifting or extracting of mineral deposits (not being petroleum) or products of minerals from the earth or of such mineral deposits from the bed of any lake or river or of the sea;
  - (ii) selling, by retail, motor spirit, diesel fuel or lubricating or other oils for use in motor vehicles;
  - (iii) the manufacture of any chemical from a feedstock derived from petroleum or research or development connected with such manufacture;
  - (iv) the manufacture of acids, bases, alkalis, salts, esters or their intermediates or derivatives;
  - (v) the manufacture of organo-silicon, organo-phosphorus, organo-sulphur or organo-metallic compounds; or
  - (vi) the management and operation of ships;
- (d) the activities of—
  - (i) the Electricity Council, the Central Electricity Generating Board or an Area Electricity Board;
  - (ii) the North of Scotland Hydro-Electric Board or the South of Scotland Electricity Board; or
  - (iii) the Gas Council or an Area Gas Board;
- (e) any operations when carried out 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; or
- (f) the supply of food or drink for immediate consumption.

3. In this Schedule unless the context otherwise requires:—

- (a) “company” includes any body corporate, and “subsidiary” has the same meaning as by virtue of section 154 of the Companies Act 1948(a) it has for the purposes of that Act;
- (b) “dealing” means by way of business and in the capacity of principal, agent or broker—

- (i) in relation to petroleum or petroleum products situate in Great Britain, buying or selling the same;
  - (ii) in relation to petroleum or petroleum products situate elsewhere, importing the same into Great Britain;
  - (c) "office premises" has the same meaning as in section 1(2) of the Offices, Shops and Railway Premises Act 1963(a);
  - (d) "petroleum" includes any mineral oil or relative hydrocarbon and natural gas existing in its natural condition in strata, but does not include coal or bituminous shales or other stratified deposits from which oil can be extracted by destructive distillation;
  - (e) "petroleum activities" means any one or more of the principal activities of the petroleum industry and the activities included in that industry by virtue of paragraph 1(h) of this Schedule;
  - (f) "petroleum product" means crude oil, bitumen obtained therefrom, liquefied petroleum gas, aviation fuel, motor spirit, kerosene, white spirit, diesel fuel, fuel oil, gas oil, lubricating oil or any similar product;
  - (g) "principal activities of the petroleum industry" means activities which, subject to the provisions of paragraph 2 of this Schedule, are specified in paragraph 1, other than sub-paragraphs (h) and (i) thereof, as activities of the petroleum industry;
  - (h) "public warehousing" means keeping any premises (not being a public garage or parking place) wholly or mainly for the storage of petroleum or any petroleum product for reward for persons other than the occupier or, where the occupier is a company, for persons other than the company or an associated company of the company;
  - (i) "recovery" includes any of the operations of cleaning, dehydration, distillation or re-blending;
  - (j) "related activities" means any of the following activities, that is to say—
    - (i) research, development, design or drawing;
    - (ii) buying, selling, testing, advertising, packing, distribution, transport or any similar operations;
    - (iii) operations of a kind performed at office premises or laboratories, or at stores, warehouses or similar places;
    - (iv) cleaning, washing or garaging vehicles, or carrying out running repairs or minor adjustments thereto; or
    - (v) training of employees or apprentices.
4. For the purposes of this Schedule, two companies shall be taken to be associated companies if one is a subsidiary of the other or both are subsidiaries of a third company, and "associated company" shall be construed accordingly.

## APPENDIX

The activities that would be included in an industry specified in Column 1 hereof by virtue of the industrial training order specified in the corresponding entry in Column 2, if the provisions specified in Column 3 were omitted from that order.

Column 1	Column 2	Column 3
The wool, jute and flax industry	The Industrial Training (Wool Industry Board) Order 1964 as amended by the Industrial Training (Wool, Jute and Flax Board) Order 1968(a)	Schedule 1 Paragraph 1(s)
The iron and steel industry	The Industrial Training (Iron and Steel Board) Order 1964 as amended by the Industrial Training (Iron and Steel Board) Order 1969(b)	Schedule 1 Paragraph 1(k)
The construction industry	The Industrial Training (Construction Board) Order 1964 as amended by the Industrial Training (Construction Board) Order 1967(c)	Schedule 1 Paragraph 1(l)
The engineering industry	The Industrial Training (Engineering Board) Order 1964 as amended by the Industrial Training (Engineering Board) Order 1968 and the Industrial Training (Engineering Board) Order 1968 (Amendment) Order 1969(d)	Schedule 1 Paragraph 1(m)
The shipbuilding industry	The Industrial Training (Shipbuilding Board) Order 1964 as amended by the Industrial Training (Shipbuilding Board) Order 1968(e)	Schedule 1 Paragraph 1(g)
The ceramics, glass and mineral products industry	The Industrial Training (Ceramics, Glass and Mineral Products Board) Order 1965 as amended by the Industrial Training (Ceramics, Glass and Mineral Products Board) Order 1969(f)	Schedule 1 Paragraph 1(p)
The furniture and timber industry	The Industrial Training (Furniture and Timber Industry Board) Order 1965 as amended by the Industrial Training (Furniture and Timber Industry Board) Order 1969(g)	Schedule 1 Paragraph 1(x)
The man-made fibres producing industry	The Industrial Training (Man-made Fibres Producing Industry Board) Order 1966 as amended by the Industrial Training (Man-made Fibres Producing Industry Board) Order 1969(h)	Schedule 1 Paragraph 1(e)

(a) S.I. 1964/907, 1968/898 (1964 II, p. 1928; 1968 II, p. 2376).

(b) S.I. 1964/949, 1969/884 (1964 II, p. 2127; 1969 II, p. 2517).

(c) S.I. 1964/1079, 1967/924 (1964 II, p. 2384; 1967 II, p. 2757).

(d) S.I. 1964/1086, 1968/1333, 1969/1376 (1964 II, p. 2402; 1968 II, p. 3694; 1969 III, p. 4103).

(e) S.I. 1964/1782, 1968/1614 (1964 III, p. 3928; 1968 III, p. 4432).

(f) S.I. 1965/1391, 1969/689 (1965 II, p. 4062; 1969 II, p. 1860).

(g) S.I. 1965/2028, 1969/1290 (1965 III, p. 5998; 1969 III, p. 3820).

(h) S.I. 1966/143, 1969/1210 (1966 I, p. 257; 1969 II, p. 3545).

Column 1	Column 2	Column 3
The carpet industry	The Industrial Training (Carpet Board) Order 1966 as amended by the Industrial Training (Carpet Board) Order 1968(a)	Schedule 1 Paragraph 1(f)
The knitting, lace and net industry	The Industrial Training (Knitting, Lace and Net Industry Board) Order 1966(b)	Schedule 1 Paragraph 1(j)
The cotton and allied textiles industry	The Industrial Training (Cotton and Allied Textiles Board) Order 1966(c)	Schedule 1 Paragraph 1(p)
The agricultural, horticultural and forestry industry	The Industrial Training (Agricultural, Horticultural and Forestry Board) Order 1966(d)	Schedule 1 Paragraph 1(m)
The road transport industry	The Industrial Training (Road Transport Board) Order 1966 as amended by the Industrial Training (Road Transport Board) Order 1969 and the Industrial Training (Road Transport Board) Order 1969 (Amendment) Order 1969(e)	Schedule 1 Paragraph 1(p)
The hotel and catering industry	The Industrial Training (Hotel and Catering Board) Order 1966 as amended by the Industrial Training (Hotel and Catering Board) Order 1969(f)	Schedule 1 Paragraph 1(e)
The civil air transport industry	The Industrial Training (Civil Air Transport Board) Order 1967(g)	Schedule 1 Paragraph 1(h)
The rubber and plastics processing industry	The Industrial Training (Rubber and Plastics Processing Board) Order 1967(h)	Schedule 1 Paragraph 1(k)
The chemical and allied products industry	The Industrial Training (Chemical and Allied Products Board) Order 1967(i)	Schedule 1 Paragraph 1(s)
The paper and paper products industry	The Industrial Training (Paper and Paper Products Board) Order 1968(j)	Schedule 1 Paragraph 1(j)
The printing and publishing industry	The Industrial Training (Printing and Publishing Board) Order 1968(k)	Schedule 1 Paragraph 1(n)
The distributive industry	The Industrial Training (Distributive Board) Order 1968(l)	Schedule 1 Paragraph 1(h)
The food, drink and tobacco industry	The Industrial Training (Food, Drink and Tobacco Board) Order 1968(m)	Schedule 1 Paragraph 1(q)
The footwear, leather and fur skin industry	The Industrial Training (Footwear, Leather and Fur Skin Board) Order 1968(n)	Schedule 1 Paragraph 1(v)
The clothing and allied products industry	The Industrial Training (Clothing and Allied Products Board) Order 1969(o)	Schedule 1 Paragraph 1(j)
The hairdressing and allied services industry	The Industrial Training (Hairdressing and Allied Services Board) Order 1969(p)	Schedule 1 Paragraph 1(g)

(a) S.I. 1966/245, 1968/1882 (1966 I, p. 499; 1968 III, p. 5017).

(b) S.I. 1966/246 (1966 I, p. 506).

(c) S.I. 1966/823 (1966 II, p. 1907).

(d) S.I. 1966/969 (1966 II, p. 2333).

(e) S.I. 1966/1112, 1969/879, 1871 (1966 III, p. 2712; 1969 II, p. 2495; 1969 III, p. 5815).

(f) S.I. 1966/1347, 1969/1405 (1966 III, p. 3669; 1969 III, p. 4132).

(g) S.I. 1967/263 (1967 I, p. 968).

(h) S.I. 1967/1062 (1967 II, p. 3151).

(i) S.I. 1967/1386 (1967 III, p. 4049).

(j) S.I. 1968/787 (1968 II, p. 2194).

(k) S.I. 1968/786 (1968 II, p. 2185).

(l) S.I. 1968/1032 (1968 II, p. 2709).

(m) S.I. 1968/1033 (1968 II, p. 2721).

(n) S.I. 1968/1763 (1968 III, p. 4785).

(o) S.I. 1969/1375 (1969 III, p. 4094).

(p) S.I. 1969/1634 (1969 III, p. 5133).

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order re-defines the activities in relation to which the Petroleum Industry Training Board exercises its functions. The Board was established on 18th May 1967 by the Industrial Training (Petroleum Board) Order 1967.

Amongst the activities henceforth to be included in the petroleum industry are—

- (a) the production or blending of solid lubricants;
- (b) the collection or recovery of waste petroleum products;
- (c) the public warehousing of petroleum or petroleum products.