

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 25th day of November 1966.

(L.S.)

*W. Slinger,*  
Assistant Secretary.

The Ministry of Finance hereby consents to the making of the foregoing Order.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 25th day of November 1966.

(L.S.)

*R. R. Butler,*  
Assistant Secretary.

### EXPLANATORY NOTE

*(This Note is not part of the Order but is intended to indicate its general purport.)*

This Order which comes into effect on the 6th February 1967 increases weekly redundancy fund contributions in the case of a man from fivepence to tenpence and in the case of a woman from twopence to fivepence.

1966. No. 273

[C]

## INDUSTRIAL TRAINING

### Industrial Training Levy (Catering Industry)

ORDER, DATED 25TH NOVEMBER 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 Catering Industry Training Board for the imposition of a levy in the catering 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 (Catering Industry) Order (Northern Ireland) 1966.

(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 Catering Industry Training Board;

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

- “business” means any activity of industry or commerce;
- “catering establishment” means an establishment in Northern Ireland engaged wholly or mainly in the catering industry for a total of 27 or more weeks in the period of 12 months that commenced on 1st October 1965, or, being an establishment that commenced to carry on business in the said period, for a total number of weeks exceeding one half of the total number of weeks in the period commencing with the day on which business was commenced and ending on 30th September 1966;
- “the catering 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 (other than sub-paragraph (c) thereof) as activities of the catering industry;
- “election” means an election under the provisions of Article 3(3);
- “employer” means an employer in the catering industry;
- “the first levy period” means the period commencing with the date on which this Order comes into operation and ending on 5th April 1967;
- “the industrial training order” means the Industrial Training (Catering Board) Order (Northern Ireland) 1966(a);
- “the levy” means the levy imposed by the Board in respect of the first levy period;
- “the Ministry” means the Ministry of Health and Social Services;
- “notice” means a notice in writing.

(3) A person employed at any time in the period of 12 months ending on 30th September 1966 at or from 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 of this Order; or
- (b) if no person is carrying on the said establishment on the last mentioned date, by the person who last employed any person at or from the said establishment prior to that date.

(4) Any reference in this Order to an establishment that commences or 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 of the Levy*

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

(2) This Order shall not apply to an employer in whose case the average of the numbers of persons employed, or deemed to have been employed, calculated in accordance with Article 3(2) or, where an election is made, in accordance with Article 3(3) is less than 3, but save as aforesaid 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 first levy period becomes an employer.

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(a) S.R. & O. (N.I.) 1966, No. 32.

### *Assessment of the Levy*

3.—(1) The levy shall be assessed by the Board separately in respect of each catering 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 catering establishment shall be calculated by multiplying the sum of £1 10s. 0d. by the number that is equal to the average (calculated to the lowest whole number) of the numbers of persons employed or deemed to have been employed (full-time, part-time and casual) at or from an establishment during the pay-week ended 26th March 1966, and the numbers of persons employed or deemed to have been employed (full-time only) when the maximum number of persons were employed in the establishment during the twelve months prior to that date.

(3) On receipt of an assessment notice imposing a levy calculated in accordance with paragraph (2) an employer may elect that the average number to be used when calculating the amount of the levy should be equal to the average (calculated to the lowest whole number) of the numbers employed or deemed to have been employed on 1st January 1966 (full-time, part-time and casual), 1st April 1966 (full-time, part-time and casual), 1st July 1966 (full-time only) and 1st October 1966 (full-time, part-time and casual).

(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.

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

### *Assessment Notice*

4.—(1) The Board shall serve an assessment notice imposing a levy calculated in accordance with Article 3(2) on every employer assessed to the levy, but a single notice may be served in respect of several assessments.

(2) Where an election has been made, the Board shall serve a revised assessment notice imposing a levy calculated in accordance with the terms of the election.

(3) A revised assessment notice served in accordance with paragraph (2) shall be served on a date not earlier than one month after the date of the assessment notice served under paragraph (1).

(4) An assessment notice may be served on an employer 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 the employer is a company, at the company's registered address.

### *Payment of Levy*

5.—(1) Subject to the provisions of this Article and Articles 6 and 7, the amount of an assessment appearing in an assessment notice served by the Board

shall be paid by the employer to the Board two months after the date of the notice.

(2) In any case where an election has been made, the amount of the assessment appearing in an assessment notice served by the Board shall be paid by the employer to the Board one month after the date of the notice.

(3) The amount of an assessment shall not be recoverable by the Board until any time allowed for appealing against the assessment has expired or, where an appeal is brought, until the appeal is decided or withdrawn.

#### *Review of Assessment*

6.—(1) The Board may, by notice served on the employer, withdraw an assessment at any time within which the employer may appeal, or be allowed to appeal, against the assessment under the provisions of Article 7.

(2) The withdrawal of an assessment shall be without prejudice to the power of the Board to serve a further assessment notice in respect of any establishment to which that assessment related.

#### *Appeals*

7.—(1) An employer shall be entitled to appeal to an appeal tribunal against an assessment within one month from the date of the service of the relevant assessment notice.

(2) The Board for good cause by notice may allow an employer to appeal to an appeal tribunal against an assessment at any time within the period of six months from the date of the service of the relevant assessment notice or within such further period or periods as the Board may allow before such time as may then be limited for appealing has expired.

(3) If the Board shall not allow an application for extension of time for appealing an appeal tribunal shall upon application made by the employer to the tribunal have the like powers as the Board under paragraph (2).

(4) An appeal or an application to an appeal tribunal under this Article shall be made in accordance with the Industrial Tribunals Regulations (Northern Ireland) 1965(a).

(5) The powers of an appeal tribunal under paragraph (3) may be exercised by the President of the Industrial Tribunals.

#### *Evidence*

8.—(1) Upon the discharge by an employer of his liability under an assessment the Board shall if so requested issue to him a certificate in writing to the effect that he has done so.

(2) The production in any proceedings of a document purporting to be certified by the Secretary of the Board to be a true copy of an assessment or other notice issued by the Board or of a certificate such as is mentioned in paragraph (1) shall, unless the contrary is proved, be sufficient evidence of the document and of the facts stated therein.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 25th day of November 1966.

(L.S.)

*W. G. H. Quigley,*  
Assistant Secretary.

## EXPLANATORY NOTE

*(This note is not part of the Order but is intended to indicate its general purport.)*

This Order gives effect to proposals submitted by the Catering Industry Training Board to the Ministry of Health and Social Services for the imposition of a levy upon employers in the catering industry for the purpose of raising money towards the expenses of the Board.

The levy is to be imposed in respect of the first levy period commencing with the date upon which the Order comes into operation and ending on 5th April 1967. The levy will be assessed by the Board and there will be a right of appeal against an assessment to an industrial tribunal.

1966. No. 274

[C]

## LOCAL GOVERNMENT SUPERANNUATION

REGULATIONS\*, DATED 24TH NOVEMBER 1966, MADE BY THE MINISTRY OF DEVELOPMENT UNDER SECTION 2 OF THE LOCAL GOVERNMENT (SUPERANNUATION) ACT (NORTHERN IRELAND) 1950.

The Ministry of Development, in exercise of the powers conferred on it by section 2 of the Local Government (Superannuation) Act (Northern Ireland) 1950(a), and of all other powers enabling it in that behalf hereby makes the following regulations in the terms of a draft which has been approved by the Ministry of Finance in accordance with section 7(2) of the aforementioned Act:—

1. These regulations may be cited as the Local Government (Superannuation) (Amendment) Regulations (Northern Ireland) 1966 and shall be deemed to have come into operation on 1st December 1962.

2. The Local Government (Superannuation) Regulations (Northern Ireland) 1962(b) shall be amended as follows:—

- (1) In regulation 2(1) there shall be added the following definition:—  
 “welfare authority” means a welfare authority constituted under section 7 of the Public Health and Local Government (Administrative Provisions) Act (Northern Ireland) 1946;”(c).
- (2) In regulation 18 there shall be added the following paragraph:—  
 “(4) If an officer—  
 (a) has been for a continuous period of not less than three years in the employment of an officer of an employing authority and engaged wholly or mainly in the performance of duties relating to the functions of that authority; and

(a) 1950. c. 10.

(c) 1946. c. 19.

(b) S.R. & O. (N.I.) 1962, No. 210.

\*A draft of these Regulations was approved by Resolution of the House of Commons on the 16th day of November 1966 and by Resolution of the Senate on the 17th day of November 1966.