

1968. No. 160

[C]

**INDUSTRIAL TRAINING****Industrial Training Levy (Clothing and Footwear Industry)**

ORDER, DATED 10TH JULY 1968, 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 Clothing and Footwear Industry Training Board for the imposition of a levy on employers in the clothing and footwear 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 (Clothing and Footwear Industry) Order (Northern Ireland) 1968.

(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 Clothing and Footwear Industry Training Board;

“business” means any activity of industry or commerce;

“clothing and footwear establishment” means an establishment in Northern Ireland engaged wholly or mainly in the clothing and footwear industry in the second levy period for a total number of weeks exceeding one half of the total number of weeks in that period, or, being an establishment that commenced to carry on business in the second levy period, for a total number of weeks exceeding one half of the total number of weeks in that period commencing with the day on which business was commenced and ending on 31st July 1969;

“the clothing and footwear 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 as activities of the clothing and footwear industry;

“employer” means an employer in the clothing and footwear industry;

“the industrial training order” means the Industrial Training (Clothing and Footwear Board) Order (Northern Ireland) 1966(b);

“the levy” means the levy imposed by the Board in respect of the second levy period;

“the Ministry” means the Ministry of Health and Social Services;

“notice” means a notice in writing;

“the second levy period” means the period commencing with the date on which this Order comes into operation and ending on 31st July 1969.

(3) 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

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

(b) S.R. & O. (N.I.) 1966, No. 130 as amended by S.R. & O. (N.I.) 1966, No. 222 and by S.R. & O. (N.I.) 1967, No. 236.

or from the new location or where the suspension of activities is of a temporary nature.

#### *Imposition of the Levy*

2. 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.

#### *Assessment of the Levy*

3.—(1) The levy shall be assessed by the Board separately in respect of each clothing and footwear 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.

(2) Subject to the provisions of this Article, the levy assessed in respect of a clothing and footwear establishment of an employer shall be calculated by multiplying the sum of £6 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 at or from an establishment on 1st May 1968, 1st August 1968, 1st November 1968 and 1st February 1969.

(3) The amount of the levy imposed in respect of a clothing and footwear establishment that ceases to carry on business in the second 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.

(4) Where a clothing and footwear 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 second levy period which precedes the date upon which an assessment notice is first served under Article 4 shall be deemed, for the purposes of this Article, to have been so employed by the employer carrying on the said establishment on the day upon which this Order comes into operation.

(5) For the purposes of this Article no regard shall be had to any person engaged wholly in the supply of food or drink for immediate consumption.

#### *Assessment Notice*

4.—(1) The Board shall serve an assessment notice on every employer, but one notice may comprise two or more assessments.

(2) An assessment notice may be served on the 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 such address or place of business.

#### *Payment of Levy*

5.—(1) Subject to the provisions of this Article and Articles 6 and 7, the amount of each assessment appearing in an assessment notice served by the Board shall be payable to the Board in two equal instalments of which the first such instalment shall be due on 1st April 1969 and the other on 1st October 1969.

(2) An instalment 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 if that employer has appealed against that assessment under the provisions of Article 7 and the appeal has not been entered in the Register of Appeals kept under the regulations specified in Article 7(4).

(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 the assessment related.

*Appeals*

7.—(1) An employer may appeal to an appeal tribunal against the assessment within one month from the date of the service of the assessment notice or within any further period or periods of time that may be allowed by the Board or an appeal tribunal under paragraphs (2) and (3).

(2) The Board for good cause may, by notice, extend the time within which an appeal may be made by such further period or periods as the Board may allow in any case where an application for such extension is made within the period of four months from the date of the service of the relevant notice of assessment or, where an extension has already been granted, before the period of such extension has expired.

(3) If the Board shall not allow an application for extension of time for appealing, an appeal tribunal may, upon application to the tribunal by the employer within the period of 14 days from the date of receipt of the decision of the Board refusing such an application, extend the period within which an appeal may be made by such further period as the tribunal may allow.

(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(c).

(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 10th day of July 1968.

(L.S.)

W. G. H. Quigley,  
Assistant Secretary.

(c) S.R. & O. (N.I.) 1965, No. 112 as amended by S.R. & O. (N.I.) 1966, No. 261 and S.R. & O. (N.I.) 1967, No. 109.

## 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 Clothing and Footwear Industry Training Board to the Ministry of Health and Social Services for the imposition of a levy upon employers in the clothing and footwear industry for the purpose of raising money towards the expenses of the Board.

The levy is to be imposed in respect of the second levy period commencing with the date upon which the Order comes into operation and ending on 31st July 1969. The levy will be assessed by the Board and there will be a right of appeal against an assessment to an industrial tribunal.

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**1968. No. 161**

This Order has been exempted from printing by the Statutory Rules Act (Northern Ireland) 1958. A summary is given in the List of Statutory Rules and Orders of a Local Character under the heading ROADS.