

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.

## 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;

- (ii) in relation to products situate elsewhere, importing them into Northern Ireland;
- but does not include any transaction in the nature of an auction;
- “dock worker” has the same meaning as in section 6(8) of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965(e);
- “drug or medicine” means any substance or article which is used wholly or mainly by being administered to human beings or animals for one or more of the purposes following, that is to say—
- (i) treating or preventing disease;
  - (ii) diagnosing disease or ascertaining the existence, degree or extent of a physiological condition;
  - (iii) contraception;
  - (iv) inducing anaesthesia;
  - (v) otherwise preventing or interfering with the normal operation of a physiological function, whether permanently or temporarily, and whether by way of terminating, reducing or postponing, or increasing or accelerating, the operation of that function or in any other way;
- and for the purposes of this definition “disease” includes any injury, ailment or adverse condition, whether of body or mind;
- “essence” means a solution, extract or distillate of one or more flavouring substances, with or without the addition of any colouring matter;
- “fish” includes freshwater fish, sea fish, shellfish, crustaceans and molluscs of any kind and any parts of fish as so defined, but does not include any product that is bottled or canned or that is frozen and packed in printed wrappers or printed cartons;
- “flavour” means a product (other than an essence) in which one or more flavouring substances are dispersed in a liquid or solid base, with or without the addition of any emulsifying agent, colouring matter, stabiliser or preservative;
- “flavouring compound” means a compound for use in the manufacture of a soft drink, and consisting of one or more flavouring substances and of one or more of the following substances, that is to say, any fruit juice, solvent, emulsifying agent, colouring matter, stabiliser, preservative, salt, acid, sugar or artificial sweetener;
- “flour confectionery” includes cakes, oatcakes, shortbread, biscuits and articles of food made wholly or partly of pastry but does not include any product that is frozen and packed in printed cartons or in printed wrappers;
- “food and drink activities” means any one or more of the principal activities of the food and drink industry and the activities included in that industry by virtue of paragraph 1(m);
- “food or drink” includes—
- (i) articles and substances used as ingredients in the preparation of food or drink;
  - (ii) yeast;
  - (iii) the following products when used or intended for use in the processing of food or drink, that is to say, any blend of colouring matter, compounded additive, essence, flavour or flavouring compound;
  - (iv) chewing gum;
- but does not include acetic acid, common salt, water (not being mineral water) or live animals;
- “horticultural produce” means fruit and vegetable produce for human or animal consumption, but does not include fruit or vegetables that are bottled or canned or that are frozen and packed in printed cartons or printed wrappers;
- “human or animal consumption” includes use in the preparation of food or drink for human or animal consumption;
- “inshore fishermen” means fishermen who operate fishing vessels not exceeding 80 feet in length;

"intoxicating liquor" has the same meaning as in section 307(1) of the Customs and Excise Act 1952(f);

"local authority" means the council of a county, county or other borough, or of an urban or rural district;

"manufacture" includes assembly or any process or operation incidental or appertaining to manufacture or assembly;

"marketing board" means the British Egg Marketing Board, the Seed Potato Marketing Board for Northern Ireland, the Pigs Marketing Board (Northern Ireland) or the Milk Marketing Board for Northern Ireland;

"meat" means the flesh (including edible offal and fat) of animals or birds which is intended for human or animal consumption, and includes sausages and sausage meat, but does not include bacon, ham, meat paste, poultry paste, sausage casings, or any products that are canned or that are frozen and packed in printed cartons or in printed wrappers;

"milk" includes cream and separated milk, but does not include condensed, evaporated or dried milk or canned cream;

"office premises" has the same meaning as in section 1(2) of the Office and Shop Premises Act (Northern Ireland) 1966(g);

"poultry" includes turkeys, geese, ducks and other domestic fowl;

"principal activities of the food and drink industry" means activities which, subject to the provisions of paragraph 2 are specified in paragraph 1, other than sub-paragraphs (m) and (n) thereof, as activities of the food and drink industry;

"processing" in relation to food or drink, means the manufacture, preparation, processing or other treatment thereof or any operation incidental or appertaining thereto and in relation to food being horticultural produce includes also selection and packing;

"production" includes any process or operation incidental or appertaining to production;

"public warehousing" means keeping any premises wholly or mainly for the purposes of the storage of any products 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;

"related activities" means any of the following activities, that is to say—

- (i) research, development, design or drawing;
- (ii) buying, selling, letting out on hire, 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;
- (v) training of employees or apprentices;

"selling by retail" in relation to any products means selling such products by way of business to a person buying otherwise than for the purpose of re-sale, use in manufacture or processing, and includes in relation to any article of food or drink selling the same to a person for use in connection with an establishment carried on by him in the catering industry or for use in connection with the supply to persons in his employment of food or drink for immediate consumption, when such selling takes place at or in connection with a shop engaged in the sale by retail of food or drink to the general public;

"soft drink" has the same meaning as in Regulation 2(1) of the Soft Drinks Regulations (Northern Ireland) 1964(h);

"starches" includes any derivatives therefrom;

"substance" includes a liquid;

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.

(f) 1952. c. 44.

(h) S.R. & O. (N.I.) 1964, No. 94.

(g) 1966. c. 26 (N.I.).

## 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.

Col. 1	Col. 2	Col. 3
The construction industry	The Industrial Training (Construction Board) Order (Northern Ireland) 1964(i)	Schedule 1 Paragraph 1(h)
The engineering industry	The Industrial Training (Engineering Board) Order (Northern Ireland) 1964(j)	Schedule 1 Paragraph 1(s)
The catering industry	The Industrial Training (Catering Board) Order (Northern Ireland) 1966(k)	Schedule 1 Paragraph 1(c)
The clothing and footwear industry	The Industrial Training (Clothing and Footwear Board) Order (Northern Ireland) 1966(l)	Schedule 1 Paragraph 1(j)
The man-made fibres producing industry	The Industrial Training (Man-made Fibres Producing Board) Order (Northern Ireland) 1966(m)	Schedule 1 Paragraph 1(d)
The textiles industry	The Industrial Training (Textiles Board) Order (Northern Ireland) 1967(n)	Schedule 1 Paragraph 1(31)
The road transport industry	The Industrial Training (Road Transport Board) Order (Northern Ireland) 1967(o)	Schedule 1 Paragraph 1(o)
The distributive industry	The Industrial Training (Distributive Board) Order (Northern Ireland) 1969(p)	Schedule 1 Paragraph 1(h)

(i) S.R. & O. (N.I.) 1964, No. 145.

(j) S.R. & O. (N.I.) 1964, No. 146 as amended by S.R. & O. (N.I.) 1967, No. 152.

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

(l) S.R. & O. (N.I.) 1966, No. 130 as amended by S.R. & O. (N.I.) 1966, No. 222.

(m) S.R. & O. (N.I.) 1966, No. 258.

(n) S.R. & O. (N.I.) 1967, No. 29.

(o) S.R. & O. (N.I.) 1967, No. 30.

(p) S.R. & O. (N.I.) 1969, No. 126.

SCHEDULE 2

Membership

1. A casual vacancy occurring in the membership of the Board shall be filled by a person who shall be appointed or appointed after consultation in like manner as the person whom he replaces was appointed.

2. The term of office of members of the Board shall be three years or such other period as may be determined by the Ministry at the time the appointments are made but a person appointed to fill a casual vacancy shall hold office only for the remainder of the term for which the member he replaces was appointed.

3. If a member of the Board—

(a) is absent from meetings of the Board for more than six months consecutively, unless his absence is due to illness or some other reason approved by the Ministry; or

(b) becomes in the opinion of the Ministry unfit to continue in office or incapable of performing his duties;

the Ministry may declare the office of that member to be vacant and shall notify the fact in such manner as it shall think fit, and thereupon the office of the member shall become vacant.

4. A member of the Board may at any time resign from the Board by giving to the Ministry a notice in writing signed by him of his resignation.

5. A person who has held office as a member of the Board shall be eligible for reappointment.

Proceedings and Meetings

6. At a meeting of the Board one half of the members shall be the quorum and if the number so ascertained includes a fraction the nearest higher whole number of members but at any meeting at which it is resolved to impose a levy the said quorum of one half shall include one half of the members appointed as mentioned in paragraph 3(1)(a) of Schedule 1 to the Act.

7. The chairman shall preside at all meetings of the Board at which he shall be present, but if at any meeting the said chairman be not present within 5 minutes of the time appointed for holding the meeting the members present shall choose some one of their number to be chairman of the meeting.

8. At a meeting of the Board a resolution put to the vote on any matter not relating to the imposition of a levy shall be decided on a show of hands of the members present and voting; each member shall have one vote and if the votes are equally divided the chairman of the meeting shall have a second or casting vote.

9.—(1) If at a meeting of the Board a resolution relating to the imposition of a levy is put to the vote of the members appointed as mentioned in paragraph 3(1)(a) of Schedule 1 to the Act, each such member shall have one vote, and the resolution shall be decided by a show of hands of those members present and voting unless a poll is demanded by any such member (before or on the declaration of the result of the show of hands) in which case the poll shall be taken forthwith and the votes may be given either personally or by proxy.

(2) The instrument appointing a proxy shall be in writing under the hand of the appointor, and the proxy shall be a member of the Board appointed as mentioned in paragraph 3(1)(a) of Schedule 1 to the Act.

(3) An instrument appointing a proxy shall be in the following form or a form as near thereto as circumstances admit:—

I ..... of .....  
being a member of the Food and Drink Industry Training Board appointed  
as mentioned in paragraph 3(1)(a) of Schedule 1 to the Industrial Training Act  
(Northern Ireland) 1964, hereby appoint .....



of ..... or failing him .....  
 of ..... as my proxy to vote for me on my behalf  
 on any matter relating to the imposition of a levy at the meeting of the said  
 Board to be held on the ..... day of ..... 19....  
 and at any adjournment thereof.

Signed this ..... day of ..... 19....

(4) A vote given in accordance with the terms of an instrument of proxy shall be valid notwithstanding the previous death or insanity of the principal or revocation of the proxy, provided that no intimation in writing of any such death, insanity or revocation shall have been received by the Board at its office before the commencement of the meeting or adjourned meeting at which the proxy is used.

10. Minutes shall be kept of the proceedings of the Board and any such minutes shall, if signed by any person purporting to have acted as chairman of the meeting or at a meeting at which they were read, be evidence of the proceedings at the first-mentioned meeting, and a meeting to which any such minutes relate shall, unless the contrary is proved be taken to have been regularly convened and constituted.

11. The Board shall have an office at which communications and notices will at all times be received.

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**EXPLANATORY NOTE**

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

This Order, which is made under the Industrial Training Act (Northern Ireland) 1964, establishes an industrial training board to be known as the Food and Drink Industry Training Board, and defines the industry to which it relates. Provision is made as to the membership of the Board and its meetings and proceedings.