

INDUSTRIAL TRAINING**Industrial Training Levy (Textiles Industry)**

ORDER, DATED 28TH JULY 1971, 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 Textiles Industry Training Board for the imposition of a further levy on employers in the textiles 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 (Textiles Industry) Order (Northern Ireland) 1971.

(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 Textiles Industry Training Board;

“business” means any activities of industry or commerce;

“employer” means a person who at any time in the third levy period is an employer, in the textiles industry, of six or more employees;

“the industrial training order” means the Industrial Training (Textiles Board) Order (Northern Ireland) 1967(b);

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

“notice” means a notice in writing;

“textiles establishment” means an establishment in Northern Ireland engaged wholly or mainly in the textiles industry;

“the textiles 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 the activities of the textiles industry;

“the third levy period” means the period commencing with the date upon which this Order comes into operation and ending on 31st March 1972.

(3) In the case where a textiles 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 period that commenced on 1st March 1971 and ending on 6th December 1971 shall be deemed, for the purposes of this Order, to have been so employed by the employer carrying on the said establishment on the 6th December 1971.

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

(b) S.R. & O. (N.I.) 1967, No. 29, as amended by S.R. & O. (N.I.) 1967, No. 236.

(4) Any reference in this Order to an establishment that 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 and assessment of the levy for the third levy period

2.—(1) The levy to be imposed on employers shall be assessed in accordance with the provisions of this Article.

(2) The levy shall be assessed by the Board separately in respect of each textiles 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.

(3) Subject to the provisions of this Article, the amount of the levy imposed on an employer in respect of a textiles establishment shall be assessed in two amounts as follows:—

(a) The first shall be the amount obtained by multiplying the sum of £1.875 by the average (calculated to the lowest whole number) of the numbers of persons employed at or from that establishment on 1st June 1970, 5th October 1970, 7th December 1970 and 1st March 1971.

(b) The second shall be the amount obtained by multiplying the sum of £3.75 by the average (calculated to the lowest whole number) of the numbers of persons employed, or deemed under the provisions of Article 1(3) to have been employed, at or from that establishment on the 1st March 1971, 7th June 1971, 6th September 1971 and 6th December 1971 and deducting therefrom the amount obtained in subparagraph (a).

(4) The amount of the levy imposed in respect of a textiles establishment that ceases to carry on business in the third levy period shall be in the same proportion to the amount that would otherwise be due under paragraph (3) 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.

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

Assessment notices

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

(2) The amount of any assessment payable under an assessment notice shall be rounded down to the nearest £1.

(3) An assessment notice shall state the Board's address for the service of a notice of appeal or of an application for an extension of time for appealing.

(4) An assessment notice may be served on the person assessed to the levy 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 that person is a corporation, by leaving it, or sending it by post to the corporation, at such address or place of business or at its registered or principal office.

Payment of the levy

4.—(1) Subject to the provisions of this Article and of Articles 5 and 6, the amount of the assessments calculated in accordance with the provisions of Article 2(3)(a) and (b) shall be due and payable to the Board on 1st October 1971 and 1st June 1972 respectively.

(2) Where, exceptionally, the amount due to the Board on the 1st October 1971 and paid by an employer is greater than the amount obtained by multiplying the sum of £3.75 by the average (calculated to the lowest whole number) of the numbers of persons employed or deemed, under the provisions of Article 1(3) to have been employed, at or from the textiles establishment on 1st March 1971, 7th June 1971, 6th September 1971 and 6th December 1971, the excess payment shall be refunded by the Board to the employer.

(3) The amount of an assessment shall not be recoverable by the Board until there has expired the time allowed for appealing against the assessment by Article 6(1) and any further period or periods of time that the Board or an appeal tribunal may have allowed for appealing under Article 6(2) or (3), or where an appeal is brought, until the appeal is decided or withdrawn.

Withdrawal of assessment

5.—(1) The Board may, by notice served on the person assessed to the levy in the same manner as an assessment notice, withdraw an assessment if that person has appealed against that assessment under the provisions of Article 6 and the appeal has not been entered in the Register of Appeals kept under the regulations specified in Article 6(5).

(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 and where the withdrawal is made by reason of the fact that an establishment has ceased to carry on business in the third levy period, the said notice may provide that the whole amount payable thereunder in respect of the establishment shall be due one month after the date of the notice.

Appeals

6.—(1) A person assessed to the levy 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 the following provisions of this Article.

(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 shall upon application to the tribunal by the person assessed to the levy within the period of fourteen days from the date of receipt of the decision of the Board refusing such an application have the like powers as the Board under paragraph (2).

(4) In the case of an establishment that ceases to carry on business in the third levy period on any day after the date of the service of the relevant assessment notice the foregoing provisions of this Article shall have effect as if for the period of four months from the date of the service of the assessment notice mentioned in paragraph (2) there were substituted the period of six months from the date of the cessation of business.

(5) 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).

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

Evidence

7.—(1) Upon the discharge by a person assessed to the levy of his liability under an assessment the Board shall if so requested issue to him a certificate to that effect.

(2) The production in any proceedings of a document purporting to be certified by the Secretary of the Board or any other person, being a member or officer of the Board authorised to act in that behalf, to be a true copy of an assessment or other notice issued by the Board or purporting to be 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 28th day of July 1971.

(L.S.)

W. N. Drummond,
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 Textiles Industry Training Board to the Ministry of Health and Social Services for the imposition of a further levy upon employers in the textiles industry for the purpose of raising money towards the expenses of the Board.

The levy is to be imposed in respect of the third levy period commencing with the date upon which this Order comes into operation and ending on 31st March 1972. The levy will be assessed by the Board and there will be a right of appeal against an assessment to an industrial tribunal.

(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.

1971. No. 235

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GOVERNMENT LOANS**Interest on Payments in Arrears**

ORDER, DATED 28TH JULY 1971, MADE BY THE MINISTRY OF FINANCE UNDER SECTION 5(2) OF THE GOVERNMENT LOANS ACT (NORTHERN IRELAND) 1957, AS AMENDED BY SECTION 6(1) OF THE FINANCIAL PROVISIONS ACT (NORTHERN IRELAND) 1971.

The Ministry of Finance for Northern Ireland, hereinafter called "the Ministry", in pursuance of the powers conferred on it by Section 5(2) of the Government Loans Act (Northern Ireland) 1957(a) (hereinafter referred to as "the Act") as amended by Section 6(1) of the Financial Provisions Act (Northern Ireland) 1971(b), hereby makes the following Order:—

1. This Order may be cited as the Government Loans (Interest on Payments in Arrears) Order (Northern Ireland) 1971.

2. Where any sum payable (whether for interest or as an instalment of principal or as a periodical payment of an annuity or rent charge or otherwise) by the borrower in respect of any Government Loan is in arrear for more than 31 days, the rate of interest chargeable on that sum under Section 5(1) of the Act, shall, as from the date it became due and until it is paid, be the normal rate which was in force, on the date when payment of such sum became due, in respect of local or public loans repayable by instalment or annuity for periods up to five years plus two-and-a-half per cent per annum.

3. In this Order the expression "normal rate" means the "normal" rate of interest as published by the Ministry in the Belfast Gazette under Section 3(4)(a) of the Act in respect of the local or public loans referred to in Article 2.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 28th day of July 1971, in the presence of

(L.S.)

C. F. Darling,
Assistant Secretary.

EXPLANATORY NOTE

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

This Order fixes the rate of interest payable on overdue payments of loans made under the Government Loans Act (Northern Ireland) 1957.