
DRAFT STATUTORY INSTRUMENTS

2001 No.

The Industrial Training Levy (Construction Board) Order 2001

Appeals

9.—(1) A person assessed to the levy may appeal to an employment 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 employment tribunal under the following provisions of this article.

(2) The Board by notice may for good cause allow a person assessed to the levy to appeal to an employment tribunal against an assessment at any time within the period of four months from the date of the service of the 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 employment tribunal shall upon application made to the tribunal by the person assessed to the levy have the like powers as the Board under paragraph (2) above.

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

(5) An appeal or an application to an employment tribunal under this article shall be made in accordance with the Employment Tribunals (Constitution and Rules of Procedure) Regulations 1993⁽¹⁾ except where the establishment to which the relevant assessment relates is wholly or mainly in Scotland, when the appeal or application shall be made in accordance with the Employment Tribunals (Constitution and Rules of Procedure) (Scotland) Regulations 1993⁽²⁾.

(6) The powers of an employment tribunal under paragraph (3) of this article may be exercised by the President of the Employment Tribunals (England and Wales) or by the President of the Employment Tribunals (Scotland) as the case may be.

(1) S.I.1993/2687, amended by S.I. 1994/536 and 1996/1757. The title of these Regulations, formerly “the Industrial Tribunals (Constitution and Rules of Procedure) Regulations 1993”, was amended by operation of section 1(2) of the Employment Rights (Dispute Resolution) Act 1998, c. 8.

(2) S.I. 1993/2688, amended by S.I. 1994/538 and 1996/1758. The title of these Regulations, formerly “the Industrial Tribunals Constitution and Rules of Procedure) (Scotland) Regulations 1993”, was amended by operation of section 1(2) of the Employment Rights (Dispute Resolution) Act 1998 c. 8.