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DRAFT STATUTORY INSTRUMENTS

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**2001 No.**

**The Industrial Training Levy (Engineering  
Construction Board) Order 2001**

**Amount of the levy**

5.—(1) The levy assessed in respect of any leviable establishment shall be the aggregate of—

- (a) an amount equal to 1.5 per cent. of the sum of—
  - (i) the total emoluments of all persons specified in article 4(3) who are site employees employed in the base period at or from the establishment by the employer, and
  - (ii) the total net labour-only payments made in the base period for such persons who are site employees,

where that sum exceeds £75,000; and

- (b) an amount equal to 0.18 per cent. of the sum of—
  - (i) the total emoluments for all persons specified in article 4(3) who are off site employees employed in the base period at or from the establishment by the employer, and
  - (ii) the total net labour-only payments made in the base period for such persons who are off site employees,

where that sum exceeds £1,000,000.

(2) For the purposes of paragraph (1) above the net labour-only payments made in the base period is the difference between labour-only payments and labour-only receipts during that period (and where labour-only receipts exceed labour-only payments the net labour-only payments shall be zero) and for the purposes of this paragraph—

- (a) “labour-only payments” in any period means the sum which (rounded down where necessary to the nearest £1) represents all payments (including payments for the incidental use of tools) made by the employer during the period under labour-only agreements for services rendered to him in his trade or business carried out at or from the establishment; and
- (b) “labour-only receipts” in any period means the sum which (rounded down where necessary to the nearest £1) represents all payments (including payments for the incidental use of tools) received by the employer during the period under labour-only agreements for services rendered by him or on his behalf in his trade or business carried out at or from the establishment.