

1970 No. 1886

INDUSTRIAL TRAINING**The Industrial Training (Agricultural, Horticultural and Forestry Board) Order 1970**

<i>Made</i> - - - -	14th December 1970
<i>Laid before Parliament</i>	23rd December 1970
<i>Coming into Operation</i>	6th January 1971

The Secretary of State after consultation with the Agricultural, Horticultural and Forestry Industry Training Board and with organisations and associations of organisations appearing 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 national ownership industries in which the said activities are carried on to a substantial extent and in exercise of his powers under section 9 of the Industrial Training Act 1964(a) and of all other powers enabling him in that behalf hereby makes the following Order:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Industrial Training (Agricultural, Horticultural and Forestry Board) Order 1970 and shall come into operation on 6th January 1971.

(2) In this Order:—

- (a) “the Act” means the Industrial Training Act 1964;
- (b) “the Board” means the Agricultural, Horticultural and Forestry Industry Training Board;
- (c) “levy Order” means the Industrial Training Levy (Agricultural, Horticultural and Forestry) Order 1967(b) as amended by the Industrial Training Levy (Agricultural, Horticultural and Forestry) Order 1967 (Amendment) Order 1968(c) or the Industrial Training Levy (Agricultural, Horticultural and Forestry) Order 1969(d);
- (d) “the principal Order” means the Industrial Training (Agricultural, Horticultural and Forestry Board) Order 1966(e).

(3) The Interpretation Act 1889(f) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the principal Order were Acts of Parliament.

Activities of the Board

2. The activities in relation to which the Board exercises the functions conferred by the Act upon industrial training boards shall, in lieu of the activities specified in Schedule 1 to the principal Order, be the activities specified in the

(a) 1964 c. 16.
 (c) S.I. 1968/343 (1968 I, p. 982).
 (e) S.I. 1966/969 (1966 II, p. 2333).

(b) S.I. 1967/1747 (1967 III, p. 4660).
 (d) S.I. 1969/155 (1969 I, p. 407).
 (f) 1889 c. 63.

Schedule to this Order, and accordingly in the principal Order the latter Schedule shall be substituted for the former Schedule.

Transitional Provisions

3.—(1) The chairman and other members of the Board on the day upon which this Order comes into operation shall continue to be members of the Board and to hold and vacate their offices in accordance with the terms of the instruments appointing them to be members.

(2) The provisions of this Order shall not—

- (a) extend the operation of either levy Order;
- (b) affect the operation of either levy Order in relation to the assessment of an employer within the meaning of that Order in respect of an establishment that was engaged in the first levy period or the second levy period, as the case may be, wholly or mainly in activities included in the Schedule to this Order;
- (c) affect the operation of any assessment notice served by the Board under the provisions of either levy Order before the day upon which this Order comes into operation or any appeal or other proceedings arising out of any such notice.

Signed by order of the Secretary of State.

14th December 1970.

Paul Bryan,
Minister of State,
Department of Employment.

Article 2

SCHEDULE

THE AGRICULTURAL, HORTICULTURAL AND FORESTRY INDUSTRY

1. Subject to the provisions of this Schedule, the activities of the agricultural, horticultural and forestry industry are the following activities in so far as they are carried out in Great Britain:—

- (a) agriculture;
- (b) any operations in forestry or in arboriculture;
- (c) any activities being—
 - (i) related activities incidental or ancillary to forestry or arboriculture; or
 - (ii) activities undertaken in the administration, control or direction of one or more establishments, being establishments engaged wholly or mainly in forestry or arboriculture, in related activities incidental or ancillary thereto, or in the administration, control or direction of one or more other establishments engaged in such activities;
 and carried out, in either case, by the employer engaged in forestry or arboriculture or, where that employer is a company, by the company or by an associated company of the company;
- (d) any other activities of industry or commerce carried out at or from an establishment mainly engaged—
 - (i) in forestry or arboriculture activities; or
 - (ii) in forestry or arboriculture activities and in activities described in the Appendix to this Schedule, but to a greater extent in forestry or arboriculture activities than in activities described in that Appendix in relation to any one industry.

2. Notwithstanding anything contained in this Schedule, there shall not be included in the activities of the agricultural, horticultural and forestry industry:—

- (a) the activities (other than agriculture) of any establishment engaged—
 - (i) mainly in activities not being agriculture or forestry or arboriculture activities or activities described in the Appendix to this Schedule; or
 - (ii) to a less extent in agriculture and in forestry or arboriculture activities than in activities described in that 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 agriculture, forestry or arboriculture 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 (not being agriculture) of any establishment engaged wholly or mainly in the activities following or any of them that is to say—
 - (i) the erection or dismantling of fencing;
 - (ii) the felling of trees, not being arboriculture;
 - (iii) the preparation of timber; or
 - (iv) the operation of aircraft;
- (d) the activities (not being agriculture) of—
 - (i) the Electricity Council, the Central Electricity Generating Board or an Area Electricity Board;
 - (ii) the North of Scotland Hydro-Electric Board or the South of Scotland Electricity Board;
 - (iii) the Gas Council or an Area Gas Board;
 - (iv) a local authority, or a joint board or joint committee of any such authorities;
 - (v) statutory water undertakers within the meaning of the Water Act 1945(a) or regional water boards or water development boards within the meaning of the Water (Scotland) Act 1967(b), being the activities of such undertakers or boards in the exercise of their powers or duties as such; or
 - (vi) a University Faculty of Agriculture, Horticulture or Rural or Veterinary Science or an agricultural college;
- (e) the activities (not being agriculture) 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 1944(c) (which relates to the provision for registered persons who are seriously disabled of work or training);
- (f) any work, occupation or training (not being in agriculture) that is provided in accordance with arrangements made by a local authority under the Disabled Persons (Employment) Act 1958(d) 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; or
- (g) the supply of food or drink to persons for immediate consumption.

(a) 1945 c. 42.
(c) 1944 c. 10.

(b) 1967 c. 78.
(d) 1958 c. 33.

3. In this Schedule, unless the context otherwise requires—

- (a) “agricultural college” means the Chadacre Agricultural Institute, the Dartington Hall Trustees Horticultural Training Centre, the East of Scotland College of Agriculture, the Harper Adams Agricultural College, the North of Scotland College of Agriculture, the Royal Agricultural College, the Seal-Hayne Agricultural College, the Shuttleworth Agricultural College, the Waterperry School of Agriculture or the West of Scotland Agricultural College;
- (b) “agriculture” has the same meaning as in section 109(3) of the Agriculture Act 1947(a) or, in relation to Scotland, as in section 86(3) of the Agriculture (Scotland) Act 1948(b);
- (c) “arboriculture” includes the transplanting, topping, lopping, taking down, pruning or spraying of trees and the trimming or laying of hedges, being activities undertaken by way of business mainly in private gardens or in suburban areas;
- (d) “business” means a trade or business carried on for the purposes of gain;
- (e) “company” includes any body corporate, and “subsidiary” has the same meaning as by virtue of section 154 of the Companies Act 1948(c) it has for the purposes of that Act;
- (f) “forestry” includes the planting, replanting or managing of land as a wood or forest and the growing of seedlings and transplants for such purposes, being activities undertaken by way of business, but does not include the use of land for agriculture;
- (g) “forestry or arboriculture activities” means activities to which sub-paragraph (b) or (c) of paragraph 1 of this Schedule applies;
- (h) “office premises” has the same meaning as in section 1(2) of the Offices, Shops and Railway Premises Act 1963(d);
- (i) “preparation” in relation to timber means any operations whereby felled or fallen timber is barked, peeled, cleft, sliced, hewn, sawn, cross-cut, linear machined, dried, seasoned, soaked, steamed or treated with preservative;
- (j) “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;
- (k) “University Faculty” includes a Department or School of a University.

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.

(a) 1947 c. 48.
(c) 1948 c. 38.

(b) 1948 c. 45.
(d) 1963 c. 41.

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.

Column 1	Column 2	Column 3
The wool, jute and flax industry	The Industrial Training (Wool Industry Board) Order 1964 as amended by the Industrial Training (Wool, Jute and Flax Board) Order 1968(a)	Schedule 1 Paragraph 1(s)
The iron and steel industry	The Industrial Training (Iron and Steel Board) Order 1964 as amended by the Industrial Training (Iron and Steel Board) Order 1969(b)	Schedule 1 Paragraph 1(k)
The construction industry	The Industrial Training (Construction Board) Order 1964 as amended by the Industrial Training (Construction Board) Order 1967(c)	Schedule 1 Paragraph 1(l)
The engineering industry	The Industrial Training (Engineering Board) Order 1964 as amended by the Industrial Training (Engineering Board) Order 1968 and the Industrial Training (Engineering Board) Order 1968 (Amendment) Order 1969(d)	Schedule 1 Paragraph 1(m)

(a) S.I. 1964/907, 1968/898 (1964 II, p. 1928; 1968 II, p. 2376).

(b) S.I. 1964/949, 1969/884 (1964 II, p. 2127; 1969 II, p. 2517).

(c) S.I. 1964/1079, 1967/924 (1964 II, p. 2384; 1967 II, p. 2757).

(d) S.I. 1964/1086, 1968/1333, 1969/1376 (1964 II, p. 2402; 1968 II, p. 3694; 1969 III, p. 4103).

Column 1	Column 2	Column 3
The shipbuilding industry	The Industrial Training (Shipbuilding Board) Order 1964 as amended by the Industrial Training (Shipbuilding Board) Order 1968(a)	Schedule 1 Paragraph 1(g)
The ceramics, glass and mineral products industry	The Industrial Training (Ceramics, Glass and Mineral Products Board) Order 1965 as amended by the Industrial Training (Ceramics, Glass and Mineral Products Board) Order 1969(b)	Schedule 1 Paragraph 1(p)
The furniture and timber industry	The Industrial Training (Furniture and Timber Industry Board) Order 1965 as amended by the Industrial Training (Furniture and Timber Industry Board) Order 1969 and the Industrial Training (Furniture and Timber Industry Board) Order 1969 (Amendment) Order 1970(e)	Schedule 1 Paragraph 1(x)
The man-made fibres producing industry	The Industrial Training (Man-made Fibres Producing Industry Board) Order 1966 as amended by the Industrial Training (Man-made Fibres Producing Industry Board) Order 1969(d)	Schedule 1 Paragraph 1(e)
The carpet industry	The Industrial Training (Carpet Board) Order 1966 as amended by the Industrial Training (Carpet Board) Order 1968(e)	Schedule 1 Paragraph 1(f)
The knitting, lace and net industry	The Industrial Training (Knitting, Lace and Net Industry Board) Order 1966(f)	Schedule 1 Paragraph 1(j)
The cotton and allied textiles industry	The Industrial Training (Cotton and Allied Textiles Board) Order 1966(g)	Schedule 1 Paragraph 1(p)
The road transport industry	The Industrial Training (Road Transport Board) Order 1966 as amended by the Industrial Training (Road Transport Board) Order 1969 and the Industrial Training (Road Transport Board) Order 1969 (Amendment) Order 1969(h)	Schedule 1 Paragraph 1(p)
The hotel and catering industry	The Industrial Training (Hotel and Catering Board) Order 1966 as amended by the Industrial Training (Hotel and Catering Board) Order 1969(i)	Schedule 1 Paragraph 1(e)

(a) S.I. 1964/1782, 1968/1614 (1964 III, p. 3928; 1968 III, p. 4432).

(b) S.I. 1965/1391, 1969/689 (1965 II, p. 4062; 1969 II, p. 1860).

(c) S.I. 1965/2028, 1969/1290, 1970/1634 (1965 III, p. 5998; 1969 III, p. 3820; 1970 III, p. 5372).

(d) S.I. 1966/143, 1969/1210 (1966 I, p. 257; 1969 II, p. 3545).

(e) S.I. 1966/245, 1968/1882 (1966 I, p. 499; 1968 III, p. 5017).

(f) S.I. 1966/246 (1966 I, p. 506).

(g) S.I. 1966/823 (1966 II, p. 1907).

(h) S.I. 1966/1112, 1969/879, 1871 (1966 III, p. 2712; 1969 II, p. 2495; III, p. 5815).

(i) S.I. 1966/1347, 1969/1405 (1966 III, p. 3669; 1969 III, p. 4132).

Column 1	Column 2	Column 3
The air transport and travel industry	The Industrial Training (Civil Air Transport Board) Order 1967 as amended by the Industrial Training (Air Transport and Travel Industry Board) Order 1970(a)	Schedule 1 Paragraph 1(i)
The petroleum industry	The Industrial Training (Petroleum Board) Order 1967 as amended by the Industrial Training (Petroleum Board) Order 1970(b)	Schedule 1 Paragraph 1(i)
The rubber and plastics processing industry	The Industrial Training (Rubber and Plastics Processing Board) Order 1967(c)	Schedule 1 Paragraph 1(k)
The chemical and allied products industry	The Industrial Training (Chemical and Allied Products Board) Order 1967 as amended by the Industrial Training (Chemical and Allied Products Board) Order 1970(d)	Schedule 1 Paragraph 1(w)
The paper and paper products industry	The Industrial Training (Paper and Paper Products Board) Order 1968(e)	Schedule 1 Paragraph 1(j)
The printing and publishing industry	The Industrial Training (Printing and Publishing Board) Order 1968(f)	Schedule 1 Paragraph 1(n)
The distributive industry	The Industrial Training (Distributive Board) Order 1968 as amended by the Industrial Training (Distributive Board) Order 1970(g)	Schedule 1 Paragraph 1(h)
The food, drink and tobacco industry	The Industrial Training (Food, Drink and Tobacco Board) Order 1968(h)	Schedule 1 Paragraph 1(q)
The footwear, leather and fur skin industry	The Industrial Training (Footwear, Leather and Fur Skin Board) Order 1968(i)	Schedule 1 Paragraph 1(v)
The clothing and allied products industry	The Industrial Training (Clothing and Allied Products Board) Order 1969(j)	Schedule 1 Paragraph 1(j)
The hairdressing and allied services industry	The Industrial Training (Hairdressing and Allied Services Board) Order 1969(k)	Schedule 1 Paragraph 1(g)

- (a) S.I. 1967/263, 1970/252 (1967 I, p. 968; 1970 I, p. 983).
 (b) S.I. 1967/648, 1970/205 (1967 I, p. 2032; 1970 I, p. 926).
 (c) S.I. 1967/1062 (1967 II, p. 3151).
 (d) S.I. 1967/1386, 1970/1743 (1967 III, p. 4049; 1970 III, p. 5706).
 (e) S.I. 1968/787 (1968 II, p. 2194). (f) S.I. 1968/786 (1968 II, p. 2185).
 (g) S.I. 1968/1032, 1970/1053 (1968 II, p. 2709; 1970 II, p. 3273).
 (h) S.I. 1968/1033 (1968 II, p. 2721). (i) S.I. 1968/1763 (1968 III, p. 4785).
 (j) S.I. 1969/1375 (1969 III, p. 4094). (k) S.I. 1969/1634 (1969 III, p. 5133).

EXPLANATORY NOTE

(This Note is not part of the Order.)

The Agricultural, Horticultural and Forestry Industry Training Board was established on 15th August 1966 by the Industrial Training (Agricultural, Horticultural and Forestry Board) Order 1966, which defined the agricultural, horticultural and forestry industry in relation to which the Board exercises its functions.

This Order re-defines that industry.

Subject to the exceptions in paragraph 2 of the Schedule to this Order, the industry now comprises—

- (a) agriculture, as defined in the Agriculture Act 1947 or the Agriculture (Scotland) Act 1948;
- (b) forestry or arboriculture (as defined in paragraph 3 of the Schedule to the Order).

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