
STATUTORY INSTRUMENTS

2022 No. 492

EMPLOYMENT AND TRAINING

The Industrial Training Levy (Construction Industry Training Board) Order 2022

Made - - - - 28th April 2022

Coming into force - - 29th April 2022

The Secretary of State makes this Order in exercise of the powers conferred by section 11(2) and section 12(3) and (4) of the Industrial Training Act 1982(1) (“the Act”).

This Order is made to give effect to levy proposals submitted by the Construction Industry Training Board(2) pursuant to section 11(1) of the Act which, as required by section 11(3) of the Act, included proposals for the exemption of employers employing a small number of employees.

The levy proposals included proposals for securing that no exemption certificates(3) will be issued by the Board and the amount of levy payable by employers will exceed 0.2% of their relevant emoluments in respect of the base period for each levy period. Accordingly, this Order falls within section 11(4) and (5) of the Act.

In relation to the requirements set out in section 11(5) of the Act, the Secretary of State is satisfied that the levy proposals are necessary to encourage adequate training in the industry and the condition in section 11(6)(a) of the Act is met.

The Secretary of State estimates that the levy to be paid by at least some employers in the industry will exceed 1% of their relevant emoluments in respect of the base period for each levy period and accordingly this Order falls within section 11(7)(b) of the Act; the Secretary of State considers that the amount to be paid by employers in the industry is appropriate in the circumstances.

The Secretary of State has consulted the Scottish Ministers as required by section 88(2) of the Scotland Act 1998(4).

In accordance with section 12(6) of the Act, a draft of this Order has been laid before, and approved by resolution of, each House of Parliament.

(1) 1982 c. 10 (“the 1982 Act”). Sections 11 and 12 were amended by paragraphs 10 and 11 of Schedule 4 to the Employment Act 1989 (c. 38) and by sections 24 and 25 of, and paragraphs 3 and 4 of Schedule 1 to, the Further Education and Training Act 2007 (c. 25). Section 12(4) was amended by section 1(2) of the Employment Rights (Dispute Resolution) Act 1998 (c. 8).

(2) The Board was established under the Industrial Training (Construction Board) Order 1964 (S.I. 1964/1079) as amended by S.I. 1992/3048.

(3) Within the meaning of section 14 of the 1982 Act.

(4) 1998 c. 46. The Construction Industry Training Board has been specified as a cross-border public authority for the purposes of section 88 of the Scotland Act 1998 by the Scotland Act 1998 (Cross-Border Public Authorities) (Specification) Order 1999 (S.I. 1999/1319).