
STATUTORY INSTRUMENTS

2023 No. 847

The Industrial Training Levy (Engineering Construction Industry Training Board) Order 2023

Interpretation

2.—(1) In this Order—

“assessment” means an assessment of an employer to the levy in respect of a leviable establishment;

“the Board” means the Engineering Construction Industry Training Board;

“emoluments” means—

- (a) all salaries, fees and wages;
- (b) any gratuity or other profit or incidental benefit of any kind obtained by an employee, if it is money or money’s worth, other than pensions contributions; and
- (c) anything else that constitutes, or is intended to constitute, earnings of the relevant employment;

“employer” has the meaning given in article 3;

“the engineering construction industry” means—

- (a) the activities of the engineering construction industry as defined by Schedule 1 to the industrial training order; or
- (b) activities—
 - (i) which fall within the description of activities in article 2(1) of the Employment Protection (Offshore Employment) Order 1976⁽¹⁾ (excluding the activities described in article 2(2) of that Order); and
 - (ii) which would fall within the activities of the engineering construction industry as defined by Schedule 1 to the industrial training order if they were carried out in Great Britain;

“the industrial training order” means the Industrial Training (Engineering Board) Order 1964⁽²⁾;

“labour-only agreement” means any agreement or arrangement (other than a contract of service or apprenticeship) between an employer and any other person, the purpose of which is wholly or mainly the provision of services (including any incidental use of tools) of such a person or any other person to the employer in their trade or business;

“leviable establishment” has the meaning given in article 5;

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

“off site employee” means an employee (including a person engaged under a labour-only agreement) other than a site employee;

(1) S.I. 1976/766, as amended by S.I. 1977/588 and S.I. 1981/208.

(2) S.I. 1964/1086, as amended by S.I. 1991/1305.

“the relevant base period” means the particular base period defined in article 4 in respect of a particular levy period defined in article 3 by reference to which the relevant emoluments are to be calculated;

“site employee” means an employee (including a person engaged under a labour-only agreement) the activities of whose employment take place wholly or mainly at a site where activities falling under paragraph 1(a)(i), (iii) or (iv) of Schedule 1 to the industrial training order are carried on.

(2) In this Order, references to a leviable establishment starting or ceasing to be engaged in the engineering construction industry do not include instances where—

- (a) a leviable establishment starts to be engaged in the engineering construction industry after, or ceases to be engaged in that industry because of, a suspension of activities of a temporary or seasonal nature; or
- (b) the location of a leviable establishment changes but the establishment continues to be engaged in the engineering construction industry from the new location.