
STATUTORY INSTRUMENTS

1984 No. 1159 (N.I. 9)

The Industrial Training (Northern Ireland) Order 1984 ^{F1}

- - - - - 31st July 1984

F1 functions transf. by SR 1999/481

Introductory

Title and commencement **N.I.**

1.—(1) This Order may be cited as the Industrial Training (Northern Ireland) Order 1984.

(2) This Order shall come into operation on the expiration of two months from the day on which it is made.

Interpretation **N.I.**

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

Definition rep. by 1990 NI 8

“compulsory school age” has the meaning assigned to it by Article 36 of the Education and Libraries (Northern Ireland) Order 1972;

“the Department” means the Department of Economic Development;

“employee” includes a person engaged under a contract for services, and “employer” shall be construed accordingly;

“employment” means employment under a contract of service or apprenticeship or a contract for services or otherwise than under a contract, and “employed” shall be construed accordingly;

“industrial training board” means a board established under section 1 of the Industrial Training Act (Northern Ireland) 1964 or Article 14(1);

“industrial training order” means an order under Article 14(1)^{F2}, except a revocation order within the meaning of Article 19];

“industry” includes commerce but does not include the public sector;

“the industry”, in relation to an industrial training board, means the activities in relation to which the board exercises its functions;

“levy proposals” and “levy order” have the meanings respectively assigned to them by paragraph (1) and paragraph (2) of Article 23;

“non-remissible part of the levy” has the meaning given by Article 23(4);

“organisations” includes associations of organisations;

“public sector” means—

- (a) any government department;
- (b) any district council;
- (c) any other body established by or under any statutory provision;

“remission proposals” has the meaning assigned to it by Article 25(1);

“statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

(3) For the purposes of this Order any body established for the purpose of carrying on under public ownership an industry or part of an industry or undertaking shall be treated as if it were an organisation representative of employers.

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Arts. 3#13 rep. by 1990 NI 8

Industrial training boards

Establishment N.I.

14.—(1) For the purpose of making better provision for the training of persons over compulsory school age for employment in any activities of industry the Department may make an order (“an industrial training order”) specifying those activities and establishing a board to exercise in relation to them the functions conferred by this Order on industrial training boards.

(2) Before making an industrial training order the Department shall consult—

- (a) any organisations appearing to the Department to be representative of substantial numbers of employers engaging in the activities concerned; and
- (b) any organisations appearing to the Department to be representative of substantial numbers of employees engaging in the activities concerned; and
- (c) if the activities concerned are carried on to a substantial extent by a body established for the purpose of carrying on under public ownership any industry or part of an industry or undertaking, that body;

and the Department may carry out such other consultations as it thinks fit.

(3) The provisions of Schedule 2 shall have effect with respect to industrial training boards.

(4) If an employer in the industry of an industrial training board requests the Department in writing to secure that the activities carried on at a particular establishment of his shall, instead of being included for the purposes of this Order in that industry, be included for those purposes in the industry of another industrial training board, the Department, after consulting both the boards in question about the request, may make an order giving effect to the request.

(5) Paragraph (4) is without prejudice to the power of the Department under paragraph (1) to amend an industrial training order after the consultations required by paragraph (2).

(6) An industrial training order or an order under paragraph (4) may provide for any incidental or supplementary matter for which it appears to the Department to be necessary or expedient to provide.

(7) Every industrial training order shall be subject to negative resolution.

Training for employment **N.I.**

15.—(1) The general purpose of an industrial training board shall be to encourage adequate training of persons employed or intending to be employed in the industry.

(2) An industrial training board—

- (a) shall consider from time to time such employments in the industry as appear to the board to require consideration and publish recommendations with regard to the nature and length of the training for any such employment and the education to be associated with the training, the persons by and to whom the training ought to be given, the standards to be attained as a result of the training and the methods of ascertaining whether those standards have been attained;
- (b) may carry on, or assist other persons in carrying on, research into any matter relevant to training for employment in the industry.

Provision of advice and courses, etc **N.I.**

16.—(1) An industrial training board may—

- (a) provide advice about training connected with the industry;
- (b) assist persons in finding facilities for being trained for employment in the industry.

(2) An industrial training board may apply or make arrangements for the application of selection tests and of tests or other methods for ascertaining the attainment of any standards recommended by the board and may award certificates of the attainment of those standards.

(3) An industrial training board—

- (a) shall provide or secure the provision of such courses and other facilities (which may include residential accommodation) for the training of those persons as the board considers adequate, having regard to any courses or other facilities otherwise available to those persons;
- (b) may approve such courses and facilities provided by other persons;
- (c) may pay maintenance and travelling allowances to persons attending courses, or availing themselves of other facilities provided or approved by the board;
- (d) may make grants or loans to persons providing courses or other facilities approved by the board, to persons who make studies relevant to such courses or facilities and to persons who maintain arrangements to provide such courses or facilities which are not for the time being in use;
- (e) may pay fees to persons providing education in respect of persons who receive it in association with their training in courses provided or approved by the board;
- (f) may make payments to persons in connection with arrangements under which they or their employees make use of courses or other facilities provided or approved by the board.

(4) An industrial training board may enter into contracts of service or apprenticeship with persons who intend to be employed in the industry and to attend courses or avail themselves of other facilities provided or approved by the board.

(5) An industrial training board may—

- (a) at the request of another industrial training board provide advice for the other board and courses and other facilities for the training of persons employed or intending to be employed in the industry for which that other board is established;
- (b) at the request of the Department provide such other advice, and such other courses and facilities for training, as are mentioned in the request;

- (c) at the request of an employer in the industry provide for him advice about training connected with activities carried on in Great Britain or outside the United Kingdom which, if they were carried on in Northern Ireland, would be included in the industry;

but any expense incurred by the board in pursuance of sub-paragraph (c) shall not be defrayed out of sums received by way of levy.

(6) An industrial training board may take part in any arrangements made by the Department under section 2(2) of the Employment and Training Act (Northern Ireland) 1950 with respect to the industry.

Training for employment overseas **N.I.**

17.—(1) An industrial training board may, with the consent of the Department, exercise such functions in connection with training for employment outside Northern Ireland of persons temporarily in Northern Ireland as are exercisable by it under this Order in connection with the training of persons employed or intending to be employed in the industry.

(2) An industrial training board shall keep separate accounts—

- (a) with respect to its functions under paragraph (1); and
- (b) with respect to its other functions under this Order;

and no money raised by a levy imposed under this Order shall be carried to an account kept in pursuance of sub-paragraph (a), and any expenses and liabilities incurred by the board shall be disregarded for the purposes of Article 19(2) and Article 23(1).

Submission of proposals to Department, etc **N.I.**

18.—(1) An industrial training board—

- (a) shall from time to time submit to the Department for its approval proposals for the exercise of functions conferred on the board by this Order; and
- (b) shall submit to the Department for its approval proposals for the delegation of all or any of those functions to committees established under paragraph 5 of Schedule 2;

and the board shall exercise its functions under this Order in accordance with proposals submitted to the Department and approved by it.

(2) An industrial training board shall give to the Department such information or facilities for obtaining information with regard to the exercise of its functions, in such manner and at such times as the Department may reasonably require.

Winding up of boards **N.I.**

19.—(1) An order made under Article 14(1) revoking an industrial training order (in this Article referred to as “a revocation order”) shall provide for the winding up of the industrial training board.

(2) A revocation order may provide—

- (a) for the imposition of a levy on employers in the industry, other than such, if any, as may be exempted by the order, for the purpose of raising the whole or part of any amount by which the assets of the industrial training board may be insufficient to meet the liabilities of the board and the expenses of the winding up; and
- (b) for the application for specified purposes of any amount by which those assets may exceed those liabilities and expenses.

(3) A revocation order making provision for the imposition of a levy—

- (a) may provide for payments by way of levy to accrue due from day to day over a period specified in the order; and
 - (b) may contain provisions as to the evidence by which a person's liability to the levy or his discharge of that liability may be established and as to the time at which any amount payable by any person by way of levy shall (whether or not any period over which that amount accrues due has expired) become due and recoverable by the board.
- (4) A revocation order shall give any person thereby assessed to the levy a right of appeal to an industrial tribunal and a revocation order shall make provision as to the time within such an appeal may be made.
- (5) On an appeal under paragraph (4)—
- (a) if the appellant satisfies the tribunal that he ought not to have been assessed to the levy or ought to have been assessed in a smaller amount, the tribunal shall rescind or, as the case may be, reduce the assessment but (subject to sub-paragraph (b)) in any other case shall confirm it; and
 - (b) if it appears to the tribunal that the appellant ought to have been assessed to the levy in a larger amount, the tribunal may increase the assessment accordingly.
- (6) Where a revocation order has been made for the winding up of an industrial training board the Department may pay such pension, superannuation allowance or gratuity to or in respect of the chairman of the board as the Department may, with the approval of the Department of Finance and Personnel, determine.
- (7) A revocation order may provide for any incidental, transitional or consequential matter for which it appears to the Department to be necessary or expedient to provide.
- [^{F3}(7A) Without prejudice to the generality of paragraph (7), a revocation order may—
- (a) make provision for the transfer to the employment of the Department of persons who immediately before the date on which the industrial training board is wound up are employed by that board;
 - (b) contain provision in relation to persons so transferred corresponding to the provision made by paragraphs (4) and (5) of Article 3 of the Industrial Training (Northern Ireland) Order 1990 in relation to persons transferred under that Article;
- and paragraph (6) of that Article shall apply for the purposes of this paragraph as it applies for the purposes of paragraphs (3) and (4) of that Article.]
- [^{F3}(8) A revocation order shall be subject to negative resolution.]

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Financial provisions **N.I.**

- 20.**—(1) The Department may, with the approval of the Department of Finance and Personnel, make grants and loans to an industrial training board.
- (2) The Department may give to an industrial training board such directions as the Department thinks fit for the purpose of securing—
- (a) that the board's expenditure for a purpose specified in the directions does not exceed an amount so specified; and
 - (b) that the whole or part of any grant or loan made to the board in pursuance of paragraph (1) is used only for the purposes specified in the directions;
- and the board shall comply with the directions.

(3) An industrial training board may enter into agreements with persons for the making by them of payments to the board in respect of the exercise by the board of any of its functions.

(4) An industrial training board may, with the consent of the Department or in accordance with the terms of any authority given by the Department, borrow temporarily from any other person by way of overdraft or otherwise such sums as the board may require.

(5) An industrial training board may give security for any money borrowed by the board.

(6) An industrial training board shall not invest any money otherwise than in such manner as the Department may approve.

Reports and accounts **N.I.**

21.—^{F4}(1) An industrial training board shall—

- (a) keep proper accounts and proper records in relation to the accounts; and
- (b) prepare a statement of accounts in respect of each financial year.

(1A) The statement of accounts shall—

- (a) be in such form; and
- (b) contain such information,

as the Department may, with the approval of the Department of Finance and Personnel, direct.

(1B) An industrial training board shall, within such period after the end of each financial year as the Department may direct, send copies of the statement of accounts relating to that year to—

- (a) the Department; and
- (b) the Comptroller and Auditor General for Northern Ireland.

(1C) The Comptroller and Auditor General shall—

- (a) examine, certify and report on every statement of accounts sent to him by an industrial training board under this Article; and
- (b) send a copy of his report to the Department.

(2) The Department shall lay a copy of the statement of accounts and of the Comptroller and Auditor General's report before the Assembly.]

(3) An industrial training board shall in respect of each of its financial years make a report of its activities during that year to the Department at such time as the Department may direct^{F4}. . . .

(4) The Department shall lay a copy of every such report before the assembly.

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Publication of information **N.I.**

22.—(1) Subject to paragraph (2), the Department may direct an industrial training board to publish in the report made by it under Article 21(3), or otherwise as the Department may direct, such information in the possession of the board as the Department may specify in the direction.

(2) No direction under this Article shall require any information which is so framed as to enable particulars relating to any individual employer or establishment of an employer to be ascertained from it to be published without the consent of the employer in question.

Levies and remission

Levies **N.I.**

23.—(1) An industrial training board may submit to the Department for the Department's approval proposals (in this Order referred to as levy proposals) for the raising and collection of a levy to be imposed for the purpose of raising money towards meeting the board's expenses.

(2) The Department may make an order imposing a levy (in this Order referred to as a levy order) giving effect to levy proposals approved under paragraph (1) and providing for the levy to be imposed on employers in the industry except in so far as they are exempted from it by the industrial training order or the levy order.

(3) Levy proposals shall include proposals for exempting from the levy any employer who, in view of the small number of his employees or the small amount of the relevant emoluments, ought in the opinion of the board to be exempted and the Department shall not make a levy order in pursuance of levy proposals unless they provide for the exemption of employers who, in view of the small number of their employees or the small amount of the relevant emoluments, ought in the opinion of the Department to be exempted.

(4) Levy proposals may include proposals for part of the levy not to be eligible for remission (in this Order referred to as the non-remissible part of the levy)

(5) The Department shall not make a levy order in pursuance of any levy proposals unless the Department is satisfied that remission proposals provide for full remission of the remissible part of the levy in such cases as the Department considers appropriate.

(6) The Department shall not make a levy order in pursuance of levy proposals which include proposals that the amount of the non-remissible part of the levy will exceed two-tenths of one per cent. of the relevant emoluments unless—

- (a) the Department is satisfied that the proposals are necessary to encourage adequate training in the industry; and
- (b) one of the conditions mentioned in paragraph (7) is satisfied.

(7) The conditions referred to in paragraph (6) are—

- (a) that the relevant organisations consider, after taking reasonable steps to ascertain the views of the persons they represent, that the proposals are necessary to encourage adequate training in the industry;
- (b) that the order—
 - (i) will be made less than two years after the making of a former levy order giving effect to proposals made by the board in respect of which the Department was satisfied that the condition in sub-paragraph (a) was applied; and
 - (ii) will not provide for a level of non-remissible levy higher than that provided for by the former order;
- (c) that neither of the conditions mentioned in sub-paragraphs (a) and (b) applies but the proposals are considered by the Department to be appropriate in the circumstances.

(8) The Department shall not make a levy order in pursuance of any levy proposals if the Department estimates that the amount which would, if the order were made, be payable by virtue of it by any employer in the industry exceeds an amount which the Department estimates is equal to one per cent. of the relevant emoluments, unless—

- (a) the Department is satisfied that the proposals are necessary to encourage adequate training in the industry; and
- (b) one of the conditions mentioned in paragraph (9) is satisfied.

- (9) The conditions referred to in paragraph (8)(b) are—
- (a) that the relevant organisations consider, after taking reasonable steps to ascertain the views of the persons they represent, that the proposals are necessary to encourage adequate training in the industry;
 - (b) that the condition mentioned in sub-paragraph (a) does not apply but the proposals are considered by the Department to be appropriate in the circumstances.
- (10) In this Article—
- the relevant emoluments in relation to any person means the aggregate of the emoluments and payments intended to be disbursed as emoluments which are paid and payable by him to or in respect of persons employed in the industry in respect of the period specified in the levy proposals as the period which is relevant for the purposes of this Article, and
- the relevant organisations means organisations appearing to the Department to represent more than half the persons who the Department considers are likely to be liable to make payments by way of levy in consequence of the proposals and organisations appearing to the Department to represent persons who the Department considers are together likely to be liable to make payments by way of levy in consequence of the levy proposals which amount to more than half the aggregate amount of those payments.

Supplementary provisions as to levies N.I.

24.—(1) Levy proposals shall include such information or further additional information as the Department directs the board to furnish, and any additional information which the board considers appropriate.

(2) Without prejudice to the provisions of section 17 of the Interpretation Act (Northern Ireland) 1954, levy proposals may provide for the amendment of a previous levy order and may make different provision in relation to different classes of employers and, in particular, proposals made in pursuance of Article 23(3) may be made in respect of different numbers of employees or different amounts of relevant emoluments (within the meaning of Article 23(10)) for different employers or classes of employers and may provide for numbers of employees or for employers or classes of employers to be determined by reference to such factors as are specified in the proposals.

- (3) A levy order—
- (a) may provide for payments by way of levy to accrue due from day to day over a period specified in the order;
 - (b) may contain provisions as to the evidence by which a person's liability to the levy or his discharge of that liability may be established and as to the time at which any amount payable by any person by way of the levy shall (whether or not any period over which that amount accrues due has expired) become due and recoverable by the industrial training board.
- (4) A person assessed to levy imposed under a levy order may appeal to an industrial tribunal and the levy order shall make provision as to the time within which such an appeal may be made.
- (5) On an appeal under paragraph (4)—
- (a) if the appellant satisfies the tribunal that he ought not to have been assessed to the levy or ought to have been assessed in a smaller amount, the tribunal shall rescind or, as the case may be, reduce the assessment but (subject to sub-paragraph (b)) in any other case shall confirm it; and
 - (b) if it appears to the tribunal that the appellant ought to have been assessed to the levy in a larger amount, the tribunal may increase the assessment accordingly.

(6) A levy order which falls within Article 23(6) in a case where the condition mentioned in paragraph (7)(c) of that Article is satisfied or which falls within Article 23(8) in a case where paragraph (9)(b) of that Article is satisfied shall state that fact.

(7) Subject to paragraph (8), a levy order shall be subject to negative resolution.

(8) A levy order which includes such a statement as is mentioned in paragraph (6) shall be subject to affirmative resolution.

Remission proposals **N.I.**

25.—(1) An industrial training board shall, at or before the time when it submits levy proposals under Article 23 (1), submit to the Department for the Department's approval proposals (in this Order referred to as “remission proposals”) for the remission by the board of the remissible part of the levy, that is to say, so much of the levy as does not, under the levy order, consist of the non-remissible part of the levy.

(2) Remission proposals shall include proposals for the full remission of the remissible part of the levy for employers in the industry who—

- (a) make arrangements for the training, or the training and education associated with training, of persons employed or to be employed in the industry; and
- (b) satisfy the industrial training board by reference to criteria specified in the proposals that the arrangements are adequate and are to a material extent being implemented.

(3) The criteria for arrangements made by employers which by virtue of sub-paragraph (b) of paragraph (2) are to be specified in proposals submitted under that paragraph shall relate to the quality and amount of training, or training and education, provided for by the arrangements, but need not relate solely to the needs of establishments of the employers; and the proposals may specify different criteria as respects arrangements made by different categories of employers.

(4) The Department may issue guidance concerning the criteria which by virtue of sub-paragraph (b) of paragraph (2) are to be specified in proposals submitted under that paragraph.

(5) If the Department approves proposals submitted to it by an industrial training board under paragraph (1) the Department shall inform the board accordingly and the board shall arrange for them to be published as soon as practicable in a manner approved by the Department.

(6) This Article and Article 26 shall not apply where the levy proposals for a particular category of employers include—

- (a) proposals that no remission be given to employers in that category; or
- (b) proposals by virtue of which the levy payable by any employer in that category will not exceed two-tenths of one per cent. of relevant emoluments within the meaning of Article 23(10).

Remission **N.I.**

26.—(1) Where the Department approves remission proposals of an industrial training board under Article 25(5), the board shall give effect to them.

(2) Subject to paragraph (3), remission shall take the form of repayment by an industrial training board of levy paid under the levy order.

(3) If an industrial training board so agrees in any particular case, remission shall take the form of non-payment to the board of an amount of levy to which a person would otherwise be liable under the levy order.

(4) If an industrial training board does not give a person assessed to levy imposed under a levy order full remission of the remissible part of the levy, he may apply to the board for the board to refer

its decision to the committee appointed under paragraph 5(2) of Schedule 2 and remission proposals shall make provision as to the time within which such an application may be made.

- (5) On a reference under paragraph (4)—
- (a) if the applicant satisfies the committee that he ought to have been given an amount of remission greater than that given by the industrial training board, the committee shall recommend by what amount the amount of remission given to the applicant should be increased;
 - (b) if the applicant does not so satisfy the committee, the committee shall recommend either that the board should confirm the amount of remission given to the applicant or by what amount it should be reduced.

and the board shall consider the recommendation of the committee and may give effect to it.

Miscellaneous and supplementary

Default powers of Department in relation to proposals N.I.

27.—(1) The Department may direct an industrial training board to submit to the Department—

- (a) proposals under Article 18(1)(a) (proposals for the exercise of the board's functions);
- (b) proposals under Article 18(1)(b) (proposals for the delegation of the board's functions to committees);
- (c) levy proposals;
- (d) remission proposals;

and the board shall comply with any such directions.

(2) In paragraphs (3) to (6) “proposals” means any of the proposals mentioned in paragraph (1).

(3) Where an industrial training board submits to the Department proposals which appear to the Department to be unsatisfactory (whether or not in response to a direction under paragraph (1)), the Department may direct the board to submit fresh proposals within a specified period of time.

(4) A direction under paragraph (3) shall specify in what respects the proposals already submitted appear to the Department to be unsatisfactory.

(5) Where an industrial training board fails to comply within a reasonable time with a direction under paragraph (1), the Department may direct the board to submit proposals to the Department within a specified period of time.

(6) Where an industrial training board—

- (a) fails to comply with a direction under paragraph (3) or paragraph (5); or
- (b) in response to a direction under paragraph (3) or paragraph (5), submits proposals which appear to the Department to be unsatisfactory,

the Department may make an order declaring the board to be in default.

(7) On the making of an order under paragraph (6) the members of the industrial training board and of any committee appointed by the board shall forthwith vacate their office and the order may contain such provisions as seem to the Department expedient for authorising any person to act in the place of the members of the board, or, as the case may be, of the members of any such committee, during such period, not exceeding six months, as may elapse before new members are appointed.

(8) While an order under paragraph (6) is in force with respect to an industrial training board sub-paragraphs (2) and (3), and any provision made under sub-paragraph (4), of paragraph 2 of Schedule 2 shall not apply to the board, and accordingly (without prejudice to any provision made under paragraph (9)) paragraph 8 of that Schedule shall not apply.

(9) An order under paragraph (6) may contain such incidental or supplementary provisions as appear to the Department to be necessary or expedient.

(10) The Department may defray the expenses of any person acting in place of the members of an industrial training board in pursuance of paragraph (6) and recover from the board any expenses so defrayed.

Power to obtain information from employers **N.I.**

28.—(1) The Department may, where an industrial training board has been established, require employers in the industry to furnish such returns and other information and to keep such records and produce them for examination on the Department's behalf as appear to the Department to be necessary for the purposes of this Order.

(2) An industrial training board may require employers in the industry to furnish such returns and other information of a kind approved by the Department and to keep such records of a kind approved by the Department and produce them for examination on behalf of the board as appear to the board to be necessary for carrying out its functions.

Para.(3) rep. by 1990 NI 8

(4) Without prejudice to paragraph (1), the Department may direct an industrial training board to exercise the power to require the furnishing of information under paragraph (2) so as to require employers in the industry to furnish to the board, in such form and on such occasions as are specified in the direction, such information as the Department considers that it needs for the purposes of its functions and as is so specified; and it shall be the duty of the board to comply with any such direction.

(5) Subject to paragraph (6), returns and other information furnished in pursuance of paragraphs (1) to (4) and any information obtained on an examination made in pursuance thereof shall not, without the consent of the employer to whose business the returns or information relate, be disclosed otherwise than to—

- (a) the Department or an officer of the Department; or
- (b) an industrial training board or a committee appointed by such a board, any officer of such a board or committee, or any member or other person entitled to take part in the proceedings of such a board or committee;^{F5} . . .

Sub#para.(c) rep. by 1990 NI 8

(6) Paragraph (5) shall not apply—

- (a) to the disclosure of returns or information in the form of a summary of similar returns or information furnished by or obtained from a number of employers, if the summary is so framed as not to enable particulars relating to any individual business to be ascertained from it;
- (b) to any disclosure of information made for the purposes of any legal proceedings pursuant to this Order or any criminal proceedings, whether pursuant to this Order or not, or for the purposes of any report of any such proceedings.

(7) A certificate purporting to be issued by the Department and stating that the Department has approved any kind of information, return or record for the purposes of paragraph (2)^{F5}. . . shall in any legal proceedings be evidence of the facts stated in the certificate.

(8) If any person fails to comply with any requirement made under paragraph (1),^{F5} or (2)] he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(9) If any person—

- (a) knowingly or recklessly furnishes, in pursuance of any requirement made under paragraph (1),^{F5} or (2)], any return or other information which is false in a material particular; or
- (b) wilfully makes a false entry in any record required to be produced under paragraph (1),^{F5} or (2)] or, with intent to deceive, makes use of any such entry which he knows to be false; or
- (c) discloses any such information in contravention of paragraph (5),

he shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding the statutory maximum or to both, or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both.

F5 1990 NI 8

Enterprise Zones **N.I.**

29.—(1) No employer shall be liable to any levy imposed under this Order in respect of any establishment situated wholly or mainly within an area designated as an enterprise zone under the Enterprise Zones (Northern Ireland) Order 1981; and for the purposes of this paragraph such an establishment shall be treated as if it were not carrying on business.

(2) No levy shall be imposed under this Order by reference to emoluments paid or payable to an employee whose employment is carried on at or from such an establishment as is mentioned in paragraph (1).

(3) An employer shall not be obliged to comply with a requirement imposed by^{F6} . . . an industrial training board under Article 28 (power to obtain information from employers) in respect of an establishment or employee if—

- (a) at the time the requirement is imposed the establishment is situated as mentioned in paragraph (1) or, as the case may be, the employee's employment is carried on at or from such an establishment, or
- (b) the requirement relates to a period during which the establishment was so situated or, as the case may be, the employee's employment was so carried on.

(4) The Department may by order subject to negative resolution provide that paragraphs (1) to (3) shall not apply in relation to such employees or such establishments as may be specified in the order or shall apply to them with such modifications as may be so specified.

F6 1990 NI 8

Arts.30,31 rep. by 1996 NI 18

Industrial injuries benefit for accidents in training **N.I.**

32.—(1) In relation to accidents happening to employed earners (within the meaning of^{F7} Part V of the Social Security Contributions and Benefits (Northern Ireland) Act 1992) who attend courses or avail themselves of other facilities provided or approved by the Department,^{F8} . . . or an industrial training board,^{F7} sections 98 to 100] of that Act shall have effect subject to the following modifications.

(2) For the purposes of^{F7} section 98], an act done by the employed earner for the purposes of and in connection with his training shall, if it is not done for the purposes of and in connection with his employer's trade or business, be deemed to be so done.

(3) For the purposes of [F7 section 99], a vehicle (within the meaning of that section) which is operated by or on behalf of the Department, F8 . . . , an industrial training board or some other person by whom it is provided in pursuance of arrangements made with the Department, F8 . . . or an industrial training board shall, if not operated and provided as mentioned in subsection (1)(b)(i) of that section, be deemed to be so operated and provided.

(4) For the purposes of [F7 section 100], any premises at which an employed earner is for the time being employed for the purposes of his training shall, if they are not premises at which he is for the time being employed for the purposes of his employer's trade or business be deemed to be such premises.

F7 1992 c.9
F8 1990 NI 8

Other payments for accidents in training **N.I.**

33.—(1) Where it appears to the Department, F9 . . . or an industrial training board that any person would have been entitled, by reference to an injury or disease developed by him or another person in consequence of attendance at a course provided or approved by the Department, F9 . . . or an industrial training board or in consequence of the use of facilities so provided or approved, to receive any benefit or increase in benefit in pursuance of [F10 Parts 2 to 4 of] [F11 the Social Security Contributions and Benefits (Northern Ireland) Act 1992] but for the fact that he or the other person was not at the relevant time an employed earner (within the meaning of [F11 Part V of that Act]), the Department, F9 . . . or an industrial training board may make to him payments equal to the whole or part of the benefit or increase in question.

(2) The Department, F9 . . . or an industrial training board may make to any person payments by way of travelling and subsistence allowances and, with the approval of the Department of Finance and Personnel, compensation for loss of remunerative time being (in either case) payments which the Department, F9 . . . or the board considers are appropriate in connection with the person's attendance at any examination connected with a claim for payments under paragraph (1).

F9 1990 NI 8
F10 Words in art. 33(1) inserted (1.6.2016 for specified purposes, 31.10.2016 in so far as not already in operation) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), 72(2); S.R. 2016/234, arts. 2(3)(b), 3(2)(c)
F11 1992 c.9

Article 34—Amendments

Article 35—Repeals and revocation

SCHEDULES

N.I.

N.I.

Schedule 1 rep. by 1990 NI 8

SCHEDULE 2 N.I.

Article 14.

INDUSTRIAL TRAINING BOARDS

Status

1. An industrial training board shall be a body corporate, by the name specified in the industrial training order, to which section 19 of the Interpretation Act (Northern Ireland) 1954 shall apply.

Membership

2.—(1) The members of an industrial training board shall be appointed by the Department and, subject to the provisions of this Order, section 18(2) of the Interpretation Act (Northern Ireland) 1954 shall apply to such appointments.

(2) An industrial training board shall consist of the following members—

(a) a chairman, who shall be a person appearing to the Department to have industrial, commercial or educational experience;

[^{F12}(b) an equal number of persons appearing to the Department to be representative—

(i) of employers engaging in the industry; and

(ii) of employees in the industry;]

(c) one or more persons who shall be appointed after consultation with the Department of Education.

[^{F13}(2A) The Minister shall consult—

(a) such organisations representative of employers as appear to the Minister to be appropriate about the arrangements for making an appointment under sub-paragraph (2)(b)(i);

(b) such organisations representative of employees as appear to the Minister to be appropriate about the arrangements for making an appointment under sub-paragraph (2)(b)(ii).]

(3) The Department may appoint as chairman under head (a) of subparagraph (2) one of the members appointed under head (b) or (c) and in that event the Department shall, after such consultation as the case may require, appoint a further person in place of the member appointed as chairman.

(4) An industrial training order may make provision with respect to the tenure of office of persons appointed under sub-paragraph (2).

- F12** Sch. 2 para. 2(2)(b) substituted (3.8.2010) by [Employment Act \(Northern Ireland\) 2010 \(c. 12\)](#), ss. 7(1), 8(2), [Sch. 1 para. 2\(1\)](#)
- F13** Sch. 2 para. 2(2A) inserted (3.8.2010) by [Employment Act \(Northern Ireland\) 2010 \(c. 12\)](#), ss. 7(1), 8(2), [Sch. 1 para. 2\(2\)](#)

3.—(1) The Department, the Department of Education and, if the Department thinks fit in any particular case, any other government department may each appoint one person to attend meetings of an industrial training board.

(2) Persons appointed under this paragraph shall be entitled to participate in the proceedings of the industrial training board and to receive copies of all documents distributed to the members of the board but shall not have the right to vote in any such proceedings.

(3) Section 18(2) of the Interpretation Act (Northern Ireland) 1954 shall apply to appointments under this paragraph.

4.—(1) An industrial training board shall pay to the chairman of the board such remuneration (if any) as the Department may, with the approval of the Department of Finance and Personnel, determine.

(2) An industrial training board may pay to the chairman and the other members of the board—

- (a) such travelling, subsistence or other allowances as the board may determine; and
- (b) such allowances for loss of remunerative time as the Department may, with the approval of the Department of Finance and Personnel, determine.

(3) An industrial training board may make such arrangements for the payment of pensions, superannuation allowances and gratuities to or in respect of the chairman of the board as the Department may, with the approval of the Department of Finance and Personnel, determine.

(4) Where a person ceases to be the chairman of an industrial training board otherwise than on the expiry of his term of office, and it appears to the board that there are special circumstances which make it right for him to receive compensation, the board may make him a payment of such amount as the board may, with the approval of the Department and the Department of Finance and Personnel, determine.

Committees

5.—(1) An industrial training board may—

- (a) appoint such committees as appear to it to be appropriate; or
- (b) join with one or more other industrial training boards in appointing joint committees consisting of such persons as may be determined by the boards;

and delegate to any such committee, to such extent and subject to such conditions as may be stated in proposals submitted to and approved by the Department, any of the functions conferred on the board by this Order.

(2) An industrial training board shall appoint a committee for the purposes of Article 26(4) and (5) (consideration of decisions on remission).

(3) A committee need not include any member of an industrial training board.

(4) The Department, the Department of Education and, if the Department thinks fit in any particular case, any other government department may each appoint one person to attend meetings of any committee.

(5) Persons appointed under sub-paragraph (4) shall be entitled to participate in the proceedings of the committee and to receive copies of all documents distributed to the members of the committee but shall not have the right to vote in any such proceedings.

(6) A committee may, subject to any directions of the industrial training board, regulate its own procedure and business (and, accordingly, may fix a quorum).

6.—(1) An industrial training board may pay or, as the case may be, join in paying to the members of a committee who are not members of the board—

- (a) such travelling, subsistence and other allowances as the board may determine; and
- (b) such allowances for loss of remunerative time as the Department may, with the approval of the Department of Finance and Personnel, determine.

(2) An industrial training board may pay or, as the case may be, join in paying to the chairman of any committee to which any of the functions of the board are delegated and to the chairman of the committee appointed under paragraph 5(2) such remuneration as the board may determine.

(3) An industrial training board may make or, as the case may be, join in making, such arrangements for the payment of pensions, superannuation allowances and gratuities to or in respect of the chairman of any committee to which any of the functions of the board are delegated and to the chairman of the committee appointed under paragraph 5(2) as the board may determine.

(4) Where a person ceases to be the chairman of any committee to which any of the functions of the board are delegated or the chairman of the committee appointed under paragraph 5(2) otherwise than on the expiry of his term of office, and it appears to the board that there are special circumstances which make it right for him to receive compensation, the board may make or, as the case may be, join in making him a payment of such amount as the board may determine.

Proceedings

7. The powers of an industrial training board conferred on the board by virtue of section 19(1)(a)(v) of the Interpretation Act (Northern Ireland) 1954 to regulate its own procedure and business shall be subject to any provision made by an industrial training order as to quorum, voting by proxy, or otherwise.

8. The members of an industrial training board appointed under heads (a) and (c) of paragraph 2(2) shall not vote on any matter relating to the imposition of a levy and no such matter shall be decided except in accordance with the votes of the majority of the members appointed under head (b) of paragraph 2(2) after consultation with organisations appearing to the Department to be representative of employers engaging in the industry.

9.—(1) A member of an industrial training board who has any pecuniary interest, direct or indirect, in any matter which falls to be considered by the board shall, as soon as possible after the relevant circumstances have come to his knowledge, disclose the nature of his interest at a meeting of the board.

(2) Any disclosure under this paragraph shall be recorded in the minutes of the meeting and the member—

- (a) shall not take part after the disclosure in any deliberation or decision of the board with respect to the matter;
- (b) shall be disregarded for the purpose of constituting a quorum of the board for any such deliberation or decision.

(3) A member need not attend in person at a meeting of an industrial training board in order to make a disclosure which he is required to make under this paragraph, if he takes reasonable steps to secure that the disclosure is made by a notice which is taken into consideration and read at such a meeting.

10. The validity of any proceedings of an industrial training board shall not be affected by any vacancy among the members, or by any defect in the appointment of a member or by a failure to comply with paragraph 9.

Instruments

11.—(1) The fixing of the seal of an industrial training board shall be authenticated by the signatures of—

- (a) the chairman of the board or some other member of the board authorised by the board to act for that purpose; and
- (b) any officer of the board authorised by the board to act for that purpose.

(2) Without prejudice to section 19(1)(c) of the Interpretation Act (Northern Ireland) 1954, a document purporting to be signed on behalf of the board shall be received in evidence and shall, unless the contrary is proved, be deemed to be so signed.

Property

12. The powers conferred on an industrial training board by virtue of section 19(1)(a)(iv) of the Interpretation Act (Northern Ireland) 1954 (powers to acquire and dispose of property) shall not be exercised without the consent of the Department and the Department of Finance and Personnel.

Staff

13. [F14The exercise by an industrial training board] of the right to employ staff conferred on the board by virtue of section 19(1)(a)(vi) of the Interpretation Act (Northern Ireland) 1954, including any determination of the board with respect to conditions of service, remuneration, numbers and organisation of staff[F14 shall be subject to the consent of the Department].

F14 1990 NI 8

14.—(1) An industrial training board may make arrangements to secure the provision of superannuation benefits for persons employed by the board and such arrangements shall provide for the payment of contributions by the board and by the persons for whom superannuation benefits are provided.

(2) The arrangements may provide for the contributions to be paid to and the benefits to be paid by a body other than the industrial training board.

N.I.

N.I.

Schedule 3—Amendments

N.I.

Schedule 4—Repeals

Changes to legislation:

There are currently no known outstanding effects for the The Industrial Training (Northern Ireland) Order 1984.