



Industrial Training Act 1982

1982 CHAPTER 10

General provisions

15 Default powers in relation to proposals

- (1) The Commission may direct an industrial training board to submit proposals to it under section 5(5), 11(1) or 13(1) above within the time specified in the direction and it shall be the duty of the board to comply with such a direction.
- (2) Where proposals submitted to the Commission under section 5(5), 11(1) or 13(1) above appear unsatisfactory to the Commission, it may direct the board to submit fresh proposals within a specified time, stating in the direction in what respect the proposals already submitted appear to the Commission unsatisfactory ; and where the fresh proposals also appear unsatisfactory to the Commission it shall report on them to the Secretary of State and, if it appears to the Secretary of State after he has considered the Commission's report that the fresh proposals are unsatisfactory, he may make an order (in this section referred to as " a default order ") declaring the board to be in default.
- (3) Where the Commission has given a board a direction under subsection (1) above in pursuance of a direction given to the Commission under section 3(1) (6) of the Employment and Training Act 1973, the Commission shall report to the Secretary of State on the proposals submitted in pursuance of the direction and, if it appears to the Secretary of State after he has considered the Commission's report that the proposals are unsatisfactory, he may direct the Commission to direct the board to submit fresh proposals to the Commission within a specified time and such a direction by the Commission shall state in what respect the proposals already submitted appear to the Secretary of State unsatisfactory.
- (4) Where fresh proposals are submitted to the Commission in pursuance of a direction under subsection (3) above, the Commission shall report on them to the Secretary of State and, if it appears to the Secretary of State after he has considered the Commission's report that the proposals are unsatisfactory, he may make a default order.
- (5) Where a board has failed to comply with a direction of the Commission under subsection (1), (2) or (3) above within the time specified in the direction, the

Commission shall report that fact to the Secretary of State and the Secretary of State may make a default order.

- (6) On the making of a default order the members of the board shall forthwith vacate their office and the order may contain such provisions as seem to the Secretary of State expedient for authorising any person to act in place of the members of the board during such period, not exceeding six months, as may elapse before new members are appointed.
- (7) While a default order is in force with respect to a board paragraph 3 of Schedule 1 to this Act and any provision of the industrial training order made by virtue of paragraph 8(a) of that Schedule shall not apply in relation to it, and accordingly (but without prejudice to any provision made under subsection (8) below) paragraph 6 of that Schedule shall not apply.
- (8) A default order may contain such incidental or supplementary provisions as appear to the Secretary of State to be necessary or expedient and may be varied or revoked by a subsequent order.
- (9) The Secretary of State may out of moneys provided by Parliament defray the expenses of any person acting in the place of the members of a board in pursuance of subsection (6) above and recover from the board any expenses so defrayed.

16 Enterprise zones

- (1) No employer shall be liable to any levy imposed under this Act in respect of any establishment situated wholly or mainly within an area designated as an enterprise zone under Schedule 32 to the Local Government, Planning and Land Act 1980 ; and for the purposes of any levy order such an establishment shall be treated as if it were not carrying on business.
- (2) No levy shall be imposed under this Act 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 subsection (1) above.
- (3) An employer shall not be obliged to comply with a requirement imposed under section 6 above in respect of an establishment or employee if—
 - (a) at the time the requirement is imposed the establishment is situated as mentioned in subsection (1) above 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 Secretary of State may by order made by statutory instrument provide that this section shall not apply in relation to such employees or such establishments as he may specify in the order or shall apply to them with such modifications as he may so specify ; but no such order shall be made unless the Secretary of State has first consulted the Commission or the Commission has submitted proposals to him for an order under this subsection.
- (5) An order made by virtue of subsection (4) above shall be subject to annulment by a resolution of either House of Parliament.

17 Financial provisions

- (1) The Commission may with the approval of the Secretary of State make grants and loans to an industrial training board.
- (2) The Commission may give to an industrial training board such directions as the Commission 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 subsection (1) above is used only for the purposes specified in the directions ;and it shall be the duty of the board to comply with the directions.
- (3) An industrial training board may, with the consent of the Commission or in accordance with the terms of any authority given by the Commission, borrow temporarily from any other person by way of overdraft or otherwise such sums as it may require.
- (4) An industrial training board may give security for any money borrowed by it.
- (5) An industrial training board shall not invest any money otherwise than in such manner as the Commission may approve.

18 Industrial injuries benefit for accidents in training

- (1) In relation to accidents happening to employed earners (within the meaning of Chapter IV of Part II of the Social Security Act 1975) who attend courses or avail themselves of other facilities provided or approved by an industrial training board, sections 52 to 54 of that Act have effect subject to the following modifications.
- (2) For the purposes of section 52, any 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 section 53, a vehicle (within the meaning of that section) which is operated by or on behalf of an industrial training board or some other person by whom it is provided in pursuance of arrangements made with 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 section 54, 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.

19 The Industrial Training Boards' Combined Pension Fund

The trustees of the Industrial Training Boards' Combined Pension Fund may, with the consent of three-quarters of the number of the industrial training boards whose officers and servants are eligible to benefit from the Fund, make such amendments of the rules of the Fund as they think fit.