



Industrial Training Act 1982

1982 CHAPTER 10

Levies

11 Levies.

(1) An industrial training board may from time to time, submit to the [^{F1}Secretary of State] proposals (in this Act 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 . . . ^{F2}

(2) The levy shall be imposed in accordance with an order made by the Secretary of State (in this Act referred to as “a levy order”) which shall give effect to levy proposals [^{F3}submitted to him] under subsection (1) above and shall provide 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, the levy order or an exemption certificate; but nothing in this Act shall be construed as requiring the Secretary of State to make a levy order in a case in which he considers it inexpedient to make one.

[^{F4}(2A) Levy proposals must provide for one or more periods (in this Act referred to as “levy periods”) by reference to which a person’s liability to levy is to be established and the levy period or periods must fall within the period of three years beginning with the day on which the levy order giving effect to the proposals is made.

Levy proposals may not provide for more than three levy periods.

(2B) Subsection (2A) above is subject to subsections (2C) and (2D) below.

(2C) If the levy order giving effect to levy proposals submitted by an industrial training board would be the first or second levy order giving effect to proposals submitted by the board, the proposals may instead provide for a single levy period that falls within the period of one year starting with the day on which the levy order giving effect to the proposals is made.

(2D) No levy order may be made in reliance upon subsection (6)(b) below unless the proposals in pursuance of which the order would be made provide for a single levy period that falls within the period of one year starting with the day on which the levy order giving effect to the proposals is made.

Changes to legislation: There are currently no known outstanding effects for the Industrial Training Act 1982, Cross Heading: Levies. (See end of Document for details)

- (2E) Levy proposals must specify, for each levy period, a period (in this Act referred to as a “base period”) by reference to which the relevant emoluments are to be calculated.]
- (3) Levy proposals must include [F⁵, in relation to each levy period,] proposals for exempting from the levy [F⁶ payable in respect of that levy period] any employer who, in view of the small number of his employees, ought in the opinion of the board to be exempted and the Secretary of State shall not make a levy order in pursuance of levy proposals unless they provide [F⁷, in relation to each levy period,] for the exemption of employers who, in view of the small number of their employees, ought in his opinion to be exempted.
- (4) Subject to subsection (5) below, levy proposals may include [F⁸, in relation to any levy period,] proposals for securing—
- (a) that any exemption certificates issued by the board shall not exempt from the whole or a portion of the levy [F⁹ payable in respect of that levy period] the employers or some of the employers in the industry, or
 - (b) that no exemption certificates shall be issued by the board;
- and the Secretary of State shall not make a levy order in pursuance of any levy proposals unless he is satisfied that [F¹⁰ proposals published by the board] under section 13(5) below provide for exemption certificates relating to levy (other than that payable by virtue of this subsection) in such cases as he considers appropriate.
- (5) If, as a result of such levy proposals as are mentioned in subsection (4) above—
- (a) in a case within paragraph (a) of that subsection, the amount of the levy [F¹¹ payable in respect of a levy period] from which an exemption certificate will not exempt any person will exceed 0·2 per cent. of the relevant emoluments [F¹² in respect of the base period for that levy period]; or
 - (b) in a case within paragraph (b) of that subsection, the amount of the levy payable by any person [F¹³ in respect of a levy period] will exceed that percentage of the relevant emoluments, [F¹⁴ in respect of the base period for that levy period]
- then the [F¹⁵ Secretary of State shall not make a levy order in pursuance of the levy proposals unless he is satisfied that they are necessary to encourage adequate training in the industry] and one of the conditions mentioned in subsection (6) below is satisfied.
- (6) The conditions referred to in subsection (5) above are—
- [F¹⁶(a) that the Secretary of State is satisfied that—
 - (i) the board has taken reasonable steps to ascertain the views of persons who the Secretary of State considers are likely to be liable to make payments by way of levy in consequence of the levy proposals, and
 - (ii) a class of persons, who together satisfy the requirements in subsection (6A) below, considers that the proposals are necessary to encourage adequate training in the industry;]
 - [F¹⁷(b) that the order will be made—
 - (i) after the making of a levy order (“ the earlier levy order ”) in respect of which the Secretary of State was satisfied that the condition in paragraph (a) above applied, and
 - (ii) within the period described in subsection (6E) below, and the condition in subsection (6F) or (6G) below is satisfied;]

Changes to legislation: There are currently no known outstanding effects for the Industrial Training Act 1982, Cross Heading: Levies. (See end of Document for details)

- (c) that neither of the conditions mentioned in paragraphs (a) and (b) above applies but the proposals are considered by the Secretary of State to be appropriate in the circumstances.

[^{F18}(6A) The requirements referred to in subsection (6)(a) above are that—

- (a) the class must consist of more than half of those persons who the Secretary of State considers are likely to be liable to make payments by way of levy in consequence of the levy proposals; and
- (b) the class must include such persons as the Secretary of State 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.]

[^{F19}(6B) The Secretary of State may by regulations make provision as to what constitutes “reasonable steps” for the purposes of subsection (6)(a) above.

(6C) Regulations under subsection (6B) above may include—

- (a) provision for ascertaining the views of persons with respect to levy proposals by means of a sample of those persons;
- (b) provision for treating a person who is represented by an organisation of such description as may be prescribed by the regulations as having the same view as the organisation with respect to levy proposals.

(6D) Regulations under subsection (6B) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

[^{F20}(6E) The period mentioned in subsection (6)(b)(ii) above is—

- (a) if the earlier levy order provides for such levy periods as are referred to in subsection (2A) above, the period beginning with the third anniversary and ending with the fourth anniversary of the making of the earlier levy order;
- (b) if the earlier levy order provides for such levy period as is referred to in subsection (2C) above, the period beginning with the first anniversary and ending with the second anniversary of the making of the earlier levy order.

(6F) The condition in this subsection is that the proposals relating to the earlier levy order included proposals for securing—

- (a) that no exemption certificates should be issued; or
- (b) that the exemption certificates to be issued should not exempt employers from any of the levy payable in respect of any levy period.

(6G) The condition in this subsection is that—

- (a) the proposals in pursuance of which the earlier levy order was made included proposals for securing that exemption certificates should not exempt employers from a portion of the levy payable in respect of a levy period; and
- (b) the percentage of the relevant emoluments from which under the current proposals the exemption certificates will not exempt any person will not exceed the percentage of the relevant emoluments in respect of any of the base periods specified in the earlier levy order from which that person was not exempted under that order.]

(7) The Secretary of State shall not make a levy order in pursuance of any levy proposals unless the amount [^{F21}of levy payable in respect of each levy period] which,

Changes to legislation: There are currently no known outstanding effects for the Industrial Training Act 1982, Cross Heading: Levies. (See end of Document for details)

disregarding any exemption, he estimates would, if the order were made, be payable by virtue of it by any employer in the industry either—

- (a) does not exceed an amount which the Secretary of State estimates is equal to one per cent. of the relevant emoluments^[F22] in respect of the base period for that levy period], or
- (b) does exceed the amount mentioned in paragraph (a) above but is considered by him to be appropriate in the circumstances.

(8) In this section—

“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 ^[F23]a period specified in levy proposals as a base period.]

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Subordinate Legislation Made

- P1 S. 11: for previous exercises of this power see Index to Government orders.
- P2 S. 11: s. 11(2) (with s. 12(3)(4)) power exercised by S.I. 1991/465.
S. 11: s. 11(2) (with s. 12(3)(4)) power exercised by S.I.1991/1164.

Textual Amendments

- F1 Words substituted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 22(4), [Sch. 4 para. 10\(2\)\(a\)](#)
- F2 Words repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), ss. 22(4), 29(4), [Sch. 4 para. 10\(2\)\(b\)](#), [Sch. 7 Pt. I](#)
- F3 Words substituted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 22(4), [Sch. 4 para. 10\(3\)](#)
- F4 S. 11(2A)-(2E) inserted (2.3.2008) by [Further Education and Training Act 2007 \(c. 25\)](#), [ss. 25\(2\)](#), [32\(5\)](#); S.I. 2007/3505, art. 4(a) (with art. 7)
- F5 Words in s. 11(3) inserted (2.3.2008) by [Further Education and Training Act 2007 \(c. 25\)](#), s. 32(5), [Sch. 1 para. 3\(2\)\(a\)](#); S.I. 2007/3505, art. 4(d) (with art. 7)
- F6 Words in s. 11(3) inserted (2.3.2008) by [Further Education and Training Act 2007 \(c. 25\)](#), s. 32(5), [Sch. 1 para. 3\(2\)\(b\)](#); S.I. 2007/3505, art. 4(d) (with art. 7)
- F7 Words in s. 11(3) inserted (2.3.2008) by [Further Education and Training Act 2007 \(c. 25\)](#), s. 32(5), [Sch. 1 para. 3\(2\)\(c\)](#); S.I. 2007/3505, art. 4(d) (with art. 7)
- F8 Words in s. 11(4) inserted (2.3.2008) by [Further Education and Training Act 2007 \(c. 25\)](#), s. 32(5), [Sch. 1 para. 3\(3\)\(a\)](#); S.I. 2007/3505, art. 4(d) (with art. 7)
- F9 Words in s. 11(4)(a) inserted (2.3.2008) by [Further Education and Training Act 2007 \(c. 25\)](#), s. 32(5), [Sch. 1 para. 3\(3\)\(b\)](#); S.I. 2007/3505, art. 4(d) (with art. 7)
- F10 Words in s. 11(4) substituted (2.3.2008) by [Further Education and Training Act 2007 \(c. 25\)](#), s. 32(5), [Sch. 1 para. 3\(3\)\(c\)](#); S.I. 2007/3505, art. 4(d) (with art. 7)
- F11 Words in s. 11(5)(a) inserted (2.3.2008) by [Further Education and Training Act 2007 \(c. 25\)](#), s. 32(5), [Sch. 1 para. 3\(4\)\(a\)\(i\)](#); S.I. 2007/3505, art. 4(d) (with art. 7)
- F12 Words in s. 11(5)(a) inserted (2.3.2008) by [Further Education and Training Act 2007 \(c. 25\)](#), s. 32(5), [Sch. 1 para. 3\(4\)\(a\)\(ii\)](#); S.I. 2007/3505, art. 4(d) (with art. 7)
- F13 Words in s. 11(5)(b) inserted (2.3.2008) by [Further Education and Training Act 2007 \(c. 25\)](#), s. 32(5), [Sch. 1 para. 3\(4\)\(b\)\(i\)](#); S.I. 2007/3505, art. 4(d) (with art. 7)
- F14 Words in s. 11(5)(b) inserted (2.3.2008) by [Further Education and Training Act 2007 \(c. 25\)](#), s. 32(5), [Sch. 1 para. 3\(4\)\(b\)\(ii\)](#); S.I. 2007/3505, art. 4(d) (with art. 7)
- F15 Words substituted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 22(4), [Sch. 4 para. 10\(4\)](#)
- F16 S. 11(6)(a) substituted (2.3.2008) by [Further Education and Training Act 2007 \(c. 25\)](#), [ss. 24\(2\)](#), [32\(5\)](#); S.I. 2007/3505, art. 4(a) (with art. 7)

Changes to legislation: There are currently no known outstanding effects for the Industrial Training Act 1982, Cross Heading: Levies. (See end of Document for details)

- F17** S. 11(6)(b) substituted (2.3.2008) by Further Education and Training Act 2007 (c. 25), ss. 25(3), 32(5); S.I. 2007/3505, art. 4(a) (with art. 7)
- F18** S. 11(6A) inserted (2.3.2008) by Further Education and Training Act 2007 (c. 25), ss. 24(3), 32(5); S.I. 2007/3505, art. 4(a) (with art. 7)
- F19** S. 11(6B)-(6D) inserted (2.3.2008) by Further Education and Training Act 2007 (c. 25), ss. 24(4), 32(5); S.I. 2007/3505, art. 4(a) (with art. 7)
- F20** S. 11(6E)-(6G) inserted (2.3.2008) by Further Education and Training Act 2007 (c. 25), ss. 25(4), 32(5); S.I. 2007/3505, art. 4(a) (with art. 7)
- F21** Words in s. 11(7) inserted (2.3.2008) by Further Education and Training Act 2007 (c. 25), s. 32(5), Sch. 1 para. 3(5)(a); S.I. 2007/3505, art. 4(d) (with art. 7)
- F22** Words in s. 11(7)(a) inserted (2.3.2008) by Further Education and Training Act 2007 (c. 25), s. 32(5), Sch. 1 para. 3(5)(b); S.I. 2007/3505, art. 4(d) (with art. 7)
- F23** Words in s. 11(8) substituted (2.3.2008) by Further Education and Training Act 2007 (c. 25), ss. 25(5), 32(5); S.I. 2007/3505, art. 4(a) (with art. 7)
- F24** Words in s. 11(8) repealed (2.3.2008) by Further Education and Training Act 2007 (c. 25), ss. 24(5), 32(5), Schs. 2; S.I. 2007/3505, art. 4(a)(e) (with art. 7)

12 Provisions supplementary to s. 11.

- (1) Levy proposals must include such information or further information as the [^{F25}Secretary of State] directs the board to furnish, and any additional information which the board considers appropriate, for the purpose of assisting [^{F26}him] to decide—
- (a) in a case where the levy proposals include such proposals as are mentioned in section 11(4) above, whether a levy order made in pursuance of them would fall within section 11(5) above and, if so, whether the condition mentioned in section 11(6)(a) above would be satisfied, and
 - (b) whether a levy order made in pursuance of the proposals would fall within paragraph (a) or (b) of section 11(7) above;
- and a levy order which falls within section 11(5) above in a case where the condition mentioned in section 11(6)(c) above is satisfied or which falls within section 11(7)(b) above shall state that fact.

[^{F27}(1A) Subsection (1B) below applies where a levy order (“ the new levy order ”) giving effect to levy proposals submitted by an industrial training board will be made—

- (a) after the making of a levy order (“ the earlier levy order ”) that gives effect to earlier proposals submitted by the board, and
- (b) within three years or, where the earlier levy order provides for a single levy period in accordance with section 11(2C) or (2D) above, within one year after the making of the earlier levy order.

(1B) The proposals for the new levy order must include proposals for securing that no liability to levy is imposed under the earlier levy order by reference to such part of a levy period provided for in the earlier levy order as falls on or after the day on which the new levy order is made.]

- (2) Levy proposals may provide for the amendment of a previous levy order and may make different provision in relation to different classes or descriptions of employer and, in particular—

- (a) proposals made in pursuance of subsection (3) of section 11 above may be made in respect of different numbers of employees for different employers or classes of employers and may provide for numbers of employees or for

Changes to legislation: There are currently no known outstanding effects for the Industrial Training Act 1982, Cross Heading: Levies. (See end of Document for details)

- employers or classes of employers to be determined by reference to such factors as are specified in the proposals; and
- (b) different proposals may be made in pursuance of subsection (4) of that section as respects different portions of the levy.
- (3) A levy order—
- (a) may provide for payments by way of levy to accrue due from day to day over [^{F28}a levy period];
- (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 [^{F29}employment 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 subsection (4) above—
- (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 paragraph (b) below) 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) The power to make a levy order shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament unless the instrument contains only an order which includes such a statement as is mentioned in subsection (1) above; and no levy order which includes such a statement shall be made unless a draft of the order has been approved by a resolution of each House of Parliament.

Subordinate Legislation Made

P3 S. 12: for previous exercises of this power see Index to Government Orders.

P4 S. 12: s. 11(2) (with s. 12(3)(4)) power exercised by [S.I. 1991/465](#)

S. 12: s. 11(2) (with s. 12(3)(4)) power exercised by [S.I. 1991/1164](#).

Textual Amendments

F25 Words substituted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 22(4), [Sch. 4 para. 11\(a\)](#)

F26 Word substituted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 22(4), [Sch. 4 para. 11\(b\)](#)

F27 S. 12(1A)(1B) inserted (2.3.2008) by [Further Education and Training Act 2007 \(c. 25\)](#), [ss. 25\(6\)](#), [32\(5\)](#); [S.I. 2007/3505](#), [art. 4\(a\)](#) (with [art. 7](#))

F28 Words in s. 12(3)(a) substituted (2.3.2008) by [Further Education and Training Act 2007 \(c. 25\)](#), s. [32\(5\)](#), [Sch. 1 para. 4](#); [S.I. 2007/3505](#), [art. 4\(d\)](#) (with [art. 7](#))

F29 Words in s. 12(4) substituted (1.8.1998) by [1998 c. 8](#), [s. 1\(2\)\(a\)](#) (with s. 16(2); [S.I. 1998/1658](#), [art. 2\(1\)](#), [Sch. 1](#)

13 Proposals for exemption certificates.

(1) An industrial training board may from time to time and, subject to subsection (2) below, shall always at or before the time when it submits levy proposals under section 11 above submit to the [^{F30}Secretary of State for his] approval proposals for the issue of certificates (in this Act referred to as “exemption certificates”) which while in force are to exempt from relevant levy employers in the industry who—

(a) make arrangements for the training, or the training and [^{F31}post-school education] associated with training, of persons employed or to be employed in the industry; and

(b) satisfy the board by reference to criteria specified in the proposals that the arrangements are adequate and are to a material extent being implemented;

and in this subsection [^{F32}“post-school education” has the same meaning as in section 5 above and] “relevant levy” means levy which, apart from any exemption certificate, is payable to the board in question by virtue of this Act by employers in the industry, other than levy which the levy order authorising it provides is to be payable notwithstanding any exemption certificate.

(2) An industrial training board shall not be obliged to submit proposals under subsection (1) above for the issue of exemption certificates to any category of employer at or before the time when it submits levy proposals in respect of a levy on those employers which include—

(a) proposals that no exemption certificates will be issued by the board to employers in that category; or

(b) proposals by virtue of which the levy payable [^{F33}in respect of each levy period] by any employer in that category (disregarding any exemptions) will not exceed 0·2 per cent. of the relevant emoluments [^{F34}in respect of the base period for that levy period] within the meaning of section 11(8) above; or

(c) proposals within section 11(4)(a) above by virtue of which any exemption certificates issued to those employers will not exempt them from any of the levy [^{F35}payable by virtue of the resulting levy order].

[^{F36}In this subsection “the relevant emoluments” has the meaning given by section 11(8) above.]

(3) The criteria for arrangements made by employers which by virtue of paragraph (b) of subsection (1) above are to be specified in proposals submitted under that subsection must relate to the quality or 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.

[^{F36}(4) The Secretary of State . . . ^{F37}may issue guidance concerning the criteria which by virtue of paragraph (b) of subsection (1) above are to be specified in proposals submitted under that subsection.

[If the Secretary of State approves proposals submitted to him by a board under ^{F38}(5) subsection (1) above and informs the board of his approval, the board shall arrange for them to be published as soon as practicable in a manner approved by the Secretary of State.]

(6) Proposals made by a board in pursuance of subsection (1) above—

(a) must include proposals as to the arrangements for the reconsideration of decisions in pursuance of section 14(5) below; and

Changes to legislation: There are currently no known outstanding effects for the Industrial Training Act 1982, Cross Heading: Levies. (See end of Document for details)

- (b) may include proposals for altering or cancelling any previous proposals made by the board in pursuance of subsection (1) above;
but proposals made by virtue of paragraph (b) above shall not affect the operation of any exemption certificates issued in pursuance of previous proposals.]

Textual Amendments

- F30** Words substituted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 22(4), **Sch. 4 para. 12(2)**
- F31** Words substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(1), **Sch. 12 para. 88(a)**
- F32** Definition inserted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(1), **Sch. 12 para. 88(b)**
- F33** Words in s. 13(2)(b) inserted (2.3.2008) by [Further Education and Training Act 2007 \(c. 25\)](#), s. 32(5), **Sch. 1 para. 5(2)(a)**; S.I. 2007/3505, art. 4(d) (with art. 7)
- F34** Words in s. 13(2)(b) substituted (2.3.2008) by [Further Education and Training Act 2007 \(c. 25\)](#), s. 32(5), **Sch. 1 para. 5(2)(b)**; S.I. 2007/3505, art. 4(d) (with art. 7)
- F35** Words in s. 13(2)(c) inserted (2.3.2008) by [Further Education and Training Act 2007 \(c. 25\)](#), s. 32(5), **Sch. 1 para. 5(3)**; S.I. 2007/3505, art. 4(d) (with art. 7)
- F36** Words in s. 13(2) inserted (2.3.2008) by [Further Education and Training Act 2007 \(c. 25\)](#), s. 32(5), **Sch. 1 para. 5(4)**; S.I. 2007/3505, art. 4(d) (with art. 7)
- F37** Words repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), ss. 22(4), 29(4), **Sch. 4 para. 12(3)**, **Sch. 7 Pt. 1**
- F38** S. 13(5) substituted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 22(4), **Sch. 4 para. 12(4)**

14 Exemption certificates.

- (1) Where an industrial training board is satisfied, on an application made in writing to the board by an employer liable apart from this section to pay to the board any levy from which exemption may be conferred on him by an exemption certificate, that the arrangements made by him for the training, or the training and [^{F39}post-school education] associated with training, of persons employed or to be employed in the industry are such that, in accordance with proposals published by the board in pursuance of section 13 above, an exemption certificate falls to be issued to him in respect of any establishment of his, it shall be the duty of the board to issue such a certificate to him.
- [^{F40}(1A) In subsection (1) above “ post-school education ” has the same meaning as in section 5 above.]
- (2) A person to whom an exemption certificate is issued (in this section referred to as “the holder”) shall, while the certificate is in force, be exempt from levy payable to the board by virtue of this Act in respect of persons employed at the establishment to which the certificate relates, other than levy which the levy order authorising it provides is to be payable notwithstanding any exemption certificate.
- (3) An exemption certificate—
- (a) may require the holder to comply with such conditions relating to the training, or the training and education, of persons employed or to be employed in the industry (including in particular conditions as to the inspection on behalf of the relevant board of the arrangements for the training or the training and education) as are specified in the certificate and are in accordance with the proposals mentioned in subsection (1) above;

Changes to legislation: There are currently no known outstanding effects for the Industrial Training Act 1982, Cross Heading: Levies. (See end of Document for details)

- (b) shall specify the date on which the certificate is to come into force;
- (c) shall specify the period (not exceeding three years beginning with that date) at the expiration of which it shall cease to be in force unless it has previously ceased to be in force by virtue of subsection (4) below;
- (d) may provide that the certificate shall be deemed to have been in force for such period before the date on which it comes into force as is specified in the certificate (which shall not begin before the period of one year ending with the date on which the said board received the application in pursuance of which it issues the certificate);

and any levy paid to the said board by a person for a period in respect of which by virtue of paragraph (d) above it becomes not payable shall be repayable by the board to that person.

- (4) An exemption certificate issued by an industrial training board shall cease to be in force if the board gives notice in writing to the holder stating that in the opinion of the board he has failed to comply with conditions specified in the certificate and mentioned in the notice; but for the purposes of the preceding provisions of this subsection a notice given in pursuance of this subsection shall be disregarded if the board subsequently informs the person to whom it was given that the notice is withdrawn.
- (5) If a person who is liable apart from any exemption certificate to pay an industrial training board levy from which exemption may be conferred by an exemption certificate is dissatisfied with the decision of the board—
 - (a) to refuse to issue to him an exemption certificate relating to such levy in respect of a particular establishment, or
 - (b) to refuse to include in an exemption certificate issued to him provisions or different provisions authorised by subsection (3)(b) or subsection (3)(d) above, or
 - (c) to include in an exemption certificate provisions requiring him to comply with conditions, or
 - (d) to give a notice to him in pursuance of subsection (4) above,

and requests the board in writing to reconsider the decision, it shall be the duty of the board to reconsider it or to secure that it is reconsidered by a committee authorised to deal with such requests by virtue of section 2(1) above; and if, on reconsidering the decision, the board or committee decides not to alter it, or not to alter it in a manner which the person who made the request considers is satisfactory, that person may refer the decision to a body established in pursuance of subsection (6) below.

- (6) It shall be the duty of the Secretary of State to make regulations establishing a body to which decisions are to be referred in pursuance of subsection (5) above; and regulations made by virtue of this subsection may include provisions as to the powers and procedure of the body and such other provisions (including provisions for defraying the body's expenses out of moneys provided by Parliament or otherwise) as the Secretary of State considers appropriate for the purpose of facilitating the exercise by the body of its functions.
- (7) Without prejudice to the generality of subsection (6) above regulations made by virtue of that subsection may—
 - (a) require a board to draw the attention of a person to his right to refer a decision to the body;

Changes to legislation: There are currently no known outstanding effects for the Industrial Training Act 1982, Cross Heading: Levies. (See end of Document for details)

- (b) authorise the body to direct a board whose decision is referred to the body to alter the decision in a manner specified in the direction; and
 - (c) require the board to comply with the direction and provide for any case in which it fails to do so.
- (8) Regulations under subsection (6) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) No appeal shall lie to an [^{F41}employment tribunal] in respect of such a decision as is mentioned in subsection (5) above.

Textual Amendments

- F39** Words substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(1), **Sch. 12 para. 89**
- F40** S. 14(1A) inserted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(1), **Sch. 12 para. 89**
- F41** Words in s. 14(9) substituted (1.8.1998) by [1998 c. 8, s. 1\(2\)\(a\)](#) (with s. 16(2)); S.I. 1998/1658, art. 2(1), **Sch. 1**

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