



# Industrial Training Act 1982

## 1982 CHAPTER 10

### *Levies*

#### **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 [<sup>F1</sup>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.

[<sup>F2</sup>(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;
- (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;

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- (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;
  - (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.

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- (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 [<sup>F3</sup>employment tribunal] in respect of such a decision as is mentioned in subsection (5) above.

**Textual Amendments**

- F1** Words substituted by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(1), **Sch. 12 para. 89**
- F2** 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**
- F3** 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**

**Changes to legislation:**

There are currently no known outstanding effects for the Industrial Training Act 1982, Section 14.