



# Industrial Training Act 1982

## 1982 CHAPTER 10

### *Establishment and winding up of industrial training boards*

#### **4 Winding up of boards.**

- (1) An order made under section 1 above revoking an industrial training order (in this section 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 (whether or not exemption certificates have been issued to them), 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 board may be insufficient to meet its liabilities and the expenses of the winding up; and
  - [<sup>F1</sup>(b) for any assets of the board which are not required to meet those liabilities and expenses to be transferred to the Secretary of State and for those assets to be applied for purposes specified in the order.

Any reference in this subsection to the assets of the board is a reference to the assets (if any) held by it after the making of any transfer or transfers under section 3A(1) above.]

- (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 person assessed to levy imposed under a revocation order may appeal to an [<sup>F2</sup>employment tribunals] and a revocation order imposing a levy shall make provision as to the time within which such an appeal may be made.
- (5) On an appeal under subsection (4) above—

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*Changes to legislation: There are currently no known outstanding effects for the Industrial Training Act 1982, Section 4. (See end of Document for details)*

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- (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) Where a revocation order has been made for the winding up of an industrial training board the Secretary of State may out of moneys provided by Parliament—
- (a) pay such pension, superannuation allowance or gratuity to or in respect of the former chairman of the board as he may with the approval of the Treasury determine; and
  - (b) pay such sums as he may so determine to the trustees of the Industrial Training Boards' Combined Pension Fund for the purpose of meeting the whole or part of any shortfall in the assets of the Fund referable to the pensions, superannuation allowances and gratuities payable in respect of the former officers and servants of the board.

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#### **Subordinate Legislation Made**

**P1** S. 4: s. 1(1) (with ss. 1(7) and 4(1)(2)(b)) power exercised by [S.I. 1991/263](#)

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#### **Textual Amendments**

**F1** S. 4(2)(b) and words beginning “Any reference...” substituted for s. 4(b) by [Employment Act 1989](#) (c. 38, SIF 43:1), [s. 24\(2\)](#)

**F2** Words in s. 4(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](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Industrial Training Act 1982, Section 4.