



Industrial Training Act 1982

1982 CHAPTER 10

Functions of boards

6 Power to obtain information from employers.

- (1) An industrial training board may require employers in the industry to furnish such returns and other information of a kind approved by the Secretary of State and to keep such records of a kind approved by him and produce them for examination on behalf of the board as appear to the board to be necessary for carrying out its functions.
- (2) Subject to subsection (3) below, returns and other information furnished in pursuance of subsection (1) above and any information obtained on an examination made in pursuance of that subsection shall not, without the consent of the employer to whose business the returns or information relate, be disclosed otherwise than to the Secretary of State or one of his officers, or to an industrial training board or a committee appointed by such a board, or an officer of such a board or committee or any person entitled to take part in the proceedings of such a board . . . ^{F1}
- (3) Subsection (2) above 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 Act or any criminal proceedings, whether pursuant to this Act or not, or for the purposes of any report of any such proceedings.
- (4) A certificate purporting to be issued by or on behalf of the Secretary of State and stating that he has approved any kind of information, return or record for the purposes of subsection (1) above shall in any legal proceedings be evidence, and in Scotland sufficient evidence, of the facts stated in the certificate.
- (5) If any person fails to comply with any requirement made under subsection (1) above he shall be liable on summary conviction to a fine not exceeding [^{F2}£100][^{F2}level 4

Changes to legislation: There are currently no known outstanding effects for the Industrial Training Act 1982, Section 6. (See end of Document for details)

on the standard scale] or, on a second or subsequent conviction, [^{F3}£200][^{F3}level 4 on the standard scale].

(6) If any person—

- (a) knowingly or recklessly furnishes, in pursuance of any requirement made under subsection (1) above, 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 that subsection or, with intent to deceive, makes use of any such entry which he knows to be false, or
- (c) discloses any information in contravention of subsection (2) above,

he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding the prescribed sum or to both, or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both.

(7) In subsection (6) above “the prescribed sum” means—

- (a) if the offence was committed in England or Wales, the prescribed sum within the meaning of section 32 of the ^{M1}Magistrates’ Courts Act 1980 (£1,000 or other sum substituted by order under section 143(1) of that Act); and
- (b) if the offence was committed in Scotland, the prescribed sum within the meaning of section 289B of the ^{M2}Criminal Procedure (Scotland) Act 1975 (£1,000 or other sum substituted by order under section 289D(1) of that Act).

(8) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

Textual Amendments

- F1** Words repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), [ss. 22\(4\), 29\(4\)](#) Sch. 4 para. 5, Sch. 7 Pt. I
- F2** “level 4 on the standard scale” substituted (S.) for “£100” by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289E–289G](#)
- F3** “level 4 on the standard scale” substituted (S.) for “£200” by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289E–289G](#)

Modifications etc. (not altering text)

- C1** S. 6(5): [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 35](#) (in relation to liability on first and subsequent convictions), [s. 38](#) (increase of fines) and [s. 46](#) (substitution of references to levels on the standard scale) apply (E.W.)

Marginal Citations

- M1** 1980 c. 43.
- M2** 1975 c. 21.

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