



# Agricultural Training Board Act 1982

## 1982 CHAPTER 9

An Act to consolidate the law relating to the Agricultural Training Board. [29th March 1982]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### *The Agricultural Training Board*

#### **1 The Agricultural Training Board**

(1) The provisions of this Act shall have effect in relation to the Agricultural Training Board.

(2) In this Act—

" agriculture " has the same meaning as in the Agriculture Act 1947 or the Agriculture (Scotland) Act 1948 ;

" the Board " means the Agricultural Training Board which was established by the Industrial Training (Agricultural, Horticultural and Forestry Board) Order 1966 ;

" employee " includes a person engaged under a contract for services, and " employer " shall be construed accordingly ;

" employment " means employment under a contract of service or apprenticeship or a contract for services or otherwise than under a contract, and " employed " shall be construed accordingly ;

" industrial training board " means a board established under section 1 of the Industrial Training Act 1964 or section 1 of the Industrial Training Act 1982 ;

" the industry " means the activities in relation to which the Board exercises functions in accordance with the Industrial Training (Agricultural, Horticultural and Forestry Board) Order 1966 (as for the time being amended) ;

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" the Ministers " means the Ministers concerned with agriculture in England, Scotland and Wales, acting jointly.

(3) Schedule 1 to this Act shall have effect with respect to the Board.

## **2 Establishment of committees**

(1) The Board may—

- (a) appoint committees (which need not include members of the Board);
- (b) join with one or more other industrial training boards in appointing joint committees consisting of such persons (whether or not members of an industrial training board) as may be determined by the Board and the other board or boards;

and delegate to any such committee all or any of the functions conferred on the Board by section 4 or by virtue of section 6 below.

(2) The Board may pay or, as the case may be, join in paying—

- (a) to the members of such a committee such travelling, subsistence and other allowances (including allowances for loss of remunerative time) as the Ministers may determine with the approval of the Treasury ; and
- (b) to the chairman of any such committee to which functions mentioned in subsection (1) above are delegated such remuneration as the Ministers may so determine.

(3) The Board may make such arrangements as the Ministers may specify with the approval of the Treasury—

- (a) for the payment of pensions, superannuation allowances and gratuities to or in respect of the chairmen of such committees as are mentioned in subsection (2) (b) above ;
- (b) for the payment of compensation to a person who ceases to be such a chairman otherwise than on the expiry of his term of office where it appears to the Ministers that there are special circumstances which make it right for him to receive compensation.

(4) Subject to any directions of the Board or, in the case of a committee appointed under subsection (1)(b) above, the Board and the other board or boards which appointed it, a committee appointed under this section may regulate its own procedure and fix a quorum for its proceedings.

## **3 Amendment or revocation of order establishing the Board**

(1) The Ministers may by order—

- (a) amend the Industrial Training (Agricultural, Horticultural and Forestry Board) Order 1966 (as for the time being amended); or
- (b) revoke that order.

(2) Before making an order under subsection (1)(a) above the Ministers shall consult the Board and any organisation or association appearing to them to be representative—

- (a) of employers engaged in activities to be included in or excluded from the order by virtue of the amendments in question; and
- (b) of employees engaged in those activities.

- (3) Before making an order under subsection (1)(b) above the Ministers shall consult the Board and any organisation or association of organisations appearing to them to be representative—
  - (a) of substantial numbers of employers engaging in the activities with which the Board is concerned ; and
  - (b) of substantial numbers of persons employed in the activities mentioned in paragraph (a) above.
- (4) An order under subsection (1)(a) above may, besides including or without including provisions with respect to any activities of industry or commerce, include provisions with respect to activities relating to agriculture which are not carried on in the course of industry or commerce.
- (5) An order under subsection (1)(b) above shall provide for the winding up of the Board.
- (6) An order under subsection (1) above may provide for any incidental, transitional or consequential matter for which it appears to the Ministers to be necessary or expedient to provide.
- (7) The power to make an order under subsection (1) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### *Functions of the Board*

### **4 Functions of the Board**

- (1) The Board—
  - (a) shall provide or secure the provision of such courses and other facilities (which may include residential accommodation) for the training of persons employed or intending to be employed in the industry as may be required, having regard to any courses or facilities otherwise available to such persons ;
  - (b) may approve such courses and facilities provided by other persons;
  - (c) shall from time to time consider such employments in the industry as appear to require consideration and publish recommendations with regard to the nature and length of the training for any such employment and the further education to be associated with the training, the persons by and to whom the training ought to be given, the standards to be attained as a result of the training and the methods of ascertaining whether those standards have been attained;
  - (d) may apply or make arrangements for the application of selection tests and of tests or other methods for ascertaining the attainment of any standards recommended by the Board and may award certificates of the attainment of those standards;
  - (e) may assist persons in finding facilities for being trained for employment in the industry ;
  - (f) may take part in any arrangements made in pursuance of section 2(1) or (2), 3(4) or 8 of the Employment and Training Act 1973 (which relate to arrangements for persons to select, train for and obtain suitable employments and to obtain suitable employees);
  - (g) may carry on or assist other persons in carrying on research into any matter relating to training for employment in the industry;

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- (h) may provide advice about training connected with the industry;
  - (i) may enter into agreements with persons for the making by them of payments to the Board in respect of the exercise by the Board of any of its functions.
- (2) The Board may enter into contracts of service or apprenticeship with persons who intend to be employed in the industry and to attend courses or avail themselves of other facilities provided or approved by the Board.
- (3) The Board may, at the request of another industrial training board, provide advice for the other board and courses and other facilities for the training of persons employed or intending to be employed in the industry for which that other board is established.
- (4) The Board may—
  - (a) pay maintenance and travelling allowances to persons attending courses provided or approved by the Board;
  - (b) make grants or loans to persons providing courses or other facilities approved by the Board ;
  - (c) pay fees to persons providing further education in respect of persons who receive it in association with their training in courses provided or approved by the Board ;
  - (d) make payments to persons in connection with arrangements under which they or employees of theirs make use of courses or other facilities provided or approved by the Board.

## **5 Training for employment overseas**

- (1) The Board may, with the consent of the Ministers, exercise such functions in connection with training for employment outside Great Britain of persons temporarily in Great Britain as are exercisable by it under section 4(1) and (4) above in connection with the training of persons employed or intending to be employed in the industry.
- (2) The Board may delegate any power exercisable by it by virtue of this section to a committee (which need not include members of the Board) appointed for that purpose or to any committee appointed under section 2 above.

## **6 Directions by the Ministers**

- (1) The Ministers may give to the Board such directions as they think fit with respect to the performance by the Board of its functions; and it shall be the duty of the Board, notwithstanding anything in any other provision of this Act, to comply with the directions.
- (2) Any such directions may require the Board to exercise on behalf of the Ministers functions exercisable by the Ministers, whether by virtue of an enactment or otherwise, which are connected with the provision of training or advice for persons employed or intending to be employed in agriculture or in agriculture or horticulture business within the meaning of section 64 of the Agriculture Act 1967 (excluding a function of making regulations or any other instrument having the force of law).

## **7 Disclosure of information to the Board**

The Minister of Agriculture, Fisheries and Food and the Secretary of State may, for the purpose of assisting the Board in planning and carrying out activities (including

research) connected with the functions conferred on it by section 4(1)(a) above, disclose to the Board any information about—

- (a) the kind of crops grown on any land and the areas of land on which crops of any kind are grown ; and
- (b) the number and description of persons employed on any land and employed in disposing of the produce of any land ; and
- (c) the kinds of machinery used on any land,

which has been furnished to him in pursuance of section 78 of the Agriculture Act 1947 or section 1 of the Agricultural Statistics Act 1979.

## **8 Reports and accounts**

- (1) The Board shall keep proper accounts and other records in relation to the accounts and prepare in respect of each of its financial years a statement of account in such form as the Ministers may, with the approval of the Treasury, determine.
- (2) The accounts of the Board shall be audited by auditors appointed by the Board and no person shall be qualified to be so appointed unless he is a member of one or more of the following bodies: —
  - (a) the Institute of Chartered Accountants in England and Wales;
  - (b) the Institute of Chartered Accountants of Scotland ;
  - (c) the Association of Certified Accountants ;
  - (d) the Institute of Chartered Accountants in Ireland ;
  - (e) any other body of accountants established in the United Kingdom and for the time being recognised, for the purposes of section 161(1)(a) of the Companies Act 1948, by the Secretary of State ;but a Scottish firm may be so appointed if each of the partners is qualified to be so appointed.
- (3) The Board shall for each of its financial years make a report of its activities to the Ministers and that report shall include a statement of the accounts of the Board for that year together with a copy of any report made by the auditors on the accounts.
- (4) The Ministers shall lay a copy of every such report before Parliament.

### *General*

## **9 Financial assistance and investment**

- (1) The Minister of Agriculture, Fisheries and Food may with the approval of the Treasury make grants and loans to the Board out of moneys provided by Parliament.
- (2) The Board shall not invest money otherwise than in such manner as the Ministers may approve.

## **10 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 the 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 the Board or some other person by whom it is provided in pursuance of arrangements made with the 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.

### *Supplemental*

## **11 Consequential provisions, repeals and savings**

- (1) The enactments specified in Schedule 2 to this Act are hereby repealed to the extent specified in the third column of that Schedule but none of those repeals shall affect any of those enactments as they have effect in relation to any industrial training board other than the Board.
- (2) The repeals made by this Act in sections 6 and 14 of the Employment and Training Act 1973 and the repeal of paragraph 7 of the Schedule to the Industrial Training Act 1964 shall not affect the validity of any order made under the said Act of 1964 in respect of the Board but this subsection is without prejudice to the powers conferred by section 3 above to amend or revoke such an order.
- (3) In section 127(1) of the Employment Protection Act 1975 after paragraph (b) there shall be inserted—  
    “(bb) the Agricultural Training Board Act 1982”.
- (4) Where any period of time specified in or under an enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision of this Act had been in force when that period began to run.

## **12 Short title, extent and commencement**

- (1) This Act may be cited as the Agricultural Training Board Act 1982.
- (2) This Act does not extend to Northern Ireland.
- (3) This Act shall come into force at the expiry of the period of three months beginning with the day on which it is passed.

## SCHEDULES

### SCHEDULE 1

Section 1(3).

#### THE AGRICULTURAL TRAINING BOARD

- 1 The Board shall be a body corporate and shall continue to be known as the Agricultural Training Board.
- 2 The members of the Board shall be appointed by the Ministers.
- 3 The Board shall consist of a chairman, who shall be a person appearing to the Ministers to have industrial or commercial experience, and—
  - (a) an equal number of persons appointed after consultation with such organisations or associations of organisations representative of employers engaging in the industry and of persons employed in the industry respectively as appear to the Ministers to be appropriate ;
  - (b) persons appointed after consultation with the Ministers concerned with education in England, Scotland and Wales ;and, if the Ministers think fit to appoint as deputy chairman a person appearing to them to have industrial or commercial experience, the deputy chairman so appointed; and references in the following provisions of this Schedule to a chairman shall include a deputy chairman.
- 4 The Board shall pay to its chairman such remuneration (if any) as the Ministers may from time to time with the approval of the Treasury determine and may make such arrangements for the payment of pensions, superannuation allowances and gratuities to or in respect of its chairman as the Ministers may specify with the approval of the Treasury.
- 5 Where a person ceases to be the chairman of the Board otherwise than on the expiry of his term of office and it appears to the Ministers that there are special circumstances which make it right for him to receive compensation, the Board may make him a payment of such amount as the Ministers may determine with the approval of the Treasury.
- 6 The Ministers, the Minister concerned with education in Scotland, the Ministers concerned with education in England and Wales (acting jointly), the Manpower Services Commission and, if the Ministers think fit in a particular case, such other Ministers in charge of government departments as they may specify may each appoint one person to attend the meetings of the Board ; and any person so appointed shall be entitled to take part in the proceedings of the Board and receive copies of all documents distributed to its members, but shall have no vote.
- 7 An order under section 3 of this Act may make provision with respect to—
  - (a) the tenure of office of the members of the Board ;
  - (b) the quorum and, subject to paragraph 6 above, the proceedings and meetings of the Board ;

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(c) the execution of instruments by and on behalf of the Board and the proof of documents purporting to be executed, issued or signed by the Board or a member, officer or servant of the Board ;

and any provision made by virtue of sub-paragraph (b) above may enable votes to be cast by proxy.

- 8 Subject to paragraph 6 above and to any provision of the kind mentioned in paragraph 7 above which is contained in the Industrial Training (Agricultural, Horticultural and Forestry Board) Order 1966 (as for the time being amended) either by virtue of that paragraph or of paragraph 7 of the Schedule to the Industrial Training Act 1964, the Board shall have power to regulate its own procedure.
- 9 The proceedings of the Board shall not be invalidated by any vacancy in the membership of the Board or by any defect in the appointment of any member.
- 10 The Board may appoint such officers and servants, upon such terms as to remuneration, pension rights and other conditions of service, as the Board may determine with the approval of the Ministers given with the consent of the Treasury.
- 11 The Board may pay to its members such travelling, subsistence and other allowances (including allowances for loss of remunerative time) as the Ministers may determine with the approval of the Treasury.

## SCHEDULE 2

Section 11(1).

### REPEALS

Chapter	Short Title	Extent of Repeal
<a href="#">1964 c. 16.</a>	The Industrial Training Act 1964.	The whole Act except section 16.
<a href="#">1973 c. 50.</a>	The Employment and Training Act 1973.	Section 6(3), (4). In section 14(2), the words from " but " onwards. In Schedule 2, Parts III and IV.
<a href="#">1975 c. 18.</a>	The Social Security (Consequential Provisions) Act 1975.	In Schedule 2, paragraph 11.
<a href="#">1979 c. 13.</a>	The Agricultural Statistics Act 1979.	In Schedule 1, paragraph 3.