

1966 No. 1112

**INDUSTRIAL TRAINING****The Industrial Training (Road Transport Board) Order 1966**

<i>Made - - - -</i>	<i>1st September 1966</i>
<i>Laid before Parliament</i>	<i>12th September 1966</i>
<i>Coming into Operation</i>	<i>15th September 1966</i>

The Minister of Labour (hereinafter referred to as "the Minister") after consultation with organisations and associations of organisations appearing to be representative respectively of substantial numbers of employers engaging in the activities hereinafter mentioned and of substantial numbers of persons employed in those activities and with the bodies established for the purpose of carrying on under national ownership industries in which the said activities are carried on to a substantial extent and by virtue of the powers conferred on him by section 1 of, and paragraphs 1 and 7 of the Schedule to, the Industrial Training Act 1964(a) (hereinafter referred to as "the Act") and of all other powers enabling him in that behalf hereby makes the following Order:—

*Citation, commencement and interpretation*

1.—(1) This Order may be cited as the Industrial Training (Road Transport Board) Order 1966 and shall come into operation on 15th September 1966.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

*Establishment of Industrial Training Board*

2. An industrial training board to be known as the Road Transport Industry Training Board (hereinafter referred to as "the Board") is hereby established to exercise in relation to the activities specified in Schedule 1 to this Order as the activities of the road transport industry the functions conferred on industrial training boards by the Act.

*Membership and proceedings of the Board*

3. The provisions of Schedule 2 to this Order shall have effect in relation to the Board.

1st September 1966.

*R. J. Gunter,*  
Minister of Labour.

## SCHEDULE 1

## THE ROAD TRANSPORT INDUSTRY

1. Subject to the provisions of this Schedule, the activities of the road transport industry are the following activities in so far as they are carried out in Great Britain:—

- (a) the carriage of passengers by motor vehicles on roads for hire or reward;
- (b) the carriage or haulage of goods by goods vehicles on roads for hire or reward;
- (c) the letting out on hire (with or without the services of the drivers) of motor vehicles for the conveyance of persons or of goods vehicles for the carriage or haulage of goods;
- (d) arranging by way of business the transport of goods by goods vehicles on roads;
- (e) the repair of motor vehicles or goods vehicles;
- (f) buying or selling motor vehicles or goods vehicles by way of business;
- (g) the collection of motor vehicles or goods vehicles and their delivery by road by way of business;
- (h) the removal of furniture by way of business;
- (i) giving instruction by way of business in the driving of motor vehicles or goods vehicles;
- (j) selling by retail, petrol, diesel oil, or lubricating or other oils for use in motor vehicles or goods vehicles;
- (k) selling by wholesale, components, replacements, spare parts or accessories for motor vehicles or goods vehicles;
- (l) the selling or letting out on hire of transport service equipment by way of business;
- (m) public warehousing;
- (n) any activities, being—
  - (i) related activities incidental or ancillary to principal activities of the road transport industry; or
  - (ii) activities undertaken in the administration, control or direction of one or more establishments, being establishments engaged wholly or mainly in principal activities of that industry, in related activities incidental or ancillary thereto, or in the administration, control or direction of one or more other establishments engaged in such principal or related activities; and carried out, in either case, by the employer engaged in those principal activities or, where that employer is a company, by the company or by an associated company of the company;
- (o) any activities of industry or commerce (other than road transport activities) carried out at or from an establishment mainly engaged—
  - (i) in road transport activities; or
  - (ii) in road transport activities and in activities described in the Appendix to this Schedule, but to a greater extent in road transport activities than in activities described in that Appendix in relation to any one industry.

2. Notwithstanding anything contained in this Schedule, there shall not be included in the activities of the road transport industry:—

- (a) the activities (other than the repair of motor vehicles or goods vehicles by a local authority or the driving of goods vehicles operated by the British Railways Board for the carriage or haulage of goods for hire or reward) of any establishment engaged—
  - (i) mainly in activities not being road transport activities or activities described in the Appendix to this Schedule; or

- (ii) to a less extent in road transport activities than in activities described in that Appendix in relation to any one industry;
- (b) the activities of any establishment engaged wholly or mainly in—
  - (i) the carriage or haulage of goods by goods vehicles for an associated company of the company carrying on the establishment, being an associated company not engaged wholly or mainly in road transport activities;
  - (ii) the repair of vehicle bodies not being the carrying out of running repairs or of minor adjustments thereto; or
  - (iii) funeral undertaking;
- (c) the activities of any establishment (not being that of a local authority) engaged wholly or mainly in cleaning, washing or garaging motor vehicles or goods vehicles or carrying out running repairs or minor adjustments thereto, being activities—
  - (i) incidental or ancillary to the activities of one or more establishments (in this sub-paragraph hereafter referred to as “the principal establishment”) engaged wholly or mainly in any activities not being principal activities of the road transport industry; and
  - (ii) carried out by the employer carrying on the principal establishment or, where that employer is a company, by the company or by an associated company of the company;
- (d) the activities of—
  - (i) a harbour authority within the meaning of the Harbours Act 1964(a) when acting in that capacity;
  - (ii) the Electricity Council, the Central Electricity Generating Board or an Area Electricity Board;
  - (iii) the North of Scotland Hydro-Electric Board or the South of Scotland Electricity Board;
  - (iv) the Gas Council or an Area Gas Board; or
  - (v) statutory water undertakers within the meaning of the Water Act 1945(b) or of local water authorities within the meaning of the Water (Scotland) Act 1946(c), being the activities of such undertakers or authorities in the exercise of their powers or duties as such;
- (e) when carried out by the London Transport Board, the repair of motor vehicles or goods vehicles or any activities included in paragraph 1(n) of this Schedule, not being the training of employees or apprentices;
- (f) any activities mentioned in paragraph 1 (n) or 1 (o) of this Schedule when carried out by a local authority, except in so far as such activities are carried out for the purposes of passenger road transport services provided by the authority;
- (g) dock work performed by a registered dock worker;
- (h) the sale of food or drink for immediate consumption;
- (i) the activities of any company, association or body that is required by its constitution to apply its profits, if any, or other income in promoting its objects and is prohibited thereby from paying any dividend to its members, and that has for its sole or principal object or among its principal objects the provision of facilities for any of the purposes mentioned in section 15 (1) of the Disabled Persons (Employment) Act 1944(d) (which relates to the provision for registered persons who are seriously disabled of employment or work on their own account under special conditions and of training for such employment or work); or

(a) 1964 c. 40.

(b) 1945 c. 42.

(c) 1946 c. 42.

(d) 1944 c. 10.

(j) the activities of any local authority in the provision of sheltered employment carried on in accordance with arrangements under section 3 of the Disabled Persons (Employment) Act 1958(a), or under section 29 of the National Assistance Act 1948(b) as extended by section 8 (2) of the Mental Health Act 1959(c) and section 8 (2) of the Mental Health (Scotland) Act 1960(d), or under section 31 of the National Assistance Act 1948 (as substituted by the National Assistance Act 1948 (Amendment) Act 1962(e)), or under section 28 of the National Health Service Act 1946(f) as extended by section 6 of the Mental Health Act 1959, or under section 27 of the National Health Service (Scotland) Act 1947(g) as extended by section 7 of the Mental Health (Scotland) Act 1960.

3. In this Schedule unless the context otherwise requires:—

- (a) “business” means a trade or business carried on for the purposes of gain;
- (b) “company” includes any body corporate, and “subsidiary” has the same meaning as by virtue of section 154 of the Companies Act 1948(h) it has for the purposes of that Act;
- (c) “dock work” and “registered dock worker” have the same meanings as in the scheme contained in the Second Schedule to the Dock Workers (Regulation of Employment) (Amendment) Order 1961(i);
- (d) “goods” includes goods or burden of any description;
- (e) “goods vehicles” means motor vehicles constructed or adapted for use for the carriage of goods, or trailers so constructed or adapted, and “trailers” means vehicles drawn by motor vehicles;
- (f) “letting out on hire” does not include a letting under a hire-purchase agreement;
- (g) “local authority” means in England and Wales a local authority within the meaning of the Local Government Act 1933(j) or the Common Council of the City of London, and in Scotland the council of a county, the town council of a burgh or a district council;
- (h) “motor vehicles” means mechanically propelled vehicles intended or adapted for use on roads, and includes tram-cars and trolley vehicles, but does not include implements for cutting grass, that are not capable of being used or adapted for any other purpose, or contractors’ plant; and for the purposes of this definition “contractors’ plant” means machinery, plant or equipment of a kind intended for use in operations on the site of any building work or civil engineering work, but does not include lorries, ready-mixed concrete vehicles or other mechanically propelled vehicles mainly used for the carriage of goods on roads;
- (i) “office premises” has the same meaning as in section 1 (2) of the Offices, Shops and Railway Premises Act 1963(k);
- (j) “principal activities of the road transport industry” means activities which, subject to the provisions of paragraph 2 of this Schedule, are specified in paragraph 1, other than sub-paragraphs (n) and (o) thereof, as activities of the road transport industry;
- (k) “public warehousing” means keeping any premises (not being a public garage or parking place, a caravan site, or a place where boats are anchored, laid up or moored) wholly or mainly for the purposes of the storage of goods for reward for persons other than the occupier or, where the occupier is a company, for persons other than the company or an associated company of the company, but does not include keeping any premises wholly or mainly for the custody of animals or other living creatures or as a cloakroom or safe depository;

(a) 1958 c. 33.

(b) 1948 c. 29.

(c) 1959 c. 72.

(d) 1960 c. 61.

(e) 1962 c. 24.

(f) 1946 c. 81.

(g) 1947 c. 27.

(h) 1948 c. 38.

(i) S.I. 1961/2107 (1961 III, p. 3837).

(j) 1933 c. 51.

(k) 1963 c. 41.

- (l) "related activities" means any of the following activities, that is to say—
- (i) research, development, design or drawing;
  - (ii) buying, selling, testing, advertising, packing, distribution, delivery, transport or any similar operations;
  - (iii) operations of a kind performed at office premises or laboratories, or at stores, warehouses or similar places;
  - (iv) garaging vehicles;
  - (v) training of employees or apprentices;
- (m) "repair" means all or any of the operations of repair, reconditioning, modification, alteration, conversion, maintenance, cleaning, washing or carrying out running repairs or minor adjustments;
- (n) "road" means a highway or any other road to which the public has access;
- (o) "road transport activities" means any one or more of the principal activities of the road transport industry or of the activities included in that industry by virtue of paragraph 1 (n) of this Schedule;
- (p) "selling" includes a sale by an employer under a credit-sale agreement or a letting by him under a hire-purchase agreement, except where he has at no time had possession of the goods and only became the owner thereof at the time of entering into the credit-sale or hire-purchase agreement, and "buying" has a corresponding meaning;
- (q) "transport service equipment" means plant or equipment of a kind used in the testing or analysis of performance of motor vehicles or goods vehicles, in their repair or in their recovery when damaged;
- (r) "vehicle bodies" includes motor cycle side-cars, perambulators, invalid carriages, folding push-cars and bodies for caravans.

4.—(1) References in this Schedule to the provisions of any enactment shall be construed as references to those provisions as amended by or under any subsequent enactment.

(2) For the purposes of this Schedule two companies shall be taken to be associated companies if one is a subsidiary of the other or both are subsidiaries of a third company, and "associated company" shall be construed accordingly.

(3) For the purposes of this Schedule, goods shall not be deemed to be carried or hauled for hire or reward if—

- (a) they are goods sold, used or let on hire or hire-purchase in the course of a business carried on by the carrier or haulier thereof and are being delivered or collected by him; or
- (b) they are goods which have been, or are to be, subjected to a process or treatment in the course of a business carried on by the carrier or haulier thereof, and are being delivered or collected by him; or
- (c) they are carried by a person engaged in agriculture in any locality, for or in connection with the business of agriculture carried on by another person in that locality, and the goods vehicle in which they are carried is used by the carrier or haulier for the carriage of goods for or in connection with his agricultural business;

and for the purposes of this sub-paragraph the references to the carrier or haulier shall be taken to include an associated company of the carrier or haulier, being a company.

## APPENDIX

The activities that would be included in an industry specified in Column 1 hereof by virtue of the industrial training order specified in the corresponding entry in Column 2, if the provisions specified in Column 3 were omitted from that order.

Column 1	Column 2	Column 3
The wool, jute and flax industry	The Industrial Training (Wool Industry Board) Order 1964 as amended by the Industrial Training (Wool, Jute and Flax Board) Order 1966(a)	Schedule 1 Paragraph 1 (r)
The iron and steel industry	The Industrial Training (Iron and Steel Board) Order 1964(b)	Schedule 1 Paragraph 1 (j)
The construction industry	The Industrial Training (Construction Board) Order 1964(c)	Schedule 1 Paragraph 1 (h)
The engineering industry	The Industrial Training (Engineering Board) Order 1964(d)	Schedule 1 Paragraph 1 (f)
The shipbuilding industry	The Industrial Training (Shipbuilding Board) Order 1964(e)	Schedule 1 Paragraph 1 (d)
The ceramics, glass and mineral products industry	The Industrial Training (Ceramics, Glass and Mineral Products Board) Order 1965(f)	Schedule 1 Paragraph 1 (n)
The furniture and timber industry	The Industrial Training (Furniture and Timber Industry Board) Order 1965(g)	Schedule 1 Paragraph 1 (r)
The man-made fibres producing industry	The Industrial Training (Man-made Fibres Producing Industry Board) Order 1966(h)	Schedule 1 Paragraph 1 (d)
The carpet industry	The Industrial Training (Carpet Board) Order 1966(i)	Schedule 1 Paragraph 1 (d)
The knitting, lace and net industry	The Industrial Training (Knitting, Lace and Net Industry Board) Order 1966(j)	Schedule 1 Paragraph 1 (j)
The cotton and allied textiles industry	The Industrial Training (Cotton and Allied Textiles Board) Order 1966(k)	Schedule 1 Paragraph 1 (p)
The agricultural, horticultural and forestry industry	The Industrial Training (Agricultural, Horticultural and Forestry Board) Order 1966(l)	Schedule 1 Paragraph 1 (m)

(a) S.I. 1964/907, 1966/428 (1964 II, p. 1928; 1966 I, p. 925).

(b) S.I. 1964/949 (1964 II, p. 2127).

(d) S.I. 1964/1086 (1964 II, p. 2402).

(f) S.I. 1965/1391 (1965 II, p. 4062).

(h) S.I. 1966/143 (1966 I, p. 257).

(j) S.I. 1966/246 (1966 I, p. 506).

(l) S.I. 1966/969 (1966 II, p. 2333).

(c) S.I. 1964/1079 (1964 II, p. 2384).

(e) S.I. 1964/1782 (1964 III, p. 3928).

(g) S.I. 1965/2028 (1965 III, p. 5998).

(i) S.I. 1966/245 (1966 I, p. 499).

(k) S.I. 1966/823 (1966 II, p. 1907).

## SCHEDULE 2

## MEMBERSHIP

1. The appointment of a member of the Board shall be for such term as the Minister may determine and, subject to the provisions of this Schedule, a member shall hold and vacate office in accordance with the terms of the instrument appointing him to be a member.

2. A person who has held office as a member of the Board shall be eligible for reappointment.

3. A member of the Board may resign his office by notice in writing to the Minister and the resignation shall have effect on such date as the Minister shall appoint.

4. If a member of the Board—

(a) is absent from meetings of the Board for more than six months consecutively, unless his absence is due to illness or some other reason approved by the Minister; or

(b) becomes in the opinion of the Minister unfit to continue in office or incapable of performing his duties;

the Minister may declare the office of that member to be vacant and shall notify the fact in such manner as he shall think fit, and thereupon the office of the member shall become vacant.

## PROCEEDINGS AND MEETINGS

5. At a meeting of the Board one-third of the members shall be the quorum, or if the number so ascertained includes a fraction the nearest higher whole number of members.

6. The chairman or if absent the deputy chairman (if any) shall preside at all meetings of the Board at which he shall be present, but if at any meeting the said chairman and any deputy chairman be not present within 10 minutes of the time appointed for holding the meeting the members present shall choose some one of their number to be chairman of the meeting.

7. At a meeting of the Board a resolution put to the vote on any matter not relating to the imposition of a levy shall be decided on a show of hands of the members present and voting; each member shall have one vote and if the votes are equally divided the chairman of the meeting shall have a second or casting vote.

8.—(1) If at a meeting of the Board a resolution relating to the imposition of a levy is put to the vote of the members appointed as mentioned in paragraph 3 (a) of the Schedule to the Act, each such member shall have one vote, and the resolution shall be decided on a show of hands of those members present and voting unless a poll is demanded by any such member (before or on the declaration of the result of the show of hands) in which case the poll shall be taken forthwith and the votes may be given either personally or by proxy.

(2) The instrument appointing a proxy shall be in writing under the hand of the appointor, and the proxy shall be a member of the Board appointed as mentioned in paragraph 3(a) of the Schedule to the Act.

(3) An instrument appointing a proxy shall be in the following form or a form as near thereto as circumstances admit:—

I.....of.....in the county of.....being a member of the Road Transport Industry Training Board appointed as mentioned in paragraph 3(a) of the Schedule to the Industrial Training Act 1964, hereby appoint.....of .....or failing him.....of.....as my proxy to vote for me on my behalf on any matter relating to the imposition of a levy at the meeting of the said Board to be held on the ..... day of.....19..... and at any adjournment thereof.

Signed this.....day of.....19.....

(4) A vote given in accordance with the terms of an instrument of proxy shall be valid notwithstanding the previous death or insanity of the principal or revocation of the proxy, provided that no intimation in writing of any such death, insanity or revocation shall have been received by the Board at its office before the commencement of the meeting or adjourned meeting at which the proxy is used.

9. Minutes shall be kept of the proceedings of the Board and any such minutes shall, if signed by any person purporting to have acted as chairman of the meeting or at a meeting at which they were read, be evidence of the proceedings at the first-mentioned meeting, and a meeting to which any such minutes relate shall, unless the contrary is proved, be taken to have been regularly convened and constituted.

10. The Board shall have an office at which communications and notices will at all times be received and shall notify to the Minister the address of that office and any change of that address.

#### EXECUTION AND ISSUE OF INSTRUMENTS

11. The seal of the Board shall be authenticated by the signature of the chairman of the Board or some other member of the Board authorised by the Board to act in that behalf and of the secretary or some other person authorised by the Board so to act.

12. Every document purporting to be a document duly executed or issued either under the seal of the Board authenticated in the manner provided by this Schedule or on behalf of the Board, or purporting to be signed by the secretary or any other person, being a member, officer or servant of the Board authorised to act in that behalf, shall, until the contrary be proved, be deemed to be a document so executed or issued or so signed as the case may be.

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#### EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order, which is made under the Industrial Training Act 1964, establishes an industrial training board to be known as the Road Transport Industry Training Board, and defines the industry to which it relates. Provision is made as to the membership of the Board and its meetings and proceedings.