

1966 No. 969

INDUSTRIAL TRAINING**The Industrial Training (Agricultural, Horticultural and Forestry Board) Order 1966**

<i>Made</i>	- - -	<i>2nd August 1966</i>
<i>Laid before Parliament</i>		<i>11th August 1966</i>
<i>Coming into Operation</i>		<i>15th August 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 (Agricultural, Horticultural and Forestry Board) Order 1966 and shall come into operation on 15th August 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 Agricultural, Horticultural and Forestry 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 agricultural, horticultural and forestry 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.

2nd August 1966.

R. J. Gunter,
Minister of Labour.

(a) 1964 c. 16.

(b) 1889 c. 63.

SCHEDULE 1

THE AGRICULTURAL, HORTICULTURAL AND FORESTRY INDUSTRY

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

- (a) when carried out on a commercial basis or in connection with a business, any operations in agriculture or horticulture or in forestry;
- (b) when carried out by a body of persons, whether corporate or unincorporate, for the purposes of education, or training, in agriculture or horticulture or in forestry, any operations in agriculture or horticulture or in forestry;
- (c) when carried out at a centre providing services of artificial insemination for livestock, the provision of such services and any operations in agriculture or horticulture;
- (d) when carried out at a livestock testing station, such testing and any operations in agriculture or horticulture;
- (e) when carried out on a commercial basis or in connection with a business, any operations in the testing of, or the recording of information about, livestock for the purposes of breeding, feeding or management;
- (f) the provision of any services in respect of milk recording;
- (g) when carried out by way of business, the laying out of golf courses, bowling greens or private gardens or the cultivation or maintenance of private gardens;
- (h) when carried out by way of business the transplanting, topping, lopping, taking down, pruning or spraying of trees, or the trimming or laying of hedges;
- (i) when carried out by way of business, for the purposes of agriculture or horticulture, the sterilisation of soil, the preparation of compost or the cutting or preparation of peat;
- (j) the provision of a record keeping, clerical or secretarial service wholly or mainly for persons engaged on a commercial basis in any operations in agriculture or horticulture;
- (k) the rearing or preserving of pheasants, partridges or grouse, when carried out on a commercial basis or in connection with a business;
- (l) any activities, being—
 - (i) related activities incidental or ancillary to principal activities of the agricultural, horticultural and forestry 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;
- (m) any activities of industry or commerce (other than agricultural, horticultural and forestry activities) carried out at or from an establishment mainly engaged—
 - (i) in agricultural, horticultural and forestry activities; or
 - (ii) in agricultural, horticultural and forestry activities and in activities described in the Appendix to this Schedule, but to a greater extent in agricultural, horticultural and forestry 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 agricultural, horticultural and forestry industry:—

- (a) the activities of any establishment engaged—
 - (i) mainly in activities not being agricultural, horticultural and forestry activities or activities described in the Appendix to this Schedule; or
 - (ii) to a less extent in agricultural, horticultural and forestry 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 the activities following or any of them, that is to say—
- (i) the operation of aircraft;
 - (ii) the canning, bottling, boiling or cooking or preserving by sterilising, by freezing, by dehydrating, by heat or by chemical process of agricultural or horticultural produce;
 - (iii) the construction of a swimming pool or other bathing place, or of a playing field or ground for sporting or recreational purposes (not being a golf course or a bowling green), or the laying out of a cemetery;
 - (iv) the erection or dismantling of fencing; or
 - (v) the felling of trees or the preparation of timber;
- (c) the activities of—
- (i) the Electricity Council, the Central Electricity Generating Board or an Area Electricity Board;
 - (ii) the North of Scotland Hydro-Electric Board or the South of Scotland Electricity Board;
 - (iii) the Gas Council or an Area Gas Board;
 - (iv) statutory water undertakers within the meaning of the Water Act 1945(a) or of local water authorities within the meaning of the Water (Scotland) Act 1946(b), being the activities of such undertakers or authorities in the exercise of their powers or duties as such; or
 - (v) a Milk Marketing Board not being activities mentioned in sub-paragraph (a), (c) or (f) of paragraph 1 of this Schedule or related activities incidental or ancillary to those activities;
- (d) any activities mentioned in paragraph 1(b) of this Schedule, being activities—
- (i) carried out by a University Faculty of Agriculture, Horticulture or Rural or Veterinary Science; or
 - (ii) of persons giving or receiving instruction in agriculture or horticulture or in forestry;
- (e) when carried out by a local authority, any activities mentioned in paragraph 1(l) or 1(m) not being activities specified in head (ii) or (iv) of paragraph 3(o) of this Schedule;
- (f) the supply of food or drink to persons for immediate consumption;
- (g) 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(c) (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
- (h) 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(d), or under section 29 of the National Assistance Act 1948(e) as extended by section 8(2) of the Mental Health Act 1959(f) and section 8(2) of the Mental Health (Scotland) Act 1960(g), or under section 31 of the National Assistance Act 1948 (as substituted by the National Assistance Act 1948 (Amendment) Act 1962(h)), or under section 28 of the National Health Service Act 1946(i) as extended by section 6 of the Mental Health Act 1959, or under section 27 of the National Health Service (Scotland) Act 1947(j) as extended by section 7 of the Mental Health (Scotland) Act 1960.

(a) 1945 c. 42.
 (c) 1944 c. 10.
 (e) 1948 c. 29.
 (g) 1960 c. 61.
 (i) 1946 c. 81.

(b) 1946 c. 42.
 (d) 1958 c. 33.
 (f) 1959 c. 72.
 (h) 1962 c. 24.
 (j) 1947 c. 27.

3. In this Schedule:—

- (a) “ agricultural, horticultural and forestry activities ” means any one or more of the principal activities of the agricultural, horticultural and forestry industry or of the activities included in that industry by virtue of paragraph 1(l) of this Schedule;
- (b) “ agriculture or horticulture ” includes hedging, ditching, field drainage, cutting or laying turf, drying grass, orchard grubbing, fruit growing, seed growing, the production of any horticultural produce or, if it is grown for consumption or for other use after severance from the land on which it is grown or for the purposes of trial, testing or research, the production of any other produce, dairy farming, the breeding or keeping of livestock, and the use of land as grazing land, meadow land, pasture land, osier land, market gardens or nursery grounds;
- (c) “ business ” means a trade or business carried on for the purposes of gain;
- (d) “ company ” includes any body corporate, and “ subsidiary ” has the same meaning as by virtue of section 154 of the Companies Act 1948(a) it has for the purposes of that Act;
- (e) “ field drainage ” means drainage by the methods of tile drainage, mole drainage or surface gripping or the construction or maintenance of open or piped farm ditches;
- (f) “ forestry ” means planting, re-planting or management of land as a wood or forest, and includes the use of land for a woodland nursery;
- (g) “ horticultural produce ” includes fruit, nuts, hops, vegetables, watercress, fungi, bulbs, corms, rhizomes, tubers, flowers, pot, bedding or herbaceous plants, decorative foliage, herbs, shrubs and trees;
- (h) “ livestock ” means any creature (not being a fish or shell-fish) kept for the production of food, wool, skins or fur or, not being a dog, for the purpose of its use in the farming of land;
- (i) “ local authority ” means in England and Wales a local authority within the meaning of the Local Government Act 1933(b) 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;
- (j) “ Milk Marketing Board ” means the Aberdeen and District Marketing Board, the Milk Marketing Board, the North of Scotland Milk Marketing Board or the Scottish Milk Marketing Board;
- (k) “ milk recording ” means the practice of recording the quantity and the quality of the milk yielded by individual cows for the purpose of improving the breeding and management of such animals;
- (l) “ office premises ” has the same meaning as in section 1(2) of the Offices, Shops and Railway Premises Act 1963(c);
- (m) “ preparation ” in relation to timber means any operations whereby felled or fallen timber is barked, peeled, cleft, sliced, hewn, sawn, cross-cut, linear machined, dried, seasoned, soaked, steamed or treated with preservative;
- (n) “ principal activities of the agricultural, horticultural and forestry industry ” means activities which, subject to the provisions of paragraph 2 of this Schedule, are specified in paragraph 1, other than sub-paragraphs (l) and (m) thereof, as activities of the agricultural, horticultural and forestry industry;
- (o) “ related activities ” means any of the following activities, that is to say—
- (i) research, development, design or drawing;
 - (ii) preparation for market, grading, marking, storage, buying, selling, letting out on hire, testing, advertising, packing, distribution, delivery, transport or any similar operations;
 - (iii) operations of a kind performed at office premises or laboratories;
 - (iv) operations of a kind performed at stores, warehouses or similar places;

(a) 1948 c. 38.
 (c) 1963 c. 41.

(b) 1933 c. 51.

- (v) cleaning, washing or garaging vehicles, or carrying out running repairs or minor adjustments thereto;
- (vi) training of employees or apprentices;
- (p) "University Faculty" includes a Department or School of a university.

4. 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.

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(i)
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)

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

(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).

(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).

APPENDIX—continued

Column 1	Column 2	Column 3
The cotton and allied textiles industry	The Industrial Training (Cotton and Allied Textiles Board) Order 1966(a)	Schedule 1 Paragraph 1(p)

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 Agricultural, Horticultural and Forestry 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.

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 Agricultural, Horticultural and Forestry 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.