

1969 No. 1405

INDUSTRIAL TRAINING

The Industrial Training (Hotel and Catering Board) Order 1969

<i>Made</i> - - - -	26th September 1969
<i>Laid before Parliament</i>	8th October 1969
<i>Coming into Operation</i>	11th October 1969

The Secretary of State after consultation with the Hotel and Catering Industry Training Board and 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 in exercise of her powers under section 9 of the Industrial Training Act 1964(a) and of all other powers enabling her in that behalf hereby makes the following Order:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Industrial Training (Hotel and Catering Board) Order 1969 and shall come into operation on 11th October 1969.

(2) In this Order—

- (a) “the Act” means the Industrial Training Act 1964;
- (b) “the Board” means the Hotel and Catering Industry Training Board;
- (c) “levy Order” means the Industrial Training Levy (Hotel and Catering) Order 1967(b) or the Industrial Training Levy (Hotel and Catering) Order 1968(c);
- (d) “the principal Order” means the Industrial Training (Hotel and Catering Board) Order 1966(d).

(3) The Interpretation Act 1889(e) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the principal Order were Acts of Parliament.

Activities of the Board

2. The activities in relation to which the Board exercises the functions conferred by the Act upon industrial training boards shall, in lieu of the activities specified in Schedule 1 to the principal Order, be the activities specified in the Schedule to this Order, and accordingly in the principal Order the latter Schedule shall be substituted for the former Schedule.

(a) 1964 c. 16.

(c) S.I. 1968/921 (1968 II, p. 2413).

(e) 1889 c. 63.

(b) S.I. 1967/1512 (1967 III, p. 4212).

(d) S.I. 1966/1347 (1966 III, p. 3669).

Transitional provisions

3.—(1) The chairman and other members of the Board on the day upon which this Order comes into operation shall continue to be members of the Board and to hold and vacate their offices in accordance with the terms of the instruments appointing them to be members.

(2) The provisions of this Order shall not—

- (a) extend the operation of either levy Order; or
- (b) affect the operation of either levy Order in relation to the assessment of an employer within the meaning of that Order in respect of an establishment that in the first levy period or the second levy period, as the case may be, was engaged wholly or mainly in activities included in the Schedule to this Order or, being an establishment comprising catering activities as defined in the relevant levy order, was engaged in activities specified in sub-paragraph (a) or (c)(i) of paragraph 1 of the said Schedule.

Signed by order of the Secretary of State.

26th September 1969.

Harold Walker,
Joint Parliamentary Under Secretary of State,
Department of Employment and Productivity.

Article 2

SCHEDULE

THE HOTEL AND CATERING INDUSTRY

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

- (a) the supply, by way of business, of food or drink to persons for immediate consumption;
- (b) the provision, by way of business, of board and lodging for guests or lodgers;
- (c) when carried out by a person carrying on a business—
 - (i) the supply for immediate consumption of food or drink to persons employed in that business; or
 - (ii) the provision of board and lodging for persons so employed;
- (d) any activities, being—
 - (i) related activities incidental or ancillary to principal activities of the hotel and catering 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;

- (e) any activities of industry or commerce (other than hotel and catering activities) carried out at or from an establishment mainly engaged—
 - (i) in hotel and catering activities; or
 - (ii) in hotel and catering activities and in activities described in the Appendix to this Schedule, but to a greater extent in hotel and catering 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 hotel and catering industry:—

- (a) the activities (not being activities mentioned in sub-paragraph (a) or (c)(i) of paragraph 1 of this Schedule) of any establishment engaged—
 - (i) mainly in activities not being hotel and catering activities or activities described in the Appendix to this Schedule; or
 - (ii) to a less extent in hotel and catering activities than in activities described in that Appendix in relation to any one industry;
- (b) the supply for immediate consumption of light refreshments to persons employed at or from an establishment that is engaged as mentioned in head (i) or (ii) of the last foregoing sub-paragraph where such supply is by the employer carrying on the establishment and he is not otherwise engaged at or from that establishment in any activities to which paragraph 1 of this Schedule applies or in the manufacture of any chocolate or flour confectionery so supplied as light refreshments;
- (c) any operations in an establishment, being a factory, engaged wholly or mainly in the manufacture or adapting for sale of any article of food or drink, other than operations in the supply of food or drink to persons for immediate consumption or operations in the kitchen of a staff dining room, staff restaurant or canteen or in a mess room;
- (d) the supply (except at or in connection with an hotel, restaurant, café, snack bar, canteen, mess room or similar place of refreshment) of—
 - (i) ice cream, chocolate confectionery, sugar confectionery or soft drink;
 - (ii) shellfish or eels; or
 - (iii) food or drink by means of an automatic vending machine;
- (e) any operations when carried out by a member of the crew of an aircraft, by the master or a member of the crew of a ship, or by a person ordinarily employed as a seaman who is employed in or about a ship in port by the owner or charterer thereof on work of a kind ordinarily done by a seaman on a ship while it is in port;
- (f) any activities undertaken in connection with the management of a school or other educational institution by the managers or other governing body thereof or by a local authority;
- (g) the activities of any hospital, nursing home, convalescent home or similar establishment providing accommodation for the sick, infirm or mentally disordered;
- (h) any activities mentioned in sub-paragraph (b), (c)(ii), (d) or (e) of paragraph 1 of this Schedule when carried out by—
 - (i) a harbour authority while 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;

- (v) statutory water undertakers within the meaning of the Water Act 1945(a) or regional water boards or water development boards within the meaning of the Water (Scotland) Act 1967(b), being the activities of such undertakers or boards in the exercise of their powers or duties as such;
- (vi) the British Airports Authority, the British European Airways Corporation, the British Overseas Airways Corporation, BEA Helicopters Limited or B.O.A.C. Associated Companies Limited;
- (vii) a marketing board; or
- (viii) the United Kingdom Atomic Energy Authority;
- (i) the activities mentioned in paragraph 1(d) or paragraph 1(e) of this Schedule when carried out by a local authority, not being activities mentioned in head (ii) or head (iv) of paragraph 3(l) of this Schedule;
- (j) 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 work or training); or
- (k) any work, occupation or training that is provided in accordance with arrangements made by a local authority under the Disabled Persons (Employment) Act 1958(d) or any other enactment that authorises or requires the provision of arrangements for persons suffering from illness, severe physical defect or disability or from mental disorder, or for persons who have been suffering from illness, or whose care is undertaken with a view to preventing them from becoming ill, or for old people.

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

- (a) "business" means any trade or business carried on for the purpose 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(e) it has for the purposes of that Act;
- (c) "factory" has the same meaning as in section 175 of the Factories Act 1961(f);
- (d) "food" includes ice cream;
- (e) "harbour authority" means a harbour authority within the meaning of the Harbours Act 1964(g);
- (f) "hotel and catering activities" means any one or more of the principal activities of the hotel and catering industry and the activities included in that industry by virtue of paragraph 1(d) of this Schedule;
- (g) "ice cream" includes any similar commodity;
- (h) "light refreshments" means tea, coffee or other non-alcoholic beverage supplied with or without chocolate confectionery or flour confectionery;
- (i) "marketing board" means an agricultural marketing board constituted, or having effect, under the Agricultural Marketing Act 1958(h);
- (j) "office premises" has the same meaning as in section 1(2) of the Offices, Shops and Railway Premises Act 1963(i);
- (k) "principal activities of the hotel and catering industry" means activities which, subject to the provisions of paragraph 2 of this Schedule, are specified in paragraph 1, other than sub-paragraphs (d) and (e) thereof, as activities of the hotel and catering industry;

(a) 1945 c. 42.
 (c) 1944 c. 10.
 (e) 1948 c. 38.
 (g) 1964 c. 40.
 (i) 1963 c. 41.

(b) 1967 c. 78.
 (d) 1958 c. 33.
 (f) 1961 c. 34.
 (h) 1958 c. 47.

- (l) "related activities" means any of the following activities, that is to say—
- (i) research, development, design or drawing;
 - (ii) buying, selling, letting out on hire, testing, advertising, packing, distribution, 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;
 - (v) cleaning, washing or garaging vehicles, or carrying out running repairs or minor adjustments thereto;
 - (vi) training of employees or apprentices;
- (m) "shellfish" includes crustaceans and molluscs of any kind;
- (n) "soft drink" has the same meaning as in Regulation 2(1) of the Soft Drinks Regulations 1964(a);
- (o) "supply" in relation to food or drink includes any preparation thereof by the person supplying the same for immediate consumption.

4.—(1) 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.

(2) For the purposes of this Schedule, the supply—

- (a) by means of an automatic vending machine of food or drink; or
- (b) of hot fried fish or hot chipped potatoes;

shall be deemed to be a supply to persons for immediate consumption, whether or not such food or drink is in fact so consumed.

(3) A reference in this Schedule to the provisions of any enactment or statutory instrument shall be construed as a reference to those provisions as amended by or under any subsequent enactment or statutory instrument.

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 1968(b)	Schedule 1 Paragraph 1(s)
The iron and steel industry	The Industrial Training (Iron and Steel Board) Order 1964 as amended by the Industrial Training (Iron and Steel Board) Order 1969(c)	Schedule 1 Paragraph 1(k)
The construction industry	The Industrial Training (Construction Board) Order 1964 as amended by the Industrial Training (Construction Board) Order 1967(d)	Schedule 1 Paragraph 1(l)

(a) S.I. 1964/760 (1964 II, p. 1605).

(b) S.I. 1964/907, 1968/898 (1964 II, p. 1928; 1968 II, p. 2376).

(c) S.I. 1964/949, 1969/884 (1964 II, p. 2127; 1969 II, p. 2517).

(d) S.I. 1964/1079, 1967/924 (1964 II, p. 2384; 1967 II, p. 2757).

APPENDIX *contd.*

Column 1	Column 2	Column 3
The engineering industry	The Industrial Training (Engineering Board) Order 1964 as amended by the Industrial Training (Engineering Board) Order 1968 and the Industrial Training (Engineering Board) Order 1968 (Amendment) Order 1969(a)	Schedule 1 Paragraph 1(m)
The shipbuilding industry	The Industrial Training (Shipbuilding Board) Order 1964 as amended by the Industrial Training (Shipbuilding Board) Order 1968(b)	Schedule 1 Paragraph 1(g)
The ceramics, glass and mineral products industry	The Industrial Training (Ceramics, Glass and Mineral Products Board) Order 1965 as amended by the Industrial Training (Ceramics, Glass and Mineral Products Board) Order 1969(c)	Schedule 1 Paragraph 1(p)
The furniture and timber industry	The Industrial Training (Furniture and Timber Industry Board) Order 1965 as amended by the Industrial Training (Furniture and Timber Industry Board) Order 1969(d)	Schedule 1 Paragraph 1(x)
The man-made fibres producing industry	The Industrial Training (Man-made Fibres Producing Industry Board) Order 1966 as amended by the Industrial Training (Man-made Fibres Producing Industry Board) Order 1969(e)	Schedule 1 Paragraph 1(e)
The carpet industry	The Industrial Training (Carpet Board) Order 1966 as amended by the Industrial Training (Carpet Board) Order 1968(f)	Schedule 1 Paragraph 1(f)
The knitting, lace and net industry	The Industrial Training (Knitting, Lace and Net Industry Board) Order 1966(g)	Schedule 1 Paragraph 1(j)
The cotton and allied textiles industry	The Industrial Training (Cotton and Allied Textiles Board) Order 1966(h)	Schedule 1 Paragraph 1(p)
The agricultural, horticultural and forestry industry	The Industrial Training (Agricultural, Horticultural and Forestry Board) Order 1966(i)	Schedule 1 Paragraph 1(m)
The road transport industry	The Industrial Training (Road Transport Board) Order 1966 as amended by the Industrial Training (Road Transport Board) Order 1969(j)	Schedule 1 Paragraph 1(p)
The civil air transport industry	The Industrial Training (Civil Air Transport Board) Order 1967(k)	Schedule 1 Paragraph 1(h)

(a) S.I. 1964/1086, 1968/1333, 1969/1376 (1964 II, p. 2402; 1968 II, p. 3694).

(b) S.I. 1964/1782, 1968/1614 (1964 III, p. 3928; 1968 III, p. 4432).

(c) S.I. 1965/1391, 1969/689 (1965 II, p. 4062; 1969 II, p. 1860).

(d) S.I. 1965/2028, 1969/1290 (1965 III, p. 5998).

(e) S.I. 1966/143, 1969/1210 (1966 I, p. 257; 1969 II, p. 3545).

(f) S.I. 1966/245, 1968/1882 (1966 I, p. 499; 1968 III, p. 5017).

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

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

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

(j) S.I. 1966/1112, 1969/879 (1966 III, p. 2712; 1969 II, p. 2495).

(k) S.I. 1967/263 (1967 I, p. 968).

APPENDIX *contd.*

Column 1	Column 2	Column 3
The petroleum industry	The Industrial Training (Petroleum Board) Order 1967(a)	Schedule 1 Paragraph 1(h)
The rubber and plastics processing industry	The Industrial Training (Rubber and Plastics Processing Board) Order 1967(b)	Schedule 1 Paragraph 1(k)
The chemical and allied products industry	The Industrial Training (Chemical and Allied Products Board) Order 1967(c)	Schedule 1 Paragraph 1(s)
The paper and paper products industry	The Industrial Training (Paper and Paper Products Board) Order 1968(d)	Schedule 1 Paragraph 1(j)
The printing and publishing industry	The Industrial Training (Printing and Publishing Board) Order 1968(e)	Schedule 1 Paragraph 1(n)
The distributive industry	The Industrial Training (Distributive Board) Order 1968(f)	Schedule 1 Paragraph 1(h)
The food, drink and tobacco industry	The Industrial Training (Food, Drink and Tobacco Board) Order 1968(g)	Schedule 1 Paragraph 1(q)
The footwear, leather and fur skin industry	The Industrial Training (Footwear, Leather and Fur Skin Board) Order 1968(h)	Schedule 1 Paragraph 1(v)
The clothing and allied products industry	The Industrial Training (Clothing and Allied Products Board) Order 1969(i)	Schedule 1 Paragraph 1(j)

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order re-defines the activities in relation to which the Hotel and Catering Industry Training Board exercises its functions. The Board was established on 7th November 1966 by the Industrial Training (Hotel and Catering Board) Order 1966.

The activities of the industry are restricted to those undertaken by way of a trade or business carried on for the purpose of gain. There is also excluded from the industry the supply of light refreshments by their employer to the employees of an establishment which is not otherwise engaged in activities of the industry.

- (a) S.I. 1967/648 (1967 I, p. 2032).
 (b) S.I. 1967/1062 (1967 II, p. 3151).
 (c) S.I. 1967/1386 (1967 III, p. 4049).
 (d) S.I. 1968/787 (1968 II, p. 2194).
 (e) S.I. 1968/786 (1968 II, p. 2185).
 (f) S.I. 1968/1032 (1968 II, p. 2709).
 (g) S.I. 1968/1033 (1968 II, p. 2721).
 (h) S.I. 1968/1763 (1968 III, p. 4785).
 (i) S.I. 1969/1375. (1969 III, p. 4049).