

1971 No. 253

INDUSTRIAL ORGANISATION AND DEVELOPMENT**The Iron Casting Industry (Scientific Research Levy) Order 1971***Laid before Parliament in draft**Made* - - - 16th February 1971*Coming into Operation* 1st March 1971

Whereas it appears to the Secretary of State that it is expedient that funds should be made available for the purpose of scientific research in connection with the iron casting industry for which there is not a Development Council :

And whereas it appears to the Secretary of State that there is an incorporated body limited by guarantee called the British Cast Iron Research Association which is capable of carrying out such scientific research satisfactorily :

And whereas the Secretary of State has consulted the organisations appearing to him to be representative of substantial numbers of persons carrying on business in the iron casting industry and the organisations representative of persons employed in that industry appearing to him to be appropriate :

And whereas a draft of this Order has been approved by a resolution of each House of Parliament :

Now, therefore, the Secretary of State, in exercise of his powers under section 9 of the Industrial Organisation and Development Act 1947(a) and all other powers in that behalf enabling him, hereby orders as follows :—

Citation, commencement, cessation of charges and revocation

1.—(1) This Order may be cited as the Iron Casting Industry (Scientific Research Levy) Order 1971 and shall come into operation on 1st March 1971.

(2) The Iron Casting Industry (Scientific Research Levy) Order 1967(b) shall not impose on any person any charge in respect of any levy period beginning after 3rd April 1971.

(3) The Iron Casting Industry (Scientific Research Levy) Order 1967 shall on 4th April 1971 by virtue of this Order be revoked.

(a) 1947 c. 40.

(b) S.I. 1967/981 (1967 II, p. 2968).

*Interpretation***2.—(1)** In this Order—

“*emoluments*” means any emoluments assessable to income tax under Schedule E of the Income and Corporation Taxes Act 1970(a) (other than pensions), being emoluments from which tax under that Schedule is deductible, whether or not tax in fact falls to be deducted from any particular payment thereof ;

“*leviable iron castings*” means iron castings as fettled, excluding pig iron and any other cast iron material re-melted or to be re-melted into other leviable iron castings.

(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 and as if this Order and the Order hereby revoked were Acts of Parliament.

Extent of the Industry

3. For the purposes of this Order the iron casting industry (hereinafter referred to as “*the industry*”) shall consist of the activity of casting iron (other than pig iron) by any process.

Persons to whom the Order applies

4. This Order shall apply to every person who on 4th April 1971 is carrying on, or who thereafter begins to carry on, business in the industry.

Levy periods

5. For the purposes of this Order levy periods shall be the periods of thirteen or fourteen weeks (as the case may be) ending on the Saturday nearest to the end of March, June, September and December in each year, the first levy period under this Order being the period ending on 3rd July 1971, and the relevant production quarter in relation to any levy period shall be the period of thirteen or fourteen weeks (as the case may be) immediately preceding the commencement of that period.

Payment of levies

6. Subject to the provisions of Article 8 hereof every person to whom this Order applies shall pay to the Secretary of State in respect of each levy period during the whole or any part of which he has carried on business in the industry a charge calculated in accordance with the provisions of Article 7 hereof.

Computation of levies

7.—(1) The charge to be paid by a person by virtue of the provisions of Article 6 hereof in respect of any levy period shall be the aggregate of—

- (a) an amount equal to 0.14 per cent. of the chargeable amount of the emoluments paid or payable by him in respect of the relevant production quarter ; and
- (b) an amount calculated at the rate of four new pence for every metric tonne of leviable iron castings produced by him in the relevant production quarter.

(2) The chargeable amount of the emoluments paid or payable by a person in respect of the relevant production quarter shall be calculated by aggregating—

- (a) the total amount of the emoluments of persons employed by him during that quarter, under a contract of service, wholly or mainly in the actual performance of any process comprised in the activity of casting iron (other than pig iron) or the purposes ancillary to such performance including persons employed as pattern makers or in the maintenance or security of premises, plant or machinery but excluding persons engaged in the supply of food or drink ; and
- (b) the total amount of the emoluments of persons employed by him during that quarter under a contract of service, including directors, managers and administrative, scientific, technical, laboratory and clerical staff, wholly or mainly in respect of—
 - (i) the payment of persons specified in head (a), and
 - (ii) the direction, management, control, supervision, administration or costing of the industry,
 - (iii) activities carried on for the purposes of scientific research and development in connection with the industry.

Exemption from payment of levies

8. No person shall be liable to pay any charge—

- (a) in respect of the levy period in which he began to carry on business in the industry ;
- (b) if the amount of the charge calculated as aforesaid in respect of any levy period is less than £3.50.

Time for payment of levies

9.—(1) The charges imposed by this Order shall become due for payment on the expiration of four weeks after the commencement of each levy period.

(2) The amount of any such charge shall be recoverable by the Secretary of State as a debt.

(3) The Iron Casting Industry (Levy) Deposit Account, being an account opened by Her Majesty's Paymaster General on behalf of the Secretary of State, shall be the account into which all sums received by the Secretary of State in respect of any such charge shall be paid and out of which all such sums shall be issued to the British Cast Iron Research Association to meet any expenses incurred by the Association in respect of scientific research in connection with the industry.

Furnishing of information

10. The Secretary of State may by notice in writing require any person to whom this Order applies—

- (a) to furnish such returns and other information ;
- (b) to keep such records ; and
- (c) to produce for examination such books and other documents and records

as may appear to the Secretary of State to be reasonably requisite for the purpose of the recovery of any charge imposed by this Order.

Enforcement

11. Any person to whom this Order applies who is required by notice in writing by the Secretary of State under the provisions of Article 10 hereof to furnish returns or other information, to keep records or to produce for examination books or other documents or records, shall furnish such returns or other information in such form and manner and within such time, not being less than fourteen days, as may be specified in the notice or, as the case may be, keep such records or produce within such time, not being less than fourteen days, such books or other documents or records in his custody or under his control as may be so specified.

Penalties

12.—(1) If any person required under the provisions of Article 10 hereof to furnish returns or other information, to keep records or to produce for examination books or other documents or records fails to furnish, keep or produce them in accordance with the requirement he shall, unless he proves that he had reasonable excuse for the failure, be liable on summary conviction to a fine not exceeding £5 for every day during which the failure continues.

(2) If any person in purporting to fulfil any requirement imposed under the provisions of Article 10 hereof to furnish returns or other information knowingly or recklessly makes any statement which is false in a material particular he shall be liable on summary conviction to a fine not exceeding £50, or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding £100 or to both such imprisonment and such a fine.

Dated 16th February 1971.

John Davies,
Secretary of State
for Trade and Industry.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order continues the imposition of levies on the iron casting industry to finance scientific research to be carried out in connection with the industry by the British Cast Iron Research Association. The Iron Casting Industry (Scientific Research Levy) Order 1967 ceases to have effect as respects the imposition of the levy for any period beginning after 3rd April 1971.

The principal changes are—

- (a) the substitution of a charge based on emoluments for the charge based on the number of persons employed ;
- (b) where the charge is computed on amounts of iron castings produced, the rate, at which the amount of the charge has been calculated, is expressed by reference to the new decimal currency and metric tonnes.

The general effect of these changes is to increase the yield of the levy.