

1990 No. 2549

EMPLOYMENT AND TRAINING

**The Industrial Training (Hotel and Catering Board)
(Revocation) Order 1990**

<i>Made - - - -</i>	<i>11th December 1990</i>
<i>Laid before Parliament</i>	<i>20th December 1990</i>
<i>Coming into force -</i>	
<i>All provisions except articles 3</i>	
<i>and 4</i>	<i>31st January 1991</i>
<i>Articles 3 and 4</i>	<i>29th March 1991</i>

The Secretary of State, in exercise of the powers conferred on him by sections 1(1) and (7) and 4(1) and (2)(b) of the Industrial Training Act 1982(a) and of all other powers enabling him that behalf, after carrying out by him of consultations in accordance with section 1(4) of that Act, hereby makes the following Order:-

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Industrial Training (Hotel and Catering Board) (Revocation) Order 1990.

(2) The provisions of this Order (except articles 3 and 4) shall come into force on 31st January 1991.

(3) Articles 3 and 4 of this Order shall come into force on 29th March 1991.

(4) In this Order -

(a) "the Act" means the Industrial Training Act 1982;

(b) "the Board" means the Hotel and Catering Industry Training Board established by the Industrial Training (Hotel and Catering Board) Order 1966(b);

(c) "the net assets" means the assets which are not required to meet the liabilities of the Board and the expenses of its winding up; and

(d) "the revocation date" means the date on which article 3 below comes into force.

Winding up of the Board

2.—(1) The Board shall be wound up in accordance with the provisions of this article.

(2) On the coming into force of this article the Board shall cease to exercise its functions except in so far as continued exercise of those functions may be necessary or expedient for the purposes of winding up.

(3) Between the coming into force of this article and the revocation date the Board shall so far as practicable discharge its liabilities.

(a) 1982 c.10; sections 1(4) and (7) and 4(2)(b) were amended by the Employment Act 1989 (c.38); section 1(4) was substituted by section 23; section 1(7) was amended by section 22(4) and Schedule 4, paragraph 1(4); and section 4(2)(b) was substituted by section 24(2). (b) S.I. 1966/1347, amended by S.I. 1969/1405.

(4) On or after the revocation date the net assets of the Board which are transferred to the Secretary of State under article 4(1) below shall be applied for charitable purposes related to or connected with training for employment.

(5) The Board shall for the part of its financial year ending on the revocation date make a final report to the Secretary of State in accordance with section 8 of the Act and that report shall include a statement of accounts of the Board to that date together with a copy of any report made by the auditors on the accounts. The Secretary of State shall lay a copy of the report before Parliament.

Revocation

3. The Industrial Training (Hotel and Catering Board) Order 1966 and the Industrial Training (Hotel and Catering Board) Order 1969(a) are hereby revoked.

Incidental and transitional provisions

4.—(1) All property (including records) and rights to which the Board was entitled immediately before the revocation date and any obligation to which the Board was then subject, not having been discharged under article 2(3) above, are hereby transferred to and shall vest in the Secretary of State.

(2) Any proceedings which, but for the revocations in article 3 above, could have been commenced or continued by or in relation to the Board, may be commenced or continued by or in relation to the Secretary of State.

(3) Every contract, agreement, licence and authority, whether written or not, and every deed, bond, instrument and document made before the revocation date and still in effect at that time, which relates to property, rights or obligations of the Board shall continue in effect but subject to the following modifications, so far as they or any one or more of them are applicable –

- (a) if the Board is a party thereto the Secretary of State shall be substituted as that party;
- (b) for a reference therein (however worded and whether express or implied) to the Board there shall, as respects anything falling to be done or occurring after that time, be substituted a reference to the Secretary of State;
- (c) for a reference therein (however worded and whether express or implied) to the members or any member or to any officer or officers of the Board there shall be substituted, as respects anything done or falling to be done or occurring on or after the revocation date, a reference to such officers or officer as the Secretary of State shall appoint for the purpose therein specified; and
- (d) for a reference therein to the office or place of business of the Board there shall be substituted a reference to the office or place of business of the Secretary of State.

Signed by order of the Secretary of State,

11th December 1990

Robert Jackson
Parliamentary Under Secretary of State,
Department of Employment

(a) S.I. 1969/1405.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides –

- (a) for the winding up of the Hotel and Catering Industry Training Board (the Board) which was established by the Industrial Training (Hotel and Catering Board) Order 1966. That Order was amended by the Industrial Training (Hotel and Catering Board) Order 1969 (article 2);
- (b) for the revocation of the Orders mentioned in (a) above with effect from 29th March 1991 (article 3);
- (c) that on the revocation date the assets of the Board which are not required to meet its liabilities and the expenses of its winding up are to be applied for charitable purposes related to or connected with training for employment.

The Order also contains incidental and transitional provisions (article 4).