

## EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order, which is made under the Industrial Training Act (Northern Ireland) 1964, establishes an industrial training board to be known as the Textiles 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.

1967. No. 30

[C]

## INDUSTRIAL TRAINING

## Road Transport Industry Training Board

ORDER, DATED 14TH FEBRUARY 1967, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE INDUSTRIAL TRAINING ACT (NORTHERN IRELAND) 1964.

The Ministry of Health and Social Services (hereinafter referred to as "the Ministry") after consultation with organisations and associations of organisations appearing to it 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 public ownership industries in which the said activities are carried on to a substantial extent and in exercise of the powers conferred by section 1 of, and paragraphs 1 and 7 of Schedule 1 to, the Industrial Training Act (Northern Ireland) 1964(a) (hereinafter referred to as "the Act") and of all other powers enabling it in that behalf, hereby makes the following Order:

*Citation*

1. This Order may be cited as the Industrial Training (Road Transport Board) Order (Northern Ireland) 1967.

*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 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 shall have effect in relation to the Board.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 14th day of February nineteen hundred and sixty-seven.

(L.S.)

W. G. H. Quigley,  
Assistant Secretary.

(a) 1964. c. 18 (N.I.).

## 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 Northern Ireland:—

- (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, 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) of any establishment engaged—
  - (i) mainly in activities not being road transport activities or activities described in the Appendix; or
  - (ii) to a lesser 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 any body or person authorised by or under any enactment to construct, work, maintain or carry on any undertaking for the supply of electricity, gas or water, or any dock or harbour;
- (e) any activities mentioned in paragraph 1(n) or 1(o) 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;
- (f) dock work performed by a dock worker;
- (g) the sale of food or drink for immediate consumption;
- (h) 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 (Northern Ireland) 1945(a) (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
- (i) 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 (Northern Ireland) 1960(b), or under section 14 of the Welfare Services Act (Northern Ireland) 1949(c), or under section 2 of the Mental Health Act (Northern Ireland) 1961(d).

3. In this Schedule:—

- (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 148 of the Companies Act (Northern Ireland) 1960(e) it has for the purposes of that Act;
- (c) “dock worker” has the same meaning as in section 6(8) of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965(f);
- (d) “goods” include 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;

(a) 1945. c. 6.

(b) 1960. c. 4.

(c) 1949. c. 1.

(d) 1961. c. 15.

(e) 1960. c. 22.

(f) 1965. c. 19 (N.I.).

- (f) "letting out on hire" does not include a letting under a hire-purchase agreement;
- (g) "local authority" means the council of a county, county or other borough, or of an urban or rural district;
- (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 Office and Shop Premises Act (Northern Ireland) 1966(a);
- (j) "principal activities of the road transport industry" means activities which, subject to the provisions of paragraph 2, 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;
- (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);
- (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 because 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) 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.

(a) 1966, c. 26 (N.I.).

(2) 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; or
- (d) they are carried by a person who uses a goods vehicle solely for the collection or delivery of liquid milk (including whole milk, cream, skim milk or buttermilk) not contained in sealed airtight containers;

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 construction industry .	The Industrial Training (Construction Board) Order (Northern Ireland) 1964(a).	Schedule 1 Paragraph 1(h).
The engineering industry .	The Industrial Training (Engineering Board) Order (Northern Ireland) 1964(b).	Schedule 1 Paragraph 1(p).
The catering industry . . . .	The Industrial Training (Catering Board) Order (Northern Ireland) 1966(c).	Schedule 1 Paragraph 1(c).
The clothing and footwear industry . . . . .	The Industrial Training (Clothing and Footwear Board) Order (Northern Ireland) 1966(d).	Schedule 1 Paragraph 1(j).
The man-made fibres producing industry . . . . .	The Industrial Training (Man-made Fibres Producing Board) Order (Northern Ireland) 1966(e).	Schedule 1 Paragraph 1(d).
The textiles industry . . . . .	The Industrial Training (Textiles Board) Order (Northern Ireland) 1967(f).	Schedule 1 Paragraph 1(31).

(a) S.R. & O. (N.I.) 1964, No. 145.

(b) S.R. & O. (N.I.) 1964, No. 146.

(c) S.R. & O. (N.I.) 1966, No. 32.

(d) S.R. & O. (N.I.) 1966, No. 130.

(e) S.R. & O. (N.I.) 1966, No. 258.

(f) S.R. & O. (N.I.) 1967, No. 29.

## SCHEDULE 2

## Membership

1. A casual vacancy occurring in the membership of the Board shall be filled by a person who shall be appointed or appointed after consultation in like manner as the person whom he replaces was appointed.

2. The term of office of members of the Board shall be three years or such other period as may be determined by the Ministry at the time the appointments are made but a person appointed to fill a casual vacancy shall hold office only for the remainder of the term for which the member he replaces was appointed.

3. 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 Ministry; or

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

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

4. A member of the Board may at any time resign from the Board by giving to the Ministry a notice in writing signed by him of his resignation.

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

## Proceedings and Meetings

6. At a meeting of the Board three-fifths of the members shall be the quorum, or if the number so ascertained includes a fraction the nearest higher whole number of members.

7. The chairman shall preside at all meetings of the Board at which he shall be present, but if at any meeting the said chairman be not present within 5 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.

8. 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.

9.—(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(1)(a) of Schedule 1 to the Act, each such member shall have one vote, and the resolution shall be decided by 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(1)(a) of Schedule 1 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 .....  
 being a member of the Road Transport Industry Training Board appointed  
 as mentioned in paragraph 3(1)(a) of Schedule 1 to the Industrial Training  
 Act (Northern Ireland) 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.

10. 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.

11. The Board shall have an office at which communications and notices will at all times be received.

**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order, which is made under the Industrial Training Act (Northern Ireland) 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.

**1967. No. 31**

This Order has been exempted from printing by the Statutory Rules Act (Northern Ireland) 1958. A summary is given in the List of Statutory Rules and Orders of a Local Character under the heading PUBLIC HEALTH.

**1967. No. 32**

This Order has been exempted from printing by the Statutory Rules Act (Northern Ireland) 1958. A summary is given in the List of Statutory Rules and Orders of a Local Character under the heading ROADS.