



Industrial Training Act 1964

1964 CHAPTER 16

1 Establishment of industrial training boards

- (1) For the purpose of making better provision for the training of persons over compulsory school age (in Scotland school age) for employment in any activities of industry or commerce the Minister may make an order specifying those activities and establishing a board to exercise in relation to them the functions conferred on industrial training boards by the following provisions of this Act.
- (2) In this Act—
 - " industrial training board " means a board established under this section;
 - " industrial training order " means an order under this section;
 - " the industry ", in relation to an industrial training board, means the activities in relation to which it exercises functions; and
 - " the Minister " means the Minister of Labour.
- (3) The provisions of the Schedule to this Act shall have effect with respect to industrial training boards.
- (4) Before making an industrial training order the Minister shall consult any organisation or association of organisations appearing to him to be representative of substantial numbers of employers engaging in the activities concerned and any organisation or association of organisations appearing to him to be representative of substantial numbers of persons employed in those activities; and if those activities are carried on to a substantial extent by a body established for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, shall also consult that body.
- (5) An industrial training order may provide for any incidental or supplementary matter for which it appears to the Minister to be necessary or expedient to provide.
- (6) The power to make an industrial training order shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

2 Functions of industrial training board

- (1) An industrial training board—
 - (a) shall provide or secure the provision of such courses and other facilities (which may include residential accommodation) for the training of persons employed or intending to be employed in the industry as may be required, having regard to any courses or facilities otherwise available to such persons ;
 - (b) may approve such courses and facilities provided by other persons;
 - (c) shall from time to time consider such employments in the industry as appear to require consideration and publish recommendations with regard to the nature and length of the training for any such employment and the further education to be associated with the training, the persons by and to whom the training ought to be given, the standards to be attained as a result of the training and the methods of ascertaining whether those standards have been attained;
 - (d) may apply or make arrangements for the application of selection tests and of tests or other methods for ascertaining the attainment of any standards recommended by the board and may award certificates of the attainment of those standards;
 - (e) may assist persons in finding facilities for being trained for employment in the industry ;
 - (f) may take part in any arrangements made by the Minister under section 2(2) of the Employment and Training Act 1948 with respect to the industry or in similar arrangements made by a local education authority (or, in Scotland, an education authority) under section 10 of that Act;
 - (g) may carry on or assist other persons in carrying on research into any matter relating to training for employment in the industry.
- (2) An industrial training board may enter into contracts of service or apprenticeship with persons who intend to be employed in the industry and to attend courses or avail themselves of other facilities provided or approved by the board.
- (3) An industrial training board may, at the request of another industrial training board, provide courses and other facilities for the training of persons employed or intending to be employed in the industry for which that other board is established.
- (4) An industrial training board may—
 - (a) pay maintenance and travelling allowances to persons attending courses provided or approved by the board;
 - (b) make grants or loans to persons providing courses or other facilities approved by the board ;
 - (c) pay fees to persons providing further education in respect of persons who receive it in association with their training in courses provided or approved by the board.
- (5) An industrial training board shall exercise its functions under this section in accordance with proposals submitted to the Minister and approved by him under section 7 of this Act.
- (6) An industrial training board shall give to the Minister such information or facilities for obtaining information with regard to the exercise of its functions, in such manner and at such times as he may reasonably require.

3 Establishment of committees

- (1) An industrial training board may, in accordance with proposals submitted to and approved by the Minister under section 7 of this Act.—
 - (a) appoint committees (which need not include members of the board);
 - (b) join with one or more other industrial training boards in appointing joint committees consisting of such persons (whether or not members of an industrial training board) as may be determined by the boards ;and delegate to any such committee, to such extent as may be stated in the proposals, all or any of the functions conferred on the board by section 2 of this Act.
- (2) An industrial training board may pay or, as the case may be, join in paying, to the members of such a committee such travelling, subsistence and other allowances as the board or boards may determine, and to the chairman such remuneration as the board or boards may with the approval of the Minister and the Treasury determine.
- (3) Subject to any directions of the board or boards which appointed it, a committee appointed under this section may regulate its own procedure and fix a quorum for its proceedings.

4 Levies

- (1) For the purpose of raising money towards meeting its expenses an industrial training board shall from time to time impose, in accordance with an order made by the Minister (in this section referred to as a levy order), a levy on employers in the industry, other than such (if any) as may be exempted by the levy order or the industrial training order.
- (2) A levy order shall give effect to proposals submitted to and approved by the Minister under section 7 of this Act, and such proposals may provide for the amendment of a previous levy order and may make different provision in relation to different classes or descriptions of employer.
- (3) A levy order may contain provisions as to the evidence by which a person's liability to the levy or his discharge of that liability may be established and as to the time at which any amount payable by any person by way of the levy shall become due and recoverable by the industrial training board, and shall give any person assessed to the levy a right of appeal to an appeal tribunal constituted under this Act.
- (4) The power to make a levy order shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

5 Grants and loans, etc.

- (1) The Minister may with the approval of the Treasury make grants and loans to an industrial training board out of moneys provided by Parliament.
- (2) An industrial training board may, with the consent of the Minister or in accordance with the terms of any authority given by him, borrow temporarily from any other person by way of overdraft or otherwise such sums as it may require.
- (3) The aggregate of the grants and loans made under subsection (1) of this section shall not exceed £50 million or such greater amount as the Minister may from time to time by order made by statutory instrument determine; but no such order shall be made unless a draft thereof has been laid before and approved by each House of Parliament.

- (4) An industrial training board may give security for any money borrowed by it, and any such security given to the Minister shall be expressed to be in favour of the Minister of Labour for the time being and shall take effect accordingly.
- (5) An industrial training board shall not invest any money otherwise than in such manner as the Minister may approve.

6 Power to obtain information from employers

- (1) Where an industrial training board has been established, the Minister may require employers in the industry to furnish such returns and other information and to keep such records and produce them for examination on his behalf as appear to the Minister to be necessary for the purposes of this Act.
- (2) An industrial training board and any person assessing and collecting a levy on behalf of the board may require employers in the industry to furnish such returns and other information of a kind approved by the Minister and to keep such records of a kind approved by him and produce them for examination on behalf of the board as appear to the board to be necessary for carrying out its functions.
- (3) Subject to subsection (4) of this section, returns and other information furnished in pursuance of the preceding provisions of this section and any information obtained on an examination made in pursuance thereof shall not, without the consent of the employer to whose business the returns or information relate, be disclosed otherwise than to the Minister or one of his officers, or to an industrial training board or a committee appointed by such a board, or an officer of such a board or committee or any person entitled to take part in the proceedings of such a board.
- (4) Subsection (3) of this section shall not apply—
 - (a) to the disclosure of returns or information in the form of a summary of similar returns or information furnished by or obtained from a number of employers, if the summary is so framed as not to enable particulars relating to any individual business to be ascertained from it;
 - (b) to any disclosure of information made for the purposes of any legal proceedings pursuant to this Act or any criminal proceedings, whether pursuant to this Act or not, or for the purposes of any report of any such proceedings.
- (5) A certificate purporting to be issued by or on behalf of the Minister and stating that he has approved any kind of information, return or record for the purposes of subsection (2) of this section shall in any legal proceedings be evidence, and in Scotland sufficient evidence, of the facts stated in the certificate.
- (6) If any person fails to comply with any requirement made under subsection (1) or subsection (2) of this section he shall be liable on summary conviction to a fine not exceeding one hundred pounds, or on a second or subsequent conviction two hundred pounds.
- (7) If any person—
 - (a) knowingly or recklessly furnishes, in pursuance of any requirement made under subsection (1) or subsection (2) of this section, any return or other information which is false in a material particular; or

- (b) wilfully makes a false entry in any record required to be produced under either of those subsections or, with intent to deceive, makes use of any such entry which he knows to be false ; or
 - (c) discloses any information in contravention of subsection (3) of this section ;
- he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both, or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both.
- (8) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary, or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

7 Proposals for exercise of board's functions and for levies

- (1) An industrial training board shall from time to time, and whenever directed by the Minister, submit to him for his approval—
- (a) proposals for the exercise of the functions conferred on it by section 2 of this Act and for the establishment of committees under section 3 thereof and the delegation to them of all or any of those functions ; and
 - (b) proposals for the raising and collection of a levy.
- (2) Where an industrial training board—
- (a) has failed to comply within a reasonable time with a direction of the Minister under subsection (1) of this section to submit to him such proposals as are mentioned in paragraph (a) or paragraph (b) thereof; or
 - (b) has submitted to him such proposals which appear to him unsatisfactory;
- the Minister may direct the board to submit such proposals or, as the case may be, fresh proposals, within a specified time, and if he directs the board to submit fresh proposals he shall specify in the direction in what respects the proposals already submitted appear to him unsatisfactory; and if the board fails to comply with the direction or the proposals submitted in pursuance of it appear to the Minister unsatisfactory he may make an order declaring the board to be in default.
- (3) On the making of an order under subsection (2) of this section the members of the industrial training board shall forthwith vacate their office and the order may contain such provisions as seem to the Minister expedient for authorising any person to act in the place of the members of the board during such period, not exceeding six months, as may elapse before new members are appointed.
- (4) While an order under subsection (2) of this section is in force with respect to an industrial training board paragraph 3 of the Schedule to this Act and any provision of the industrial training order made by virtue of paragraph 7(a) of that Schedule shall not apply in relation to it, and accordingly (without prejudice to any provision made under subsection (5) of this section) paragraph 5 of that Schedule shall not apply.
- (5) An order under subsection (2) of this section may contain such incidental or supplementary provisions as appear to the Minister to be necessary or expedient, and may be varied or revoked by a subsequent order.

- (6) The Minister may out of moneys provided by Parliament defray the expenses of any person acting in the place of the members of an industrial training board in pursuance of subsection (3) of this section and recover from the board any expenses so defrayed.

8 Reports and accounts of industrial training boards

- (1) An industrial training board shall keep proper accounts and other records in relation to the accounts and prepare in respect of each of its financial years a statement of account in such form as the Minister may, with the approval of the Treasury, determine.
- (2) The accounts of an industrial training board shall be audited by auditors appointed by the board and no person shall be qualified to be so appointed unless he is a member of one or more of the following bodies:—
- (a) the Institute of Chartered Accountants in England and Wales;
 - (b) the Institute of Chartered Accountants of Scotland ;
 - (c) the Association of Certified and Corporate Accountants ;
 - (d) the Institute of Chartered Accountants in Ireland;
 - (e) any other body of accountants established in the United Kingdom and for the time being recognised, for the purposes of paragraph (a) of section 161(1) of the Companies Act 1948, by the Board of Trade ;
- but a Scottish firm may be so appointed if each of the partners is qualified to be so appointed.
- (3) An industrial training board shall for each of its financial years make a report of its activities to the Minister and that report shall include a statement of the accounts of the board for that year together with a copy of any report made by the auditors on the accounts.
- (4) The Minister shall lay a copy of every such report before Parliament.

9 Amendment or revocation of industrial training order

- (1) The Minister may by order—
- (a) amend an industrial training order ; or
 - (b) revoke such an order.
- (2) Before making an order under subsection (1) of this section the Minister shall consult the industrial training board and such organisations, associations or bodies as would, by virtue of section 1(4) of this Act, be required to be consulted before the making of an industrial training order for the industry.
- (3) An order under subsection (1)(b) of this section shall provide for the winding up of the industrial training board and may provide for the imposition of a levy on employers in the industry, other than such (if any) as may be exempted by the order, for the purpose of raising any amount by which the assets of the industrial training board may be insufficient to meet its liabilities and the expenses of the winding up, and for the application for specified purposes of any amount by which those assets may exceed those liabilities and expenses.
- (4) Subsection (3) of section 4 of this Act shall apply to an order under subsection (1)(b) of this section making provision for the imposition of a levy as it applies to an order under that section.

- (5) An order under subsection (1) of this section may provide for any incidental, transitional or consequential matter for which it appears to the Minister to be necessary or expedient to provide.
- (6) The power to make an order under this section shall be exercisable by statutory instrument and includes power to amend or revoke such an order by a subsequent order; and any statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

10 Accidents happening in connection with training provided or approved by industrial training board

- (1) In relation to accidents happening to insured persons (within the meaning of the National Insurance (Industrial Injuries) Act 1946) who attend courses or avail themselves of other facilities provided or approved by an industrial training board, sections 8 to 10 of that Act (which make provision for treating certain accidents as arising out of and in the course of an insured person's employment) shall have effect subject to the following modifications.
- (2) For the purposes of section 8, any act done by the insured person for the purposes of and in connection with his training shall, if it is not done for the purposes of and in connection with his employer's trade or business, be deemed to be so done.
- (3) For the purposes of section 9, any vehicle (within the meaning of that section) which is operated by or on behalf of an industrial training board or some other person by whom it is provided in pursuance of arrangements made with an industrial training board shall, if not operated and provided as mentioned in subsection (1)(b)(i) of that section, be deemed to be so operated and provided.
- (4) For the purposes of section 10, any premises at which an insured person is for the time being employed for the purposes of his training shall, if they are not premises at which he is for the time being employed for the purposes of his employer's trade or business, be deemed to be such premises.

11 Central Training Council

- (1) The Minister shall appoint a council, to be known as the Central Training Council, which shall have the duty of advising him on the exercise of his functions under this Act and on any other matter relating to industrial or commercial training which he may refer to it.
- (2) The Central Training Council shall consist of a chairman and—
 - (a) six members appointed after consultation with any organisation or association of organisations representative of employers;
 - (b) six members appointed after consultation with any organisation or association of organisations representative of employed persons;
 - (c) two members appointed after consultation with bodies established for the purpose of carrying on under national ownership any industry or part of an industry or undertaking;
 - (d) not more than six chairmen of industrial training boards; and
 - (e) twelve other members, of whom six shall be appointed after consultation with the Secretary of State and the Minister of Education.

- (3) The Central Training Council shall from time to time, and whenever directed by the Minister, make to him a report of its activities, and the Minister shall lay a copy of every such report before Parliament.
- (4) The Minister may out of moneys provided by Parliament pay to the members of the Central Training Council such travelling, subsistence and other allowances as he may with the consent of the Treasury determine.

12 Appeal tribunals

- (1) The Minister shall by regulations provide for the establishment of a tribunal or tribunals to determine appeals by persons assessed to any levy imposed under this Act and such regulations may include—
 - (a) provision as to the procedure to be followed on such an appeal; and
 - (b) provision for summoning persons to attend and give evidence and produce documents and for authorising the administration of oaths to witnesses.
- (2) If, on an appeal, the appellant satisfies such a tribunal that he ought not to have been assessed to the levy or ought to have been assessed in a smaller amount, the tribunal shall rescind or, as the case may be, reduce the assessment, but in any other case shall confirm it.
- (3) The Minister may out of moneys provided by Parliament pay to members of tribunals established in accordance with regulations under this section such fees and allowances, and to persons giving evidence before such tribunals such allowances, as he may with the consent of the Treasury determine.
- (4) Regulations under this section shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

13 Special provisions for cotton industry

- (1) If the activities which are to be or are for the time being specified in an industrial training order are the same as those which under the Industrial Organisation and Development Act 1947 are designated as constituting the industry in relation to which the Cotton Board exercises functions under that Act, the industrial training order may be so made or amended as to provide for the exercise by the Cotton Board, instead of by an industrial training board, of the functions of an industrial training board in relation to those activities.
- (2) Any functions exercisable by the Cotton Board by virtue of this section shall be exercisable by it through a committee (in this section referred to as the " industrial training committee ") consisting of a chairman, who shall be appointed by the Minister as a person appearing to him to have industrial or commercial experience, and—
 - (a) the members of the Board who are not independent members within the meaning of the said Act of 1947 ; and
 - (b) persons appointed by the Minister after consultation with the Secretary of State and the Minister of Education;

and, subject to the following provisions of this section, references in this Act, except in sections 1 and 15 and the Schedule, to an industrial training board shall be construed as including references to the Cotton Board acting through the industrial training committee.

- (3) The chairman of the industrial training committee and the persons appointed under paragraph (b) of the preceding subsection shall not vote on any matter relating to the imposition of a levy.
- (4) Any accounts and records to be kept and reports to be made under section 8 of this Act which are to be so kept or made by the Cotton Board by virtue of this section shall relate only to its functions under this Act; and those functions shall not be dealt with in the report and statement made by it under the said Act of 1947 ; and—
 - (a) the reference in section 4(1) of this Act to the expenses of an industrial training board shall not include any expenses of the Cotton Board which are not attributable to this Act;
 - (b) any sums borrowed by the Cotton Board for the purposes of its functions under this Act shall be in addition to the total amount of the borrowings permitted for other purposes, shall be charged on the assets attributable to this Act and shall be repayable (together with any interest thereon) out of those assets and not otherwise, and section 5(5) of this Act shall apply only to money held by the Cotton Board in pursuance of this Act; and
 - (c) the references in section 9(3) of this Act to the winding up of an industrial training board shall not apply to the Cotton Board and the references therein to assets and liabilities shall not include any assets and liabilities which are not attributable to this Act.
- (5) The Cotton Board—
 - (a) shall pay to the chairman of the industrial training committee such remuneration (if any) as the Minister may from time to time with the approval of the Treasury determine;
 - (b) may pay to the members of the industrial training committee such travelling, subsistence and other allowances as the Cotton Board may determine.
- (6) The Cotton Board may appoint such officers and servants for the purposes of the functions exercisable by it under this section, upon such terms as to remuneration, pension rights and other conditions of service, as the Cotton Board may determine and, in the case of pension rights, the Minister may approve.
- (7) Paragraphs 6 to 9 of the Schedule to this Act shall apply in relation to the industrial training committee and its members as they apply in relation to an industrial training board and its members.
- (8) If an order is made under section 7 of this Act declaring the Cotton Board to be in default the references in subsection (3) of that section to the members of the industrial training board shall be construed as referring to members of the industrial training committee and subsection (4) of that section shall not apply, except in so far as it excludes paragraph 7(a) of the Schedule as applied by subsection (7) of this section.

14 Power of industrial training board with respect to training for employment overseas

- (1) If the Minister so requests, an industrial training board may exercise such functions in connection with the training for employment in any activity of industry or commerce carried on outside Great Britain of persons temporarily in Great Britain as are exercisable by it under subsections (1) and (4) of section 2 of this Act in connection with the training of persons employed or intending to be employed in the industry for which the board is established.

- (2) An industrial training board may delegate any power exercisable by it by virtue of this section to a committee (which need not include members of the board) appointed for that purpose or to any committee appointed under section 3 of this Act.
- (3) An industrial training board shall keep separate accounts—
 - (a) with respect to its functions under this section; and
 - (b) with respect to its other functions under this Act;
 and no money raised by a levy imposed under this Act shall be carried to an account kept in pursuance of paragraph (a) of this subsection, and any expenses and liabilities incurred by the board under this section shall be disregarded for the purposes of sections 4(1) and 9(3) of this Act.

15 Disqualification for membership of House of Commons

In Part III of Schedule 1 to the House of Commons Disqualification Act 1957 (which specifies offices the holders of which are disqualified under that Act) as it applies to the House of Commons of the Parliament of the United Kingdom, after the entry relating to the chairman, vice-chairman and a salaried member of the Dental Estimates Board, there shall be inserted the words—

“Paid chairman of an industrial training board constituted under the Industrial Training Act 1964 or of a committee appointed under that Act or paid deputy chairman of such a board”.

16 Powers of education authorities

The facilities for further education that may be provided by a local education authority under section 41 of the Education Act 1944 or by an education authority in Scotland under section 1 of the Education (Scotland) Act 1962 shall be deemed to include and under any such Act shall be deemed to have included facilities for vocational and industrial training.

17 Contributions out of National Insurance Fund towards Minister's expenses in connection with certain courses

In the proviso to section 3(6) of the Employment and Training Act 1948 (which limits to half a million pounds in any year the contributions out of the National Insurance Fund which may be made under that section towards expenses incurred by the Minister in providing training courses) for the words from " shall not exceed " to the end of the subsection there shall be substituted the words " shall not in any year exceed one million pounds or such greater amount as the Minister of Pensions and National Insurance may from time to time by order made by statutory instrument determine ; and any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament ".

18 Financial provisions

There shall be defrayed out of moneys provided by Parliament—

- (a) any administrative expenses incurred by the Minister for the purposes of this Act; and
- (b) any increase attributable to this Act in the sums payable under any other enactment out of moneys so provided.

19 Short title and extent

- (1) This Act may be cited as the Industrial Training Act 1964.
- (2) This Act, except section 15, does not extend to Northern Ireland.