

1970 No. 252

INDUSTRIAL TRAINING

The Industrial Training (Air Transport and Travel Industry Board) Order 1970

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| <i>Made</i> | - - - | 18th February 1970 |
| <i>Laid before Parliament</i> | | 27th February 1970 |
| <i>Coming into Operation</i> | | 11th March 1970 |

The Secretary of State after consultation with the Civil Air Transport 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 (Air Transport and Travel Industry Board) Order 1970 and shall come into operation on 11th March 1970.

(2) In this Order :—

- (a) “the Act” means the Industrial Training Act 1964 ;
- (b) “the Board” means the Civil Air Transport Industry Training Board ;
- (c) “levy Order” means the Industrial Training Levy (Civil Air Transport) Order 1968(b) or the Industrial Training Levy (Civil Air Transport) Order 1969(c) ;
- (d) “the principal Order” means the Industrial Training (Civil Air Transport Board) Order 1967(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.

Re-naming of the Board

2. The Board shall henceforth be known as the Air Transport and Travel Industry Training Board and accordingly any reference to the Board in the principal Order shall be taken to be a reference to the Air Transport and Travel Industry Training Board, and any reference to the civil air transport industry as a reference to the air transport and travel industry.

(a) 1964 c. 16.

(c) S.I. 1969/620 (1969 I, p. 1729).

(e) 1889 c. 63.

(b) S.I. 1968/226 (1968 I, p. 738).

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

Activities of the Board

3. The activities in relation to which the Air Transport and Travel Industry Training 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.

Transitional provisions

4.—(1) The chairmen and other members of the Board on the day upon which this Order comes into operation shall be members of the Air Transport and Travel Industry Training Board and shall continue 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 ;
- (b) affect the operation of either levy Order in relation to the assessment of an Air Corporation or the British Airports Authority or in relation to the assessment of any other employer within the meaning of such Order in respect of an establishment that was engaged in the first levy period or the second levy period, as the case may be, wholly or mainly in activities included in the Schedule to this Order ;
- (c) affect the operation of any assessment notice issued by the Board under the provisions of either levy Order before the day upon which this Order comes into operation or any appeal or other proceedings arising out of any such notice.

(3) The change of name of the Board shall not affect any right or obligation of the Board or of any other person and any pending legal proceedings may be continued by or against the Board notwithstanding its change of name.

18th February 1970.

Barbara Castle,

First Secretary of State and Secretary of State
for Employment and Productivity.

Article 3

SCHEDULE

THE AIR TRANSPORT AND TRAVEL INDUSTRY

1. Subject to the provisions of this Schedule, the activities of the air transport and travel industry are the following activities in so far as they are exercised within Great Britain:—

- (a) the activities of an Air Corporation or of the British Airports Authority ;
- (b) the activities of any undertaking (not being an Air Corporation) whose business includes the performance of aerial work, being activities undertaken in the air or on the ground in furtherance of such work ;
- (c) the letting out on hire (with or without the services of a crew) of aircraft ;
- (d) giving for reward instruction in flying aircraft ;

- (e) the inspection, maintenance, repair, overhaul, replacement or modification of aircraft or parts of aircraft or of such of the equipment of aircraft as is necessary for the airworthiness thereof ;
- (f) the provision, maintenance or management of —
 - (i) an aerodrome in respect of which a licence for public use is in force ;
 - (ii) such technical, emergency or security services and facilities as are necessary for the operation of such an aerodrome ; or
 - (iii) technical facilities (including flight documentation) for controlling the take-off, approach to landing and landing of aircraft ;
- (g) the business of a travel agent or of providing packaged tours ;
- (h) any activities (other than those above mentioned) being —
 - (i) related activities incidental or ancillary to principal activities of the air transport and travel 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 ;
- (i) any other activities of industry or commerce carried out at or from an establishment (not being an establishment of an Air Corporation or of the British Airports Authority) mainly engaged—
 - (i) in air transport and travel activities ; or
 - (ii) in air transport and travel activities and in activities described in the Appendix to this Schedule, but to a greater extent in air transport and travel 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 air transport and travel industry :—

- (a) the activities of any establishment (not being an establishment of an Air Corporation or of the British Airports Authority) engaged—
 - (i) mainly in activities not being air transport and travel activities or activities described in the Appendix to this Schedule ; or
 - (ii) to a less extent in air transport and travel 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 related activities, 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 air transport and travel 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 ;
- (c) the activities of any establishment engaged wholly or mainly in the activities following or any of them, that is to say—
 - (i) any operations in the construction, alteration, repair or demolition of a building or in the construction, structural alteration, repair or demolition of any aerodrome, airport, bridge, road, viaduct, tunnel, electric line or any structure for its support, cable trench or duct, pipeline or defence installation or the provision or continued provision for build-

- ings or any such construction or work of water, gas, electricity, lighting, heating, ventilation or air-conditioning ;
- (ii) the manufacture of aircraft ;
 - (iii) any operations specified in paragraph 1(e) of this Schedule, being operations carried out by the manufacturer of the aircraft, parts of aircraft or equipment therein mentioned ;
 - (iv) the manufacture, installation, testing, inspection or repair of any articles (not being aircraft, parts of aircraft or equipment specified in the said paragraph 1(e) or motor vehicles) made wholly or mainly from metal or from any combination of metal and plastics material ;
 - (v) the manufacture or repair of any articles (not being aircraft or parts of aircraft) made wholly or mainly from wood ;
 - (vi) any operations in agriculture or horticulture ;
 - (vii) the carriage of passengers or goods by motor vehicles on roads for hire or reward ;
 - (viii) the repair, reconditioning, modification, alteration or conversion (not being running repairs or minor adjustments) of motor vehicles ;
 - (ix) public warehousing ;
 - (x) the provision, by way of business, of board and lodging ;
 - (xi) the business of banking, finance or insurance ; or
 - (xii) the business of forwarding agents ;
- (d) the following activities when carried out by a local authority—
- (i) any operations specified in sub-paragraph (c)(i) of this paragraph ; or
 - (ii) any activities specified in paragraph 1(h) or 1(i) of this Schedule, not being activities mentioned in head (ii) or head (iv) of paragraph 3(q) ;
- (e) the activities of any body established for purposes which are exclusively charitable according to the laws of England and Wales or of Scotland ;
- (f) any activities when carried out by a member of the crew of an aircraft that is operated by an employer having his sole or principal place of business outside Great Britain ; or
- (g) the supply of food or drink to persons for immediate consumption except in so far as such activities are carried out by members of the crew of an aircraft.
3. In this Schedule unless the context otherwise requires:—
- (a) “aerial work” means any purpose (including the provision of air transport services) for which an aircraft is flown if hire or reward is given or promised in respect of the flight or for the purpose of the flight ;
 - (b) “Air Corporation” means the British Overseas Airways Corporation or the British European Airways Corporation, and includes B.O.A.C. Associated Companies Limited and BEA Helicopters Limited ;
 - (c) “aircraft” means any heavier than air aircraft ;
 - (d) “air transport and travel activities” means any one or more of the principal activities of the air transport and travel industry and the activities included in that industry by virtue of paragraph 1(h) of this Schedule ;
 - (e) “business” means a business carried on for the purpose of gain ;
 - (f) “carriage” in relation to goods includes haulage ;
 - (g) “company” includes any body corporate, and “subsidiary” has the same meaning as by virtue of section 154 of the Companies Act 1948(a) it has for the purposes of that Act ;

- (h) "letting out on hire" does not include any arrangement in the nature of hire-purchase ;
- (i) "licence for public use" has the same meaning as in Article 64(2) of the Air Navigation Order 1966(a) ;
- (j) "local authority" means—
 - (i) in relation to England and Wales, a local authority within the meaning of the Local Government Act 1933(b) or the Common Council of the City of London, and includes a joint board or joint committee of such authorities ;
 - (ii) in relation to Scotland, a county council, town council or district council, and includes any joint board or joint committee of such authorities appointed under any enactment, order or scheme ;
- (k) "manufacture" includes assembly and any process or operation incidental or appertaining to manufacture or assembly ;
- (l) "motor vehicles" means mechanically propelled vehicles intended or adapted for use on roads ;
- (m) "office premises" has the same meaning as in section 1(2) of the Offices, Shops and Railway Premises Act 1963(c) ;
- (n) "packaged tours" means arrangements made (directly or through an agent) between a person and one or more intending travellers whereby, in consideration of a fee, the former agrees to provide or to make available for the latter suitable travel facilities to, and hotel or other accommodation at, one or more places in Great Britain or elsewhere ;
- (o) "principal activities of the air transport and travel industry" means activities which, subject to the provisions of paragraph 2 of this Schedule, are specified in paragraph 1, other than sub-paragraphs (h) and (i) thereof, as activities of the air transport and travel industry ;
- (p) "public warehousing" means keeping any premises (not being a public garage or parking place) 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 cloak-room or safe depository ;
- (q) "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, transport or any similar operations ;
 - (iii) operations of a kind performed at booking offices, other 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 ;
- (r) "roads" means highways or any other roads to which the public has access ;
- (s) "travel agent" means a person who sells travel tickets or packaged tours and who provides the usual ancillary services.

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) 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.

(a) S.I. 1966/1184 (1966 III, p. 3073).

(b) 1933 c. 51.

(c) 1963 c. 41.

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(a) | 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(b) | 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(c) | Schedule 1 Paragraph 1(l) |
| 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(d) | 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(e) | 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(f) | 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(g) | 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(h) | 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(i) | Schedule 1 Paragraph 1(f) |

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

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

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

(d) S.I. 1964/1086, 1968/1333, 1969/1376 (1964 II, p. 2402; 1968 II, p. 3694; 1969 III, p. 4103).

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

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

(g) S.I. 1965/2028, 1969/1290 (1965 III, p. 5998; 1969 III, p. 3320).

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

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

| Column 1 | Column 2 | Column 3 |
|-------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| The knitting, lace and net industry | The Industrial Training (Knitting, Lace and Net Industry Board) Order 1966(a) | Schedule 1 Paragraph 1(j) |
| The cotton and allied textiles industry | The Industrial Training (Cotton and Allied Textiles Board) Order 1966(b) | Schedule 1 Paragraph 1(p) |
| The agricultural, horticultural and forestry industry | The Industrial Training (Agricultural, Horticultural and Forestry Board) Order 1966(c) | 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 and the Industrial Training (Road Transport Board) Order 1969 (Amendment) Order 1969(d) | Schedule 1 Paragraph 1(p) |
| The hotel and catering industry | The Industrial Training (Hotel and Catering Board) Order 1966 as amended by the Industrial Training (Hotel and Catering Board) Order 1969(e) | Schedule 1 Paragraph 1(e) |
| The petroleum industry | The Industrial Training (Petroleum Board) Order 1967 as amended by the Industrial Training (Petroleum Board) Order 1970(f) | Schedule 1 Paragraph 1(i) |
| The rubber and plastics processing industry | The Industrial Training (Rubber and Plastics Processing Board) Order 1967(g) | Schedule 1 Paragraph 1(k) |
| The chemical and allied products industry | The Industrial Training (Chemical and Allied Products Board) Order 1967(h) | Schedule 1 Paragraph 1(s) |
| The paper and paper products industry | The Industrial Training (Paper and Paper Products Board) Order 1968(i) | Schedule 1 Paragraph 1(j) |
| The printing and publishing industry | The Industrial Training (Printing and Publishing Board) Order 1968(j) | Schedule 1 Paragraph 1(n) |
| The distributive industry | The Industrial Training (Distributive Board) Order 1968(k) | Schedule 1 Paragraph 1(h) |
| The food, drink and tobacco industry | The Industrial Training (Food, Drink and Tobacco Board) Order 1968(l) | Schedule 1 Paragraph 1(q) |
| The footwear, leather and fur skin industry | The Industrial Training (Footwear, Leather and Fur Skin Board) Order 1968(m) | Schedule 1 Paragraph 1(v) |
| The clothing and allied products industry | The Industrial Training (Clothing and Allied Products Board) Order 1969(n) | Schedule 1 Paragraph 1(j) |
| The hairdressing and allied services industry | The Industrial Training (Hairdressing and Allied Services Board) Order 1969(o) | Schedule 1 Paragraph 1(g) |

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

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

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

(d) S.I. 1966/1112, 1969/879, 1871 (1966 III, p. 2712; 1969 II, p. 2495; 1969 III, p. 5815).

(e) S.I. 1966/1347, 1969/1405 (1966 III, p. 3669; 1969 III, p. 4132).

(f) S.I. 1967/648, 1970/205 (1967 I, p. 2032).

(g) S.I. 1967/1062 (1967 II, p. 3151).

(i) S.I. 1968/787 (1968 II, p. 2194).

(k) S.I. 1968/1032 (1968 II, p. 2709).

(m) S.I. 1968/1763 (1968 III, p. 4785).

(o) S.I. 1969/1634 (1969 III, p. 5133).

(h) S.I. 1967/1386 (1967 III, p. 4049).

(j) S.I. 1968/786 (1968 II, p. 2185).

(l) S.I. 1968/1033 (1968 II, p. 2721).

(n) S.I. 1969/1375 (1969 III, p. 4094).

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order re-names the Civil Air Transport Industry Training Board (which was established on 8th March 1967 by the Industrial Training (Civil Air Transport Board) Order 1967) and re-defines the activities in relation to which the Board exercises its functions. The Board will henceforth be styled the Air Transport and Travel Industry Training Board, and among the said activities there will be included those of travel agents and packaged tour operators.

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