

1971 No. 1876

INDUSTRIAL TRAINING
**The Industrial Training (Distributive Board) Order 1970
(Amendment) Order 1971**

Made - - - 16th November 1971

Laid before Parliament 25th November 1971

Coming into Operation 8th December 1971

The Secretary of State after consultation with the Distributive 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 his powers under section 9 of the Industrial Training Act 1964(a) and of all other powers enabling him in that behalf hereby makes the following Order :—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Industrial Training (Distributive Board) Order 1970 (Amendment) Order 1971 and shall come into operation on 8th December 1971.

(2) In this Order—

- (a) “the Act” means the Industrial Training Act 1964 ;
- (b) “the Board” means the Distributive Industry Training Board;
- (c) “levy Order” includes the Industrial Training Levy (Distributive Board) Order 1969(b), the Industrial Training Levy (Distributive Board) Order 1970(c) and the Industrial Training Levy (Distributive Board) Order 1971(d) ;
- (d) “the 1970 Order” means the Industrial Training (Distributive Board) Order 1970(e) ;
- (e) “the principal Order” means the Industrial Training (Distributive Board) Order 1968(f).

(3) The Interpretation Act 1889(g) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order, the principal Order and the 1970 Order were Acts of Parliament.

(a) 1964 c. 16.

(c) S.I. 1970/1322 (1970 III, p. 4423).

(e) S.I. 1970/1053 (1970 II, p. 3273).

(g) 1889 c. 63.

(b) S.I. 1969/1240 (1969 III, p. 3747).

(d) S.I. 1971/1194 (1971 II, p. 3491).

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

Amendment of the 1970 Order

2. The 1970 Order (which substituted the Schedule to that Order for Schedule 1 to the principal Order) shall be amended in accordance with the Schedule to this Order, and accordingly the activities in relation to which the Board exercises the functions conferred by the Act upon industrial training boards shall, in lieu of the activities specified in the Schedule to the 1970 Order, be the activities specified in that Schedule as amended by the Schedule to this Order.

Transitional provisions

3.—(1) The chairman and other members of the Board on the day upon which this Order comes into operation shall continue to be members of the Board and 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 a levy Order ;
- (b) affect the operation of a levy Order in relation to the assessment of an employer within the meaning of that Order in respect of an establishment that was engaged in the relevant levy period wholly or mainly in activities included in the Schedule to the 1970 Order as amended by the Schedule to this Order ;
- (c) affect the operation of any assessment notice served by the Board under the provisions of a levy Order before the date upon which this Order comes into operation or any appeal or other proceedings arising out of any such notice.

Signed by order of the Secretary of State.
16th November 1971.

Paul Bryan,
Minister of State,
Department of Employment.

Article 2

SCHEDULE

AMENDMENTS TO THE 1970 ORDER

1. In this Schedule the expression "the Schedule" means the Schedule to the 1970 Order.

2. In paragraph 1 of the Schedule, sub-paragraph (f) (which refers to operating a business of check trading) shall be omitted.

3.—(1) Paragraph 2 of the Schedule shall be amended as follows:—

- (2) In sub-paragraph (c)(i) the figure (i) and the expression "(not being item No. 22)" shall be omitted.
- (3) Sub-paragraph (c)(ii) shall be omitted.
- (4) In the table to sub-paragraph (c) the following items shall be omitted—

"Item No.	Activity	Relevant Goods
4	Dealing (not being selling by retail) with persons engaging in the construction industry.	Building, plumbing, decorating, heating, ventilating or air-conditioning materials or equipment, architectural and builders' ironmongery and cloakroom fittings."
"22	Selling by retail.	Goods comprised in one or two (but not more than two) of the categories following— (a) bread, flour, flour confectionery and yeast; (b) milk, ice cream and any commodity similar to ice cream; (c) meat; (d) bacon; (e) fish; (f) horticultural produce."

(5) Immediately after sub-paragraph (c) there shall be inserted the following sub-paragraph—

“(ca) The activities of an establishment that is engaged in selling by retail any of the goods specified in the categories following:—

- (a) bread, flour, flour confectionery and yeast;
- (b) milk, ice cream and any commodity similar to ice cream;
- (c) meat;
- (d) bacon;
- (e) fish;
- (f) horticultural produce;

where the sale of goods comprised in any one or in any two of such categories constitutes the sole or main activity of the establishment;”.

(6) For sub-paragraph (d)(i) there shall be substituted the following—

“(i) in banking, insurance or finance not being activities specified in sub-paragraph (e) of paragraph 1 of this Schedule;”.

(7) In sub-paragraph (h) immediately after head (iv) there shall be inserted as head (v) the following:—

“(v) the activities of any person engaged wholly or mainly in the work of a consultant or valuer in connection with antiques and works of fine art;”.

4.—(1) Paragraph 4 shall be amended as follows:—

(2) Immediately after the definition of “animals” there shall be inserted the following:—

“‘antiques’ means articles manufactured or produced more than one hundred years previously;”.

(3) The definition of “architectural and builders’ ironmongery” shall be omitted.

(4) The definition of “business of check trading” shall be omitted.

(5) Immediately after the definition of “export house” there shall be inserted the following—

“‘fine art’ means—

- (a) engravings, etchings, lithographs, silk-screen prints and similar prints or impressions, framed or unframed, produced in limited numbers from blocks, plates, stencils or other materials which have been handworked or otherwise prepared by the artist;

- (b) blocks, plates, stencils or other materials prepared by the artist for producing prints or impressions falling within (a) above;
- (c) original paintings, drawings, sketches and works of a similar nature;
- (d) works of sculpture whether in the round, in relief or in intaglio;
- (e) individually produced ceramic, glass or metal articles of a decorative nature;
- (f) individually made pieces of jewellery;”.

(6) For the definition of “international commodity market” there shall be substituted the following—

“ ‘international commodity market’ includes a market organised by members of the Baltic Exchange, the London Commodity Exchange, the Grain and Feed Trade Association, the London Metal Exchange or the London Wool Terminal Market Association;”.

(7) Immediately after the definition of “iron” and “steel” there shall be inserted the following—

“ ‘limited numbers’ means a maximum of twenty-five reproductions, prints or impressions of any design unless all reproductions, prints or impressions are individually signed or otherwise personally authenticated by the artist;”.

5. In the Appendix to the Schedule the following entries shall be substituted for the corresponding entries appearing in that Appendix—

Column 1	Column 2	Column 3
The construction industry	The Industrial Training (Construction Board) Order 1964 as amended by the Industrial Training (Construction Board) Order 1971(a).	Schedule 1 Paragraph 1(k)
The engineering industry	The Industrial Training (Engineering Board) Order 1964 as amended by the Industrial Training (Engineering Board) Order 1971(b).	Schedule 1 Paragraph 1(m)
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 and the Industrial Training (Furniture and Timber Industry Board) Order 1969 (Amendment) Order 1970(c).	Schedule 1 Paragraph 1(x)
The agricultural, horticultural and forestry industry	The Industrial Training (Agricultural, Horticultural and Forestry Board) Order 1966 as amended by the Industrial Training (Agricultural, Horticultural and Forestry Board) Order 1970(d).	Schedule 1 Paragraph 1(d)
The chemical and allied products industry	The Industrial Training (Chemical and Allied Products Board) Order 1967 as amended by the Industrial Training (Chemical and Allied Products Board) Order 1970(e).	Schedule 1 Paragraph 1(w)

(a) S.I. 1964/1079, 1971/1766 (1964 II, p. 2384; 1971 III, p. 4784).

(b) S.I. 1964/1086, 1971/1530 (1964, II, p. 2402; 1971 III, p. 4309).

(c) S.I. 1965/2028, 1969/1290, 1970/1634 (1965 III, p. 5998; 1969 III, p. 3820; 1970 III, p. 5372).

(d) S.I. 1966/969, 1970/1886 (1966 II, p. 2333; 1970 III, p. 6227).

(e) S.I. 1967/1386, 1970/1743 (1967 III, p. 4049; 1970 III, p. 5706).

Column 1	Column 2	Column 3
The food, drink and tobacco industry	The Industrial Training (Food, Drink and Tobacco Board) Order 1968 as amended by the Industrial Training (Food, Drink and Tobacco Board) Order 1971(a).	Schedule 1 Paragraph 1(g)

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Schedule to the Industrial Training (Distributive Board) Order 1970 which specifies the activities in relation to which the Distributive Industry Training Board exercises its functions.

The principal changes are as follows:—

- (1) the following activities are no longer excluded from the distributive industry—

the activities of any establishment engaged wholly or mainly in dealing, with persons engaging in the construction industry, in building, plumbing, decorating, heating, ventilating or air-conditioning materials or equipment, architectural and builders' ironmongery and cloak-room fittings;

- (2) the following activities are excluded from the industry—

(a) the activities of an establishment that is engaged in selling by retail any of the goods specified in the categories following:—

- (i) bread, flour, flour confectionery and yeast;
- (ii) milk, ice cream and any commodity similar to ice cream;
- (iii) meat;
- (iv) bacon;
- (v) fish;
- (vi) horticultural produce;

where the sale of goods comprised in any one or in any two of such categories constitutes the sole or main activity of the establishment;

(b) the activities of any person engaged wholly or mainly in the work of a consultant or valuer in connection with antiques and works of fine art;

- (3) the activity of operating a business of check trading is no longer included in the industry.