
STATUTORY INSTRUMENTS

2008 No. 1639

**The Industrial Training Levy
(Reasonable Steps) Regulations 2008**

Citation and commencement

1. These Regulations may be cited as the Industrial Training Levy (Reasonable Steps) Regulations 2008 and come into force on 21st July 2008.

Interpretation

2. In these Regulations—

“1982 Act” means the Industrial Training Act 1982;

“board” means an industrial training board;

“independent research company” means a body carrying out research that—

- (i) is not funded wholly or mainly out of public funds; and
- (ii) does not have a proprietor, directors or shadow directors who are also members of the board appointing it to carry out the sample;

“levy proposals” means levy proposals which a board intends to submit to the Secretary of State under section 11(1) of the 1982 Act;

“necessary” means necessary to encourage adequate training in the industry to which the levy proposals relate;

“prescribed organisation” means an organisation of the description specified in regulation 4;

“public funds” means moneys provided by Parliament;

“relevant person” means a person who is likely to be liable to make payments by way of levy in consequence of the levy proposals;

“shadow director” means a person in accordance with whose directions or instructions the directors are accustomed to act, but a person is not to be regarded as a shadow director by reason only that the directors act on advice given by that person in a professional capacity; and

“unrepresented person” means a relevant person who is not represented by a prescribed organisation.

Reasonable steps to ascertain views

3. Any of the following combinations of steps in the Schedule constitutes “reasonable steps” for the purposes of section 11(6)(a) of the 1982 Act—

- (a) the steps in paragraphs 1 and 2;
- (b) the steps in—
 - (i) paragraphs 1 and 2; and
 - (ii) paragraph 3;
- (c) the steps in—

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- (i) paragraphs 1 and 2; and
- (ii) paragraphs 4(b) and paragraph 5;
- (d) the steps in paragraphs 4(a) and 5.

Prescribed organisations

4. An organisation is of a description prescribed for the purposes of section 11(6C)(b) of the 1982 Act if it represents relevant persons.

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21st June 2008