
DRAFT STATUTORY INSTRUMENTS

2012 No.

**The Industrial Training Levy (Engineering
Construction Industry Training Board) Order 2012**

Interpretation

2.—(1) In this Order—

- (a) “assessment” means an assessment of an employer to the levy;
- (b) “the base period” means the period of twelve months commencing on 6th April 2011;
- (c) “the Board” means the Engineering Construction Industry Training Board;
- (d) “emoluments” means—
 - (i) all salaries, fees and wages;
 - (ii) any gratuity or other profit or incidental benefit of any kind obtained by an employee, if it is money or money’s worth, other than pensions contributions;
 - (iii) anything else that constitutes, or is intended to constitute, earnings of the relevant employment;
- (e) “employer” has the meaning given in article 3;
- (f) “the engineering construction industry” means—
 - (i) the activities of the engineering construction industry as defined by Schedule 1 to the industrial training order; or
 - (ii) activities—
 - (aa) which fall within the description of activities in article 2(1) of the Employment Protection (Offshore Employment) Order 1976 (excluding the activities described in article 2(2) of that Order); and
 - (bb) which would fall within the activities of the engineering industry as defined by that Schedule if they were carried out in Great Britain.
- (g) “the industrial training order” means the Industrial Training (Engineering Board) Order 1964(1);
- (h) “labour-only agreement” means any agreement or arrangement (other than contracts of service or apprenticeship) between an employer and any other person, the purpose of which is wholly or mainly the provision of services (including any incidental use of tools) of such a person or any other person to the employer in his trade or business;
- (i) “leviable establishment” has the meaning given in article 4;
- (j) “the levy” means the levy imposed by the Board in respect of the levy period;
- (k) “the levy period” means the period commencing on the day on which this Order comes into force and ending on 31st December 2012;
- (l) “off site employee” means an employee (including a person engaged under a labour-only agreement) other than a site employee;

(m) “site employee” means an employee (including a person engaged under a labour-only agreement) the activities of whose employment take place wholly or mainly at a site where activities falling under paragraph 1(a)(i), (iii) or (iv) of Schedule 1 to the industrial training order are carried on.

(2) In this Order, references to a leviable establishment starting or ceasing to carry on business do not include instances where—

- (a) a leviable establishment starts carrying on business after, or ceases carrying on business because of, a suspension of activities of a temporary or seasonal nature; or
- (b) the location of a leviable establishment changes but the establishment continues its business at or from the new location.