

Employment and Training Act 1973

CHAPTER 50

ARRANGEMENT OF SECTIONS

The Manpower Services Commission and the Employment Service and Training Services Agencies

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Employment and Training Act 1973

1973 CHAPTER 50

An Act to establish public authorities concerned with arrangements for persons to obtain employment and with arrangements for training for employment and to make provision as to the functions of the authorities; to authorise the Secretary of State to provide temporary employment for unemployed persons; to amend the Industrial Training Act 1964 and the law relating to the provision by education authorities of services relating to employment; and for purposes connected with those matters.

[25th July 1973]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

The Manpower Services Commission and the Employment Service and Training Services Agencies

1.—(1) There shall be three bodies corporate, to be called ^{Establishment} the Manpower Services Commission, the ^{of the} Employment Service Agency and the ^{Commission} Training Services Agency, each of which shall ^{and Agencies.} have perpetual succession and a common seal and shall be constituted in accordance with the following provisions of this section.

(2) The said Commission (hereafter in this Act referred to as "the Commission") shall consist of ten persons appointed by the Secretary of State to be members of the Commission, of whom the members specified in each of the following paragraphs shall be appointed by him after consultation with such of the

organisations mentioned in that paragraph as he considers appropriate, that is to say—

- (a) as to three members, organisations representing employers ;
- (b) as to three other members, organisations representing employees ;
- (c) as to two other members, organisations representing local authorities ; and
- (d) as to one other member, organisations concerned with education (excluding organisations mentioned in the preceding paragraph).

(3) The Secretary of State shall appoint as the chairman of the Commission the member about whose appointment no consultation is required by virtue of the preceding subsection and may appoint one of the other members as the deputy chairman of the Commission.

(4) The said Agencies (hereafter in this Act referred to jointly as “ the Agencies ”) shall each consist of three persons of whom one shall be appointed by the Commission with the approval of the Secretary of State to be the director of the Agency in question and the others shall be appointed by the Commission after consultation with the said director.

(5) The provisions of Schedule 1 to this Act shall have effect with respect to the Commission and the Agencies.

(6) The Secretary of State may with the consent of the Treasury, at any time during the period of five years beginning with the day when subsection (1) of this section comes into force, by order transfer to and vest in the Commission or either of the Agencies—

- (a) any interest of the Crown or a government department in land which in the opinion of the Secretary of State is occupied by him or the Commission or either of the Agencies for a purpose connected with the functions of any of those bodies ; and
- (b) any rights and liabilities to which the Crown or a government department is entitled or subject in connection with such an interest ;

1895 c. 16.

but nothing in section 12 of the Finance Act 1895 (which requires certain Acts and certain instruments relating to the vesting of property by virtue of an Act to be stamped as conveyances on sale) shall apply to this Act or an order made in pursuance of this subsection, and stamp duty shall not be payable on such an order.

(7) It is hereby declared that the Commission and the Agencies are not to be regarded as servants or, subject to subsection (2)(a)

of the following section, as agents of the Crown or as enjoying any status, privilege or immunity of the Crown or, subject to the preceding subsection, as exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local, and that their property is not to be regarded as property of or held on behalf of the Crown; but nothing in this Act shall be construed as derogating from any privilege, immunity or exemption of the Crown in relation to any matter as respects which the Commission or either of the Agencies acts as agent of the Crown by virtue of the said subsection (2)(a).

2.—(1) In addition to the functions conferred on the Commission by virtue of provisions of this Act other than this section but subject to subsection (3) of this section, it shall be the duty of the Commission to make such arrangements as it considers appropriate for the purpose of assisting persons to select, train for, obtain and retain employment suitable for their ages and capacities and to obtain suitable employees (including partners and other business associates).

Functions
of the
Commission
and Agencies.

(2) Arrangements in pursuance of this section may—

- (a) include agreements between the Commission and a Minister of the Crown for the Commission to perform, on behalf of the Minister, functions exercisable by the Minister, whether by virtue of an enactment or otherwise, which are connected with employment, unemployment or training for employment (excluding a function of making regulations or other instruments having the force of law);
- (b) include arrangements for encouraging increases in the opportunities available to women and girls for employment and training;
- (c) be made in respect of employment or training in the United Kingdom or elsewhere;
- (d) include provision for the making of payments by the Commission, by way of grant or loan or otherwise, to persons who provide facilities in pursuance of the arrangements, to persons who use those facilities and to other persons specified in pursuance of the arrangements;
- (e) include provision for the making of payments to the Commission by other parties to the arrangements and by persons who use those facilities, including payments for publications issued in pursuance of the arrangements but excluding other payments by persons in respect of the seeking or obtaining for them of employment under contracts of service or apprenticeship;
- (f) without prejudice to the generality of the preceding provisions of this section, include arrangements for the

appointment of persons to advise the Commission in connection with any of its functions ;
and it is hereby declared that nothing in the preceding subsection restricts the arrangements which may be made by virtue of this subsection.

(3) It shall be the duty of the Commission—

- (a) to submit to the Secretary of State from time to time particulars of what it proposes to do for the purpose of performing its functions ; and
- (b) subject to the following paragraph, to ensure that its activities are in accordance with proposals approved by the Secretary of State ; and
- (c) to give effect to any directions given to it by the Secretary of State ;

and the Commission may give to either of the Agencies at any time such directions as the Commission thinks fit with respect to the performance by the Agency of its functions.

(4) In addition to any other functions conferred on either of the Agencies by virtue of this Act, it shall be the duty of each of the Agencies—

- (a) to exercise on behalf of the Commission such of the Commission's functions as the Commission directs the Agency to exercise ; and
- (b) to give effect to any directions given to it by the Commission otherwise than in pursuance of the preceding paragraph.

(5) The Commission and each of the Agencies shall, subject to any directions given to it in pursuance of this Act, have power to do anything (except borrow money) which is calculated to facilitate, or is conducive or incidental to, the performance of any function of the Commission or, as the case may be, the Agency (including a function conferred on it by virtue of this subsection).

3.—(1) Subject to the following subsection, the Secretary of State may—

- (a) approve, with or without modifications, any proposals submitted to him in pursuance of the preceding section ;
- (b) give to the Commission at any time such directions as he thinks fit with respect to its functions (including directions modifying its functions or any arrangements made in pursuance of the preceding section except directions conferring on it functions other than any of which it was deprived by previous directions given by virtue of this paragraph).

Control
of the
Commission
by Secretary
of State.

(2) The Secretary of State shall not approve proposals submitted to him in pursuance of the preceding section for arrangements which include such provision as is mentioned in subsection (2)(d) of that section and shall not modify any such provision unless the amounts of the payments mentioned in the provision, or in the provision as proposed to be modified, and the terms on which the payments are to be made are approved by the Treasury in the case of payments otherwise than by way of subsistence or travelling allowances payable to advisers appointed in pursuance of subsection (2)(f) of the preceding section or compensation for loss of remunerative time so payable and by the Minister for the Civil Service in the case of payments by way of such allowances or compensation.

(3) Subject to the following subsection, it shall be the duty of the Secretary of State to exercise the powers of approving proposals and giving directions which are conferred on him by this section so as to ensure that the arrangements made by the Commission in pursuance of the preceding section are in his opinion appropriate for the purpose mentioned in subsection (1) of that section.

(4) If the Secretary of State considers that any action for the purpose so mentioned should be taken in pursuance of this Act otherwise than by or only by the Commission he may, after consulting the Commission about the matter, make arrangements for the action to be taken or taken also by himself or some other person, and paragraphs (c) to (e) of subsection (2) of the preceding section shall apply to arrangements in pursuance of this subsection as they apply to arrangements in pursuance of that section but with the substitution for references to the Commission of references to the Secretary of State.

(5) The Secretary of State shall not make any arrangements in pursuance of the preceding subsection which include provision for the making of payments by him otherwise than in pursuance of section 5(2)(b) of this Act unless the amounts of the payments and the terms on which the payments are to be made are approved by the Treasury.

4.—(1) The Commission shall be a competent authority for the purposes of the Statistics of Trade Act 1947, and the reference in section 1(1) of that Act to the discharge by government departments of their functions shall include a reference to the discharge by the Commission of its functions.

Obtaining and disclosure of information by the Commission and Agencies etc.

(2) Without prejudice to the generality of subsection (1)(b) of the preceding section, the Secretary of State may give directions to the Commission requiring it to furnish to a government department, in a form specified in the directions, any information so specified which has been obtained by the Commission by virtue of the preceding subsection or otherwise.

1947 c. 39.

(3) Nothing in section 9 of the said Act of 1947 (which restricts the disclosure of information obtained under that Act) shall prevent or penalise—

- (a) the disclosure by the Secretary of State of relevant information to the Commission or either of the Agencies ;
- (b) the disclosure by the Commission or either of the Agencies of relevant information to a government department ;
- (c) the disclosure by the Commission to either of the Agencies or a board of relevant information which is of a kind specified in a notice in writing given to the Commission and the recipient of the information by the Secretary of State in pursuance of this paragraph ;
- (d) the disclosure by either of the Agencies to the Commission or the other Agency or a board of relevant information which is of a kind specified in a notice in writing given to the disclosing Agency and the recipient of the information by the Secretary of State in pursuance of this paragraph ;
- (e) the disclosure by the Secretary of State, the Commission or either of the Agencies of relevant information, consisting of the name and address of any establishment, the numbers of persons of different descriptions employed there and the nature of the activities carried on there, to an officer of any of the following bodies who is authorised by that body to receive the information, namely, a local education authority, a local planning authority within the meaning of the Town and Country Planning Act 1971 or the Town and Country Planning (Scotland) Act 1972 and a development corporation within the meaning of the New Towns Act 1965 or the New Towns (Scotland) Act 1968 ;
- (f) the disclosure by the Secretary of State, to a person to whom a notice in writing is given in pursuance of this paragraph by the Secretary of State and the Commission acting jointly, of statistics compiled wholly or partly from relevant information about the numbers of persons employed in any activity or area.

(4) In the preceding subsection—

“ a board ” means an industrial training board within the meaning of the Industrial Training Act 1964 ; and

1971 c. 78.

1972 c. 52.

1965 c. 59.

1968 c. 16.

1964 c. 16.

“ relevant information ” means information obtained under the said Act of 1947 ;

and any reference in that subsection to the Secretary of State, a government department, the Commission, either of the Agencies or such a board includes respectively a reference to an officer of his or of that body and also, in the case of a reference to such a board, a reference to any committee appointed by the board, to any officer of such a committee and to any person entitled to take part in proceedings of the board.

(5) A person to whom information is disclosed in pursuance of subsection (3) of this section shall not use the information for a purpose other than—

- (a) in a case falling within paragraph (a) of that subsection, a purpose of the Commission or, as the case may be, of the Agency in question ;
- (b) in a case falling within paragraph (b) of that subsection, a purpose of the government department in question ;
- (c) in a case falling within paragraph (c), (d) or (f) of that subsection, a purpose specified in the notice given with respect to the information in pursuance of that paragraph ;
- (d) in the case of information given to an officer of a local education authority or a local planning authority, the purposes of the functions conferred on the authority by section 8 of this Act or, as the case may be, by Part II of the said Act of 1971 or 1972 (which relate to development plans) ;
- (e) in the case of information given to an officer of a development corporation, the purposes of functions conferred on the corporation by section 3 of the said Act of 1965 or 1968 (which relate to the laying out and development of new towns) ;

and a person who contravenes the provisions of this subsection shall be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding £400.

(6) Any reference to an officer of the Department of Employment in section 58 of the Finance Act 1969 (which provides for 1969 c. 32. the disclosure by the Board of Inland Revenue, subject to the safeguards provided by that section, of names and addresses and other information in connection with the statistical surveys there mentioned) shall include a reference to an officer of the Commission and an officer of either of the Agencies ; and in subsection (4)(a) of that section for the word “ another ” there shall be substituted the word “ an ”.

Additional powers of Secretary of State

Additional powers of Secretary of State.

5.—(1) The Secretary of State may make such arrangements as he considers appropriate for the purpose of providing temporary employment for persons in Great Britain who are without employment; any such arrangements may include arrangements for the making by the Secretary of State of payments by way of grant or loan to persons who provide employment in pursuance of the arrangements.

(2) The Secretary of State may—

(a) appoint such persons as he thinks fit for the purpose of advising him with respect to the performance of any of the functions conferred on him by virtue of this Act, excluding the following section; and

(b) pay to any person appointed in pursuance of the preceding paragraph such subsistence and travelling allowances and such compensation for loss of remunerative time as the Secretary of State may determine with the approval of the Minister for the Civil Service.

(3) The Secretary of State may arrange for or make payments in respect of—

(a) research into any matter connected with any of his functions relating to employment, unemployment or training for employment or with a function conferred by virtue of this Act on the Commission or either of the Agencies;

(b) the dissemination of information derived from such research.

(4) The Secretary of State shall not make any payments in pursuance of subsection (1) or (3) of this section unless the amounts of the payments and the terms on which they are made are approved by the Treasury.

Modification of Industrial Training Act 1964 and other enactments

Modification of Act of 1964.

1964 c. 16.

6.—(1) The Industrial Training Act 1964 shall have effect subject to the provisions of Part I of Schedule 2 to this Act.

(2) In accordance with the preceding subsection, sections 1 to 7, 9, 9A, 12 and 14(1) of the Industrial Training Act 1964 are to have effect, after the coming into force of that subsection and Part I of Schedule 2 to this Act, as set out in Part II of that Schedule.

(3) The preceding provisions of this section shall not have effect in relation to the Agricultural, Horticultural and Forestry Industry Training Board, and—

(a) the Industrial Training Act 1964 shall have effect in relation to that Board subject to the provisions of Part III of Schedule 2 to this Act; and

(b) that Board shall be called the Agricultural Training Board ;

and, without prejudice to the powers conferred by the said Act of 1964 to amend or revoke any order in respect of that Board which was made under that Act before this subsection comes into force, nothing in the preceding provisions of this subsection or in the said Part III shall affect the validity of such an order.

(4) In accordance with the preceding subsection, sections 1 to 3, 5 and 9 of the said Act of 1964 are to have effect in relation to the Agricultural Training Board, after the coming into force of that subsection and Part III of Schedule 2 to this Act, as set out in Part IV of that Schedule.

(5) In Parts I and III of the said Schedule 2 “ the Act ” means the Industrial Training Act 1964.

1964 c. 16.

7.—(1) Section 1 of the Redundancy Payments Act 1965 (which provides for the making of redundancy payments to employees) shall not apply to any person in respect of his employment by the Commission or either of the Agencies, but section 41 of that Act (which provides for the payment out of the Redundancy Fund of sums related to compensation paid for the loss of such employments as are specified in subsection (1) of that section) shall have effect as if employment by the Commission and by each of the Agencies were so specified.

Modification and exclusion of other enactments in relation to the Commission and Agencies.
1965 c. 62.

(2) The Employers' Liability (Compulsory Insurance) Act 1969 shall not require insurance to be effected by the Commission or either of the Agencies.

1969 c. 57.

(3) For the purposes of sections 1 and 2 of the Contracts of Employment Act 1972 and sections 27(1)(a) and 28(a) of the Industrial Relations Act 1971, a person's period of continuous employment by a relevant body shall be treated as increased by the period or the aggregate of the periods for which he was previously continuously employed by that or another relevant body or in the civil service of the State if the period or each of the periods for which he was so employed was immediately followed by a period for which he was employed by a relevant body or in the said service ; and for the purposes of the said section 28(a) a person's period of continuous employment in the said service shall be treated as increased by the period or the aggregate of the periods for which he was previously continuously employed by any relevant body or in the said service if the period or each of the periods for which he was so employed was immediately followed as aforesaid.

1972 c. 53.
1971 c. 72.

(4) For the purposes of the preceding subsection—

(a) the Commission and each of the Agencies is a relevant body ;

- (b) periods of continuous employment shall be determined in pursuance of Schedule I to the said Act of 1972, and "employed" has the same meaning as in that Act; and
- (c) employment in the civil service of the State shall be treated as employment under a contract of service but shall be disregarded unless in the course of it the person in question gives personal service of at least twenty-one hours a week, or of such number of hours less than twenty-one as the Secretary of State may by order specify, and the remuneration for the employment is defrayed entirely out of money provided by Parliament.

(5) The Secretary of State may by order provide that any enactment which is specified in the order and relates to the carrying on of an employment agency shall not apply in relation to the Commission and the Agencies or shall apply in relation to any of them with such modifications as are specified in the order; and in this subsection "employment agency" means any agency or other business for the introduction or supply to persons requiring them of persons available to do work or perform services.

Careers services of education authorities

Provision of services by education authorities.

8.—(1) Subject to subsections (3) to (5) of this section, it shall be the duty of each local education authority—

- (a) to make arrangements for the purpose of assisting persons who are attending, either full-time or part-time, educational institutions in Great Britain other than universities—
 - (i) to determine what employments will, having regard to their capabilities, be suitable for them and available to them when they leave the institutions, and
 - (ii) to determine what training will then be required by them and available to them in order to fit them for those employments;
- (b) to make arrangements for the purpose of assisting persons leaving institutions mentioned in the preceding paragraph to obtain such employments and training as are so mentioned; and
- (c) to make the arrangements made in pursuance of the preceding paragraphs available to persons who seek to make use of them and are either such persons as are mentioned in those paragraphs or persons attending or leaving universities in Great Britain;

and it shall also be the duty of each local education authority to arrange for officers of the authority to be appointed to

administer the arrangements made by the authority in pursuance of this subsection.

(2) A local education authority may, and shall so far as the Secretary of State directs it to do so, make arrangements in accordance with the following subsection—

(a) for the purpose of assisting persons (other than those mentioned in paragraphs (a) and (b) of the preceding subsection) who are seeking employment or different employment to determine—

(i) what employments are suitable for persons having their capabilities, and

(ii) what training they require and is available to them in order to fit them for those employments ; and

(b) for the purpose of assisting those persons to obtain such employments and training as are mentioned in the preceding paragraph.

(3) The arrangements made in pursuance of subsection (1) or (2) of this section shall be arrangements—

(a) for the giving of assistance by collecting and furnishing information about persons seeking and offering employment and persons providing facilities for training ; and

(b) for providing advice and guidance for the purposes mentioned in that subsection,

and may include arrangements for the provision of services calculated to facilitate the carrying out of arrangements made in pursuance of paragraph (a) or (b) of this subsection.

(4) Subject to the following subsection, it shall be the duty of local education authorities to consult and co-operate with one another to the extent appropriate for the purpose of securing that the functions conferred on them by subsections (1) and (2) of this section are performed efficiently ; and, without prejudice to the powers exercisable by an authority for the purpose of performing that duty, any two or more local education authorities may make arrangements on such terms as they think fit (which may include terms as to the making of payments by one authority to another)—

(a) for any of the authorities to perform any of those functions on behalf of another of the authorities as respects the whole or part of the other authority's area ;

(b) for the authorities to act jointly in performing any of those functions as respects the whole or parts of their areas.

(5) The Commission and any local education authority may make arrangements for the performance by the Commission on behalf of the authority of any function conferred on the authority by virtue of subsection (1) of this section or the preceding subsection so far as it relates to subsection (1), and any such arrangements—

- (a) may be made in respect of the whole or part of the area of the authority ; and
- (b) except in a case in which the Secretary of State has authorised the Commission to disregard this paragraph, must include provision for the making by the authority to the Commission of payments intended to defray the expenditure incurred by the Commission by virtue of the arrangements ;

and the preceding provisions of this subsection shall have effect during any period when this subsection is in force before the establishment of the Employment Service Agency as if paragraph (b) were omitted and for any reference to the Commission there were substituted a reference to the Secretary of State.

(6) The Secretary of State may by order provide that the preceding subsection, subsection (5) of the following section, this subsection and any arrangements in force by virtue of the preceding subsection or the said subsection (5) shall cease to have effect on a day specified in the order ; and different days may be specified in pursuance of this subsection in relation to Scotland and the rest of Great Britain.

(7) The reference to part-time attendance in paragraph (a) of subsection (1) of this section does not include—

- (a) part-time attendance where none of the relevant classes begins on any day before five o'clock in the evening ; and
- (b) any other part-time attendance as to which the Secretary of State directs that it shall be disregarded for the purposes of that paragraph ;

except that the said reference does include part-time attendance by persons who satisfy the local education authority in question that their attendance is with a view to employment.

Records of vocational advice.

9.—(1) It shall be the duty of each local education authority to keep records of the vocational advice given on behalf of the authority to such persons as are mentioned in subsection (1)(a) of the preceding section.

(2) Where a person ceases to attend an educational institution (other than a university) in the area of an authority and begins to attend such an institution in the area of another authority it shall be the duty of the first-mentioned authority, on the request of the other authority, to furnish to the other authority any records

relating to that person which have been kept by the first-mentioned authority in pursuance of the preceding subsection or transmitted to that authority in pursuance of this subsection and any records of vocational advice given to that person by the Secretary of State which have been transmitted to the first-mentioned authority by the Secretary of State.

(3) Where to the knowledge of an authority a person ceases to attend a school in the area of the authority otherwise than with a view to attending another school in the area of that or another authority, then, subject to the following subsection, it shall be the duty of the authority—

- (a) to give him a written summary of any vocational advice already given to him on behalf of the authority and of any vocational advice relating to him of which records were transmitted to the authority in pursuance of the preceding subsection or by the Secretary of State ; and
- (b) to keep a copy of the summary for two years beginning with the date on which he ceased to attend the school in question ; and
- (c) to comply with a request for a copy of the summary which during that period is made to the authority by him ; and
- (d) to comply with a request for a copy of the summary which, during that period and at a time when the person to whom it relates is under the age of eighteen, is made to the authority by his parent or guardian ;

but an authority shall not be required by virtue of paragraph (c) or (d) of this subsection to furnish more than one copy of the summary to the person to whom it relates or more than one copy of it to a parent or guardian of his.

(4) An authority shall not be required by virtue of paragraph (a) of the preceding subsection to furnish a person with the summary mentioned in that paragraph in a case where the authority has, or the authority and other authorities and the Secretary of State between them have, already furnished him with written statements which together contain the information which apart from this subsection would fall to be included in the summary ; and that subsection shall have effect in such a case as if paragraph (a) were omitted and any reference to the summary in any other provision of that subsection were a reference to the statements.

(5) Subsection (5) of the preceding section shall have effect in relation to any function conferred on an authority by virtue of the preceding provisions of this section as it has effect in relation to any function mentioned in that subsection.

(6) In this section—

“ authority ” means local education authority ;

1962 c. 47.

“ parent ”, in relation to Scotland, has the meaning assigned to it by section 145(33) of the Education (Scotland) Act 1962 ;

1944 c. 31.

“ school ”, in relation to England and Wales, has the meaning assigned to it by section 114(1) of the Education Act 1944 and, in relation to Scotland, has the meaning assigned to it by section 145(42) of the said Act of 1962 ; and

1948 c. 46.

“ vocational advice ” means advice and guidance given in pursuance of arrangements made for the purposes of subsection (1)(a) of the preceding section or in pursuance of the Employment and Training Act 1948.

Control of
education
authorities by
Secretary of
State.

10.—(1) It shall be the duty of each local education authority—

(a) to perform the functions conferred on the authority by sections 8 and 9 of this Act in accordance with such guidance of a general character as the Secretary of State may give to the authority ; and

(b) to provide the Secretary of State, in such manner and at such times as he may specify, with such information and facilities for obtaining information as he may specify with respect to the performance by the authority of those functions.

(2) The Secretary of State may make arrangements with one or more other Ministers of the Crown—

(a) for constituting a body consisting of officers of his and of the other Ministers and of such other persons, if any, as may be determined in pursuance of the arrangements ; and

(b) for the performance by that body on behalf of the Secretary of State of functions conferred on him by the preceding subsection.

Supplemental

Financial
provisions.

11.—(1) It shall be the duty of the Secretary of State to pay to the Commission such sums as are approved by the Treasury and as he considers appropriate for the purpose of enabling the Commission to perform its functions ; and it shall be the duty of the Commission to pay to each of the Agencies such sums as the Commission considers appropriate for the purpose of enabling the Agency to perform its functions.

(2) There shall be paid out of money provided by Parliament—

- (a) any expenses incurred by the Secretary of State for the purposes of this Act ; and
- (b) any increase attributable to the provisions of this Act in the sums payable under any other Act out of money so provided ;

and any sums received by the Secretary of State by virtue of this Act shall be paid into the Consolidated Fund.

(3) Where it appears to the Commission or an industrial training board within the meaning of the Industrial Training Act 1964 that any person would have been entitled, by reference to an injury or disease developed by him or another person in consequence of attendance at a course provided or approved by the Commission or the board or in consequence of the use of facilities so provided or approved, to receive any benefit or increase in benefit in pursuance of the National Insurance (Industrial Injuries) Act 1965 but for the fact that he or the other person was not at a relevant time an insured person within the meaning of that Act, the Commission or the board may make to him payments equal to the whole or part of the benefit or increase in question ; and the Secretary of State may make such payments where the course or facilities in question were provided or approved by him in pursuance of subsection (4) of section 3 of this Act or by another person in pursuance of that subsection.

12.—(1) It shall be the duty of the Commission in exercising any power to select disabled persons for courses of training and other courses or any power to submit for engagements the names of persons registered as handicapped by disablement, and of the Secretary of State and any other person in exercising such a power in pursuance of section 3(4) of this Act, to give preference, so far as it or he considers it consistent with the efficient exercise of that power, to persons of the classes specified in section 16 of the Disabled Persons (Employment) Act 1944 (which specifies the classes of ex-service men and women to whom preference is to be given in pursuance of that section) ; and in this subsection “ disabled person ” and “ person registered as handicapped by disablement ” have the same meanings as in that Act.

(2) It shall be the duty—

- (a) of the Commission and of each local education authority to furnish the Secretary of State with such information in its possession as the Secretary of State may specify as being information required by him in connection

with the determination of questions relating to contributions or benefit under the National Insurance Acts 1965 to 1972 or benefit under the National Insurance (Industrial Injuries) Act 1965 or the Industrial Injuries and Diseases (Old Cases) Act 1967 ;

1965 c. 52.
1967 c. 34.

(b) of the Commission and of each local education authority to furnish the Supplementary Benefits Commission with such information in its possession as the Secretary of State may specify as being information required by the latter Commission in connection with the determination of questions relating to benefit within the meaning of the Ministry of Social Security Act 1966 ;

1966 c. 20.

(c) subject to the following subsection, of each local education authority to comply with any directions of the Secretary of State requiring it—

(i) to issue, to persons under the age of eighteen who apply for them, such documents relating to the contributions aforesaid as may be specified in the directions, and

(ii) to furnish the Secretary of State with such information as may be so specified with respect to persons to whom documents are issued in pursuance of the directions ;

and any information falling to be furnished in pursuance of this subsection shall be furnished in such a form and at such times as the Secretary of State may direct.

(3) If the Commission and a local education authority agree that the duty imposed on the authority by virtue of paragraph (c) of the preceding subsection shall be performed by the Commission on behalf of the authority, that paragraph shall, while the agreement is in force, have effect in relation to that duty as if for references to the local education authority there were substituted references to the Commission ; but the Secretary of State may by order provide that that paragraph and this subsection shall cease to have effect on a date specified in the order.

(4) The Commission or an industrial training board may make to any person payments by way of travelling and subsistence allowances and compensation for loss of remunerative time which are approved by the Secretary of State and which the Commission or board considers are appropriate in connection with the person's attendance at any examination connected with a claim for payments from the Commission or board in pursuance of subsection (3) of the preceding section ; and the Secretary of State may make payments by way of travelling and subsistence allowances and compensation for loss of remunerative time in connection with a claim for payments by him in pursuance of that subsection.

(5) No limitation imposed on the powers of the Parliament of Northern Ireland by the Government of Ireland Act 1920 shall preclude that Parliament from making laws for purposes similar to any of the purposes of this Act. 1920 c. 67.

(6) If the term of office of any person as a member of a Youth Employment Committee would apart from this subsection expire on or after the day when this subsection comes into force but before the date when the Committee is abolished, the term shall by virtue of this subsection be extended so as to expire on that date.

13.—(1) In this Act, apart from Schedule 2, the following expressions have the following meanings— Interpretation etc.

“ the Agencies ” has the meaning assigned to it by section 1(4) of this Act ;

“ the Commission ” has the meaning assigned to it by section 1(2) of this Act ;

“ employee ”, except in Schedule 1, includes a person engaged under a contract for services, and “ employer ” shall be construed accordingly ;

“ employment ”, except in section 7 and Schedule 1, means employment under a contract of service or apprenticeship or a contract for services or otherwise than under a contract, and “ employed ” shall be construed accordingly ;

“ facilities ” includes services ;

“ functions ” includes powers and duties ;

“ local education authority ”, in relation to Scotland, means an education authority as defined in section 145(16) of the Education (Scotland) Act 1962 ;

1962 c. 47.

“ modifications ” includes additions, omissions and amendments ;

“ training ” includes any education with a view to employment, and cognate expressions shall be construed accordingly ; and

“ university ”, in relation to Scotland, includes a central institution and a college of education as defined in section 145 of the Education (Scotland) Act 1962.

(2) A reference in this Act to any enactment is a reference to it as amended, and includes a reference to it as applied, by or under any other enactment.

(3) The powers conferred on the Secretary of State by this Act are in addition to and not in substitution for any powers exercisable by him apart from this Act.

(4) Any power to make an order which is conferred on the Secretary of State by this Act apart from Schedule 2 shall be exercisable by statutory instrument, and an order made in the exercise of such a power—

- (a) may include such supplemental and incidental provisions as the Secretary of State considers appropriate for the purposes of the order ;
- (b) may, except in the case of an order made by virtue of section 8(6) or 12(3) of this Act, be varied or revoked by a subsequent order so made, so however that an order appointing a day shall not be varied or revoked by virtue of this subsection on or after that day.

(5) No order shall be made in pursuance of section 7(4)(c) of this Act unless a draft of the order has been approved by a resolution of each House of Parliament and a statutory instrument containing an order made by virtue of section 7(5) of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Minor and consequential amendments of enactments, and repeals.

14.—(1) The enactments mentioned in Schedule 3 to this Act shall have effect subject to the provisions of that Schedule ; but the coming into force of paragraph 12 or 15 of that Schedule shall not affect any order made under the Act referred to in that paragraph before the date when that paragraph comes into force.

(2) The enactments mentioned in the first and second columns of Schedule 4 to this Act are hereby repealed to the extent specified in the third column of that Schedule ; but nothing in this subsection affects the application of the Industrial Training Act 1964 to the Agricultural Training Board.

1964 c. 16.

Short title, commencement and extent.

15.—(1) This Act may be cited as the Employment and Training Act 1973.

(2) This Act shall come into force on such day as the Secretary of State may by order appoint, and—

- (a) different days may be appointed in pursuance of this subsection for the purposes of different provisions of this Act or for different purposes of the same provision of this Act ; and
- (b) any such order may contain such transitional provisions as the Secretary of State considers appropriate in connection with the order.

(3) This Act, except section 12(5), paragraphs 4, 5, 9 and 13 of Schedule 3 and Schedule 4 so far as it relates to section 20 of the Employment and Training Act 1948 and to the Agriculture Act 1970, does not extend to Northern Ireland.

1948 c. 46.

1970 c. 40.

SCHEDULES

SCHEDULE 1

Section 1(5).

ADDITIONAL PROVISIONS RELATING TO CONSTITUTION ETC. OF
THE COMMISSION AND AGENCIES*Tenure of office*

1. Subject to paragraphs 2 to 4 of this Schedule, a person shall hold and vacate office as a member or the chairman or a deputy chairman in accordance with the terms of the instrument appointing him to that office.

2. A person may at any time resign his office as a member or the chairman or a deputy chairman by giving to the Secretary of State a notice in writing signed by that person and stating that he resigns that office.

3.—(1) If a member becomes or ceases to be the chairman or a deputy chairman, the Secretary of State may vary the terms of the instrument appointing him to be a member so as to alter the date on which he is to vacate office as a member.

(2) If the chairman or a deputy chairman ceases to be a member he shall cease to be the chairman or a deputy chairman, as the case may be.

4.—(1) If the Secretary of State is satisfied that a member—

- (a) has been absent from meetings of the Commission for a period longer than six consecutive months without the permission of the Commission; or
- (b) has become bankrupt or made an arrangement with his creditors; or
- (c) is incapacitated by physical or mental illness; or
- (d) is otherwise unable or unfit to discharge the functions of a member,

the Secretary of State may declare his office as a member to be vacant and shall notify the declaration in such manner as the Secretary of State thinks fit; and thereupon the office shall become vacant.

(2) In the application of the preceding sub-paragraph to Scotland for the references in paragraph (b) to a member's having become bankrupt and to a member's having made an arrangement with his creditors there shall be substituted respectively references to sequestration of a member's estate having been awarded and to a member's having made a trust deed for behoof of his creditors or a composition contract.

Remuneration etc. of members

5. The Commission may pay to each member such remuneration and allowances as the Secretary of State may determine.

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6. The Commission may pay or make provision for paying, to or in respect of any member, such sums by way of pensions, super-annuation allowances and gratuities as the Secretary of State may determine.

7. Where a person ceases to be a member otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances which make it right for him to receive compensation, the Commission may make to him a payment of such amount as the Secretary of State may determine.

Proceedings

8. The quorum of the Commission and the arrangements relating to meetings of the Commission shall be such as the Commission may determine.

9. The validity of any proceedings of the Commission shall not be affected by any vacancy among the members or by any defect in the appointment of a member.

Staff

10.—(1) Subject to the following paragraph, the Commission may appoint such officers and servants as it may determine with the consent of the Secretary of State as to numbers and terms of employment; and any reference in this Act to an employee of the Commission is a reference to a person appointed in pursuance of this sub-paragraph.

(2) Different numbers and terms of employment may be determined in pursuance of the preceding sub-paragraph in relation to employees or proposed employees of different categories.

11.—(1) It shall be the duty of the Commission to make, before such date as the Secretary of State may determine, an offer of employment by the Commission to each person who is employed by the Secretary of State and whose name is notified to the Commission by the Secretary of State in pursuance of this sub-paragraph; and the terms of the offer must be such that in the opinion of the Secretary of State they are, taken as a whole, not less favourable to the person to whom the offer is made than the terms on which he is employed by the Secretary of State on the date on which the offer is made.

(2) An offer made in pursuance of the preceding sub-paragraph shall not be revocable during the period of three months beginning with the date on which the offer is made.

12. It shall be the duty of the Commission, except so far as it is satisfied that adequate machinery exists for achieving the purpose of this paragraph, to seek consultation with any organisation appearing to the Commission to be appropriate with a view to the conclusion between the Commission and that organisation of such

agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for—

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- (a) the settlement by negotiation of terms and conditions of employment of employees of the Commission, with provision for reference to arbitration in default of such a settlement in such cases as may be determined by or under the agreement ; and
- (b) the promotion and encouragement of measures affecting the safety, health and welfare of employees of the Commission and the discussion of other matters of mutual interest to the Commission and its employees, including efficiency in the performance of the Commission's functions.

Performance of functions

13. The Commission may authorise any member or employee of the Commission and, with the consent of the Secretary of State, any other person to perform on behalf of the Commission such of the Commission's functions (including the function conferred on the Commission by this paragraph) as are specified in the authorisation.

Accounts and reports

14.—(1) It shall be the duty of the Commission—

- (a) to keep proper accounts and proper records in relation to the accounts ;
- (b) to prepare in respect of each accounting year a statement of accounts in such form as the Secretary of State may direct with the approval of the Treasury ; and
- (c) to send copies of the statement to the Secretary of State and the Comptroller and Auditor General before the end of the month of November next following the accounting year to which the statement relates.

(2) The Comptroller and Auditor General shall examine, certify and report on each statement received by him in pursuance of this Schedule and shall lay copies of each statement and of his report before each House of Parliament.

15. It shall be the duty of the Commission to make to the Secretary of State, as soon as possible after the end of each accounting year, a report on the performance of its functions during that year ; and the Secretary of State shall lay before each House of Parliament a copy of each report made to him in pursuance of this paragraph.

Supplemental

16. For the purposes of section 2 of the Official Secrets Act 1911 1911 c. 28. (which among other things relates to the wrongful communication of information) a member and an employee of the Commission shall be deemed to hold an office under Her Majesty.

17. The Secretary of State shall not make a determination or give his consent in pursuance of paragraph 5, 6, 7 or 10(1) of this Schedule except with the approval of the Minister for the Civil Service.

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18. The fixing of the common seal of the Commission shall be authenticated by the signature of the secretary of the Commission or some other person authorised by the Commission to act for that purpose.

19. A document purporting to be duly executed under the seal of the Commission shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

20. In the preceding provisions of this Schedule—

- (a) “accounting year” means the period of twelve months ending with 31st March in any year except that the first accounting year of the Commission shall, if the Secretary of State so directs, be such period shorter or longer than twelve months (but not longer than two years) as is specified in the direction; and
- (b) “the chairman”, “a deputy chairman” and “a member” mean respectively the chairman, a deputy chairman and a member of the Commission.

Application to the Agencies etc.

21.—(1) The preceding provisions of this Schedule shall have effect in relation to each of the Agencies as if—

- (a) for any reference to the Commission there were substituted a reference to the Agency;
- (b) for any reference to the Secretary of State in paragraphs 2 to 4, 13 and 20 and the first such reference in paragraph 7 there were substituted a reference to the Commission;
- (c) for any reference to the Secretary of State in paragraphs 5 to 7 (except the first such reference in paragraph 7) there were substituted a reference to the Commission acting with the consent of the Secretary of State;
- (d) for any reference to the chairman there were substituted a reference to the director, and any reference to a deputy chairman were omitted;
- (e) in paragraph 14(1)(c) for the words from “Secretary” to “following” there were substituted the words “Commission by such date as the Commission may direct after the end of”; and
- (f) paragraph 15 were omitted.

(2) It shall be the duty of the Commission to include in or send with the copies of the statement sent by it as required by paragraph 14(1)(c) of this Schedule copies of the statement sent to it by each of the Agencies in pursuance of the said paragraph 14(1)(c) as adapted by the preceding sub-paragraph.

(3) The terms of an instrument appointing a person to be a member of either of the Agencies shall be such as the Commission may determine with the approval of the Secretary of State and the Minister for the Civil Service.

SCHEDULE 2

Section 6.

MODIFICATIONS OF INDUSTRIAL TRAINING ACT 1964

PART I

THE MODIFICATIONS—GENERAL

1. Subject to any modifications made by the following paragraphs of this Part of this Schedule in any of the following provisions of the Act, in sections 1(4), 2(5) and (6), 4(2), 5(1), (2) and (5), 7(2) and 8(3) of the Act a reference to the Commission shall be substituted for any reference to the Secretary of State.

2.—(1) In section 1(1) of the Act after the word “may” there shall be inserted the words “, if the Manpower Services Commission submits to him proposals that he should do so,”.

(2) In subsection (2) of section 1 of the Act, after the word “Act” there shall be inserted the following definitions—

“the Commission” means the Manpower Services Commission ;

“employee” includes a person engaged under a contract for services, and “employer” shall be construed accordingly ;

“employment” means employment under a contract of service or apprenticeship or a contract for services or otherwise than under a contract, and “employed” shall be construed accordingly ;

“exemption certificate” has the meaning assigned to it by section 4A(1) of this Act, and “holder” in relation to an exemption certificate means the person to whom the certificate is issued ;

and for so much of the said subsection (2) as begins with the word “and” in the definition of “the industry” there shall be substituted the following definitions—

“levy order” has the meaning assigned to it by section 4(1) of this Act ; and

“the Minister” means the Secretary of State.

(3) In section 1(4) of the Act, for the words “Before making” there shall be substituted the words “Before the Commission submits to the Minister proposals for the making of”.

3.—(1) In section 2(1) of the Act—

(a) at the beginning there shall be inserted the words “For the purpose of encouraging adequate training of persons employed or intending to be employed in the industry” ;

(b) in paragraphs (a) and (c) for the word “shall” there shall be substituted the word “may” and in paragraph (a) for the words from “of persons” to “required” there shall be substituted the words “of those persons as the board considers adequate” and for the words “such persons” there shall be substituted the words “those persons” ;

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(c) after paragraph (g) there shall be inserted the following paragraph—

(h) may provide advice about training connected with the industry.

(2) For subsection (3) of section 2 of the Act there shall be substituted the following subsection—

(3) An industrial training board may—

(a) at the request of another industrial training board provide advice for the other board and 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 ;

(b) at the request of the Commission provide such other advice, and such other courses and facilities for training, as are mentioned in the request ;

(c) at the request of an employer in the industry provide for him advice about training connected with activities carried on in Northern Ireland or outside the United Kingdom which, if they were carried on in Great Britain, would be included in the industry ;

(d) enter into agreements with persons for the making by them of payments to the board in respect of the exercise by the board of any of its functions ;

(e) take part in any arrangements made in pursuance of section 2(1) or (2), 3(4) or 8 of the Employment and Training Act 1973 (which relate to arrangements for persons to select, train for and obtain suitable employments and to obtain suitable employees) ;

but any expense incurred by the board in pursuance of paragraph (c) of this subsection shall not be defrayed out of sums received by the board by way of levy.

(3) At the end of paragraph (b) of section 2(4) of the Act there shall be inserted the words “, to persons who make studies for the purpose of providing such courses or facilities and to persons who maintain arrangements to provide such courses or facilities which are not for the time being in use ” and at the end of the said section 2(4) there shall be inserted the following paragraph—

(d) make payments to persons in connection with arrangements under which they or employees of theirs make use of courses or other facilities provided or approved by the board.

4.—(1) In section 3(1) of the Act for the words “ the proposals ” there shall be substituted the words “ proposals submitted to and approved by the Commission under section 7 of this Act ” and after the words “ section 2 ” there shall be inserted the words “ or 4B(4) ”.

(2) In section 3(2) of the Act, for the words from “ allowances ” onwards there shall be substituted the words “ allowances (including allowances for loss of remunerative time) as the Minister may determine with the approval of the Minister for the Civil Service and to the chairman of any such committee to which functions mentioned

in the preceding subsection are delegated (hereafter in this section referred to as a "relevant committee") such remuneration as the Minister may so determine".

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(3) After subsection (2) of section 3 of the Act there shall be inserted the following subsection—

(2A) An industrial training board may make, or as the case may be join in making, such arrangements as the Minister may specify with the approval of the Minister for the Civil Service—

- (a) for the payment of pensions, superannuation allowances and gratuities to or in respect of the chairmen of relevant committees ;
- (b) for the payment of compensation to a person who ceases to be a chairman of a relevant committee otherwise than on the expiry of his term of office where it appears to the Minister that there are special circumstances which make it right for him to receive compensation.

5.—(1) For subsection (1) of section 4 of the Act there shall be substituted the following subsection—

(1) For the purpose of encouraging adequate training in the industry an industrial training board may, in accordance with an order made by the Minister (hereafter in this Act referred to as "a levy order"), impose a levy on employers in the industry except so far as they are exempted from the levy by the industrial training order, the levy order or an exemption certificate.

(2) In section 4(2) of the Act, after the words "to proposals" there shall be inserted the words "in respect of a levy which have been".

(3) In section 4 of the Act, after subsection (2) there shall be inserted the following subsection—

(2A) Nothing in this Act shall be construed as requiring the Minister to make a levy order in a case in which he considers it inexpedient to make one ; and the Minister shall not make a levy order in pursuance of any proposals under the said section 7 unless—

- (a) he is satisfied that proposals published by the relevant board in pursuance of section 4A of this Act provide for exemption certificates relating to the levy (other than levy payable by virtue of subsection (1B) of the said section 7) in such cases as he considers appropriate ;
- (b) such of the proposals under the said section 7 as were made in pursuance of subsection (1A)(a) of that section and are approved by the Commission provide for the exemption from the levy of employers who, in view of the small number of their employees, ought in his opinion to be exempted from it ;
- (c) he is satisfied that such of the proposals under the said section 7 as were made in pursuance of subsection (1B) of that section are necessary as mentioned in paragraph

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- (a) of that subsection and are shown, by evidence furnished by the board which made the proposals, to be considered necessary as mentioned in paragraph (b) of that subsection ; and
- (d) the amount which, disregarding any exemptions, he estimates would if the order were made be payable by virtue of it by any employer in the industry either—
- (i) does not exceed an amount which the Minister estimates is equal to one per cent. of the aggregate of the emoluments and payments intended to be disbursed as emoluments which are paid and payable, by that employer to or in respect of persons employed in the industry, in respect of the period specified in the proposals as the period which is relevant for the purposes of this sub-paragraph, or
 - (ii) does exceed the amount mentioned in the preceding sub-paragraph but is considered by him to be appropriate in the circumstances ;

and a levy order made in a case falling within paragraph (d)(ii) of this subsection shall state that it is made in such a case.

(4) In section 4(3) of the Act, before the word “contain” there shall be inserted the words “provide for payments by way of levy to accrue due from day to day over a period specified in the order and may” and before the word “become” there shall be inserted the words “(whether or not any period over which that amount accrues due has expired)”.

(5) At the end of section 4(4) of the Act there shall be inserted the words “unless the instrument contains only an order which includes a statement that it is made in a case falling within subsection (2A)(d)(ii) of this section, and no levy order which includes such a statement shall be made unless a draft of the order has been approved by a resolution of each House of Parliament”.

6. After section 4 of the Act there shall be inserted the following sections—

Proposals for exemption by certificate from certain levies. 4A.—(1) An industrial training board may from time to time, and shall whenever directed to do so by the Commission, submit to the Commission for the Commission’s approval proposals for the issue of certificates (in this Act referred to as “exemption certificates”) which, while the certificates are in force, are to exempt from relevant levy employers in the industry who—

- (a) make arrangements for the training, or the training and further education associated with training, of persons needed to carry on the activities which are or are expected to be carried on at establishments of the employers ; and
- (b) satisfy the board, by reference to criteria specified in the proposals, that the arrangements are adequate for those establishments ;

and in this subsection “relevant levy” means levy which, apart from any exemption certificate, is payable to the board in question by virtue of this Act in respect of

persons employed at establishments for which such arrangements are made, other than levy which the levy order authorising it provides is to be payable notwithstanding any exemption certificate.

(2) Where a board by which proposals are submitted to the Commission in pursuance of the preceding subsection is informed by the Commission that the Commission and the Minister approve the proposals, it shall be the duty of the board to arrange for the proposals to be published as soon as practicable in a manner approved by the Commission.

(3) Proposals made by a board in pursuance of subsection (1) of this section—

- (a) must include proposals as to the arrangements for the reconsideration of decisions in pursuance of subsection (4) of the following section ; and
- (b) may include proposals for altering or cancelling any previous proposals made by the board in pursuance of subsection (1) of this section ;

but proposals made by virtue of paragraph (b) of this subsection shall not affect the operation of any exemption certificates issued in pursuance of previous proposals.

(4) Subsections (2) to (6) of section 7 of this Act shall have effect in relation to a direction under subsection (1) of this section and proposals mentioned in that subsection as they have effect in relation to a direction under section 7(1) of this Act and proposals mentioned in the said section 7(1).

Certificates
of exemption
from levy.

4B.—(1) Where an industrial training board is satisfied, on an application made in writing to the board by an employer liable apart from this section to pay to the board any levy from which exemption may be conferred on him by an exemption certificate, that the arrangements made by him for the training, or the training and further education associated with training, of persons needed to carry on the activities which are or are expected to be carried on at a particular establishment of his are such that, in accordance with proposals published by the board in pursuance of the preceding section, an exemption certificate falls to be issued to him in respect of the establishment, it shall be the duty of the board to issue such a certificate to him ; and the holder of an exemption certificate shall, while the certificate is in force, be exempt from levy payable to the board by virtue of this Act in respect of persons employed at the establishment to which the certificate relates, other than levy which the levy order authorising it provides is to be payable notwithstanding any exemption certificate.

(2) An exemption certificate—

- (a) may require the holder of the certificate to comply with such conditions relating to the

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training, or the training and education, of persons needed to carry on the activities which are or are expected to be carried on at the establishments to which the certificate relates (including in particular conditions as to the inspection on behalf of the relevant board of the arrangements for the training or the training and education) as are specified in the certificate and are in accordance with the proposals mentioned in the preceding subsection ;

- (b) shall specify the date on which the certificate is to come into force ;
- (c) shall specify the period (not exceeding three years beginning with that date) at the expiration of which it shall cease to be in force unless it has previously ceased to be in force by virtue of the following subsection ;
- (d) may provide that the certificate shall be deemed to have been in force for such period before the date on which it comes into force as is specified in the certificate (which shall not begin before the period of one year ending with the date on which the said board received the application in pursuance of which it issues the certificate) ;

and any levy paid to the said board by a person for a period in respect of which by virtue of paragraph (d) of this subsection it becomes not payable shall be repayable by the board to that person.

(3) An exemption certificate issued by a board shall cease to be in force if the board gives notice in writing to the holder of the certificate stating that in the opinion of the board he has failed to comply with conditions specified in the certificate and mentioned in the notice ; but for the purposes of the preceding provisions of this subsection a notice given in pursuance of this subsection shall be disregarded if the board subsequently informs the person to whom it was given that the notice is withdrawn.

(4) If a person who is liable apart from any exemption certificate to pay to a board levy from which exemption may be conferred by an exemption certificate is dissatisfied with the decision of the board—

- (a) to refuse to issue to him an exemption certificate relating to such levy in respect of a particular establishment ; or
- (b) to refuse to include in an exemption certificate issued to him provisions or different provisions authorised by subsection (2)(b) or (d) of this section ; or

- (c) to include in an exemption certificate provisions requiring him to comply with conditions ; or
- (d) to give a notice to him in pursuance of subsection (3) of this section,

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and requests the board in writing to reconsider the decision, it shall be the duty of the board to reconsider it or to secure that it is reconsidered by a committee authorised to deal with such requests by virtue of section 3(1) of this Act ; and if on reconsidering the decision the board or committee decides not to alter it, or not to alter it in a manner which the person who made the request considers is satisfactory, that person may refer the decision to a body established in pursuance of the following subsection.

(5) It shall be the duty of the Minister to make regulations establishing a body to which decisions are to be referred in pursuance of the preceding subsection ; and regulations made by virtue of this subsection may include provisions as to the powers and procedure of the body and such other provisions (including provisions for defraying the body's expenses out of moneys provided by Parliament or otherwise) as the Minister considers appropriate for the purpose of facilitating the exercise by the body of its functions and may, without prejudice to the generality of the preceding provisions of this subsection—

- (a) require a board to draw the attention of a person to his right to refer a decision to the body ;
- (b) authorise the body to direct a board of which a decision is referred to the body to alter the decision in a manner specified in the direction ; and
- (c) require the board to comply with the direction and provide for any case in which it fails to do so.

(6) Regulations under subsection (5) of this section shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) No appeal shall lie to a tribunal established in pursuance of section 12 of this Act in respect of such a decision as is mentioned in subsection (4) of this section.

7.—(1) In section 5(1) of the Act for the word “Treasury” there shall be substituted the word “Minister”.

(2) In section 5 of the Act after subsection (1) there shall be inserted the following subsection—

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(1A) The Commission may give to an industrial training board such directions as the Commission thinks fit for the purpose of securing—

(a) that the board's expenditure for a purpose specified in the directions does not exceed an amount so specified ; and

(b) that the whole or part of any grant or loan made to the board in pursuance of the preceding subsection is used only for the purposes specified in the directions ;

and it shall be the duty of the board to comply with the directions.

8.—(1) At the end of section 6(3) of the Act there shall be inserted the words “ or to the Commission, the Employment Service Agency, the Training Services Agency or an officer of the Commission or either Agency ”.

(2) In section 6(7)(b) of the Act for the words “ either of those subsections ” there shall be substituted the words “ that subsection ”.

9. After section 6 of the Act there shall be inserted the following section—

Provisions
supple-
mentary
to s.6.

6A.—(1) The Commission may, with the approval of the Minister, direct an industrial training board to exercise the power to require the furnishing of information which is conferred on the board by subsection (2) of the preceding section (hereafter in this section referred to as “ the relevant power ”) so as to require employers in the industry to furnish to the board, in such form and on such occasions as are specified in the direction, such information as the Commission considers that the Commission needs for the purposes of its functions and as is so specified ; and it shall be the duty of the board to comply with the direction.

(2) An industrial training board shall not exercise the relevant power except—

(a) in pursuance of a direction given by virtue of the preceding subsection ; or

(b) with the approval of the Minister and in accordance with the conditions, if any, of the approval ;

and any application by a board for approval in pursuance of paragraph (b) of this subsection must be made to the Commission and contain such information as the Commission may require with respect to the proposed exercise of the relevant power.

(3) Where the Commission receives such an application from a board the Commission—

(a) may request the board to withdraw or alter the application ; and

(b) shall, if it does not so request or the board declines to comply with the request or complies with a request to alter the application, transmit the application to the Minister ;

and it shall be the duty of the Commission on transmitting the application to the Minister to inform him whether in its opinion he should reject the application or approve it with specified conditions or without conditions.

(4) An approval of an application given by the Minister in pursuance of subsection (2)(b) of this section may be given subject to conditions that the board in question may exercise the relevant power only for the purpose of requiring the furnishing of information in such forms and on such occasions as are specified in the instrument of approval.

10.—(1) For subsection (1) of section 7 of the Act there shall be substituted the following subsection—

(1) An industrial training board shall from time to time, and whenever directed to do so by the Commission, submit to the Commission for the Commission's approval proposals for the exercise of functions conferred on the board by section 2 of this Act and may from time to time, and shall whenever directed by the Commission to do so, submit as aforesaid—

- (a) proposals for the delegation of all or any of those functions to committees established under section 3 of this Act ; and
- (b) proposals for the raising and collection of a levy.

(2) After subsection (1) of section 7 of the Act there shall be inserted the following subsections—

(1A) Any proposals by a board in pursuance of paragraph (b) of the preceding subsection must include—

- (a) proposals for exempting from the levy any employer who, in view of the small number of his employees, ought in the opinion of the board to be exempted from it ; and
- (b) such information or further information as the Commission directs the board to furnish, and any additional information which the board considers appropriate, for the purpose of assisting the Minister to decide whether a levy order made in pursuance of the proposals would fall within sub-paragraph (i) or sub-paragraph (ii) of section 4(2A)(d) of this Act ;

and proposals in pursuance of paragraph (a) of this subsection may be made in respect of different numbers of employees for different employers or classes of employers and may provide for numbers of employees or for employers or classes of employers to be determined by reference to such factors as are specified in the proposals.

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(1B) Any proposals made by a board in pursuance of paragraph (b) of subsection (1) of this section may include proposals for securing that exemption certificates issued by the board shall not exempt from the whole or a portion of the levy the employers or some of the employers in the industry, and different proposals may be made in pursuance of this subsection as respects different categories of employers and different portions of the levy; but the Commission shall not approve proposals made in pursuance of this subsection unless—

- (a) it is of the opinion that the proposals are necessary to encourage adequate training in the industry; and
- (b) it is satisfied, by evidence furnished to it by the board, that—
 - (i) organisations appearing to it to represent more than half of the persons whom it considers are likely to be liable to make payments by way of levy in consequence of the proposals, and
 - (ii) organisations appearing to it to represent persons whom it considers are together likely to be liable to make payments by way of levy in consequence of the proposals which amount to more than half the aggregate amount of those payments,

consider, after taking reasonable steps to ascertain the views of the proposals taken by the persons aforesaid who are represented by the organisations, that the proposals are necessary as mentioned in paragraph (a) of this subsection.

(1C) It shall be the duty of the Commission to submit to the Minister any proposals which are made to the Commission in pursuance of paragraph (b) of subsection (1) of this section and approved by the Commission.

(3) In section 7(2) of the Act for the words from “the proposals submitted” to “unsatisfactory he” there shall be substituted the words “it appears to the Minister, after he has considered a report made to him by the Commission on the proposals submitted in pursuance of the direction, that the proposals are unsatisfactory he”.

11.—(1) In section 8(1) of the Act for the words “Minister may, with the approval of” there shall be substituted the words “Commission may, with the approval of the Minister and”.

(2) At the beginning of section 8(4) of the Act there shall be inserted the words “The Commission shall send a copy of every such report to the Minister and”.

12.—(1) In section 9(1) of the Act after the word “may” there shall be inserted the words “on the recommendation of the Commission”.

(2) In section 9(2) of the Act for the words from the beginning to “Minister” there shall be substituted the words “Before recommending the making of an order under subsection (1)(a) of this

section the Commission shall consult the industrial training board and such organisations or associations appearing to the Commission to be representative—

- (a) of employers engaged in activities to be included in or excluded from the relevant industrial training order by virtue of the amendments in question ; and
- (b) of employees engaged in those activities ;

and before recommending the making of an order under subsection (1)(b) of this section the Commission ”.

(3) In section 9(3) of the Act after the word “ industry ” there shall be inserted the words “ (whether or not they are holders of exemption certificates) ” and after the word “ raising ” there shall be inserted the words “ the whole or part of ”.

13. After section 9 of the Act there shall be inserted the following section—

Transfer of establishments' activities from industry of one board to that of another.

9A.—(1) If an employer in the industry of an industrial training board requests the Commission in writing to secure that activities carried on at a particular establishment of his shall, instead of being included for the purposes of this Act in that industry, be included for those purposes in the industry of another industrial training board, the Commission may if it thinks fit, after consulting both the boards in question about the request, submit it to the Minister with a recommendation that he should give effect to the request.

(2) Where the Minister receives a recommendation in pursuance of the preceding subsection in respect of a request he may if he thinks fit make an order giving effect to the request ; and the power conferred by this subsection to make an order relating to an establishment shall—

- (a) be exercisable by statutory instrument ; and
- (b) include power to revoke or vary any previous order made in the exercise of that power in respect of the establishment.

(3) An industrial training order or an order under the preceding section may revoke an order under the preceding subsection.

14. In section 10 of the Act after the word “ board ” in subsection (1) and in each place where it occurs in subsection (3) there shall be inserted the words “ the Commission or the Minister ”.

15. In section 12 of the Act after subsection (2A) there shall be inserted the following subsection—

(2B) The Minister may out of moneys provided by Parliament pay such remuneration as he may determine with the consent of the Minister for the Civil Service to the President of the Industrial Tribunals (England and Wales), the President of the Industrial Tribunals (Scotland) and any person who is a member on a full-time basis of a panel of chairmen of tribunals

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which is appointed in accordance with regulations under this section.

16. In section 14(1) of the Act for the words from the beginning to "carried on" there shall be substituted the words "An industrial training board may, with the consent of the Commission given with the approval of the Minister, exercise such functions in connection with training for employment" and at the end of section 14(1) there shall be inserted the words "; and the board may enter into agreements for the making of payments to the board in respect of the exercise in pursuance of this subsection of functions by the board."

17. In the Schedule to the Act—

(a) at the end of paragraph 4 there shall be inserted the words "and may make such arrangements for the payment of pensions, superannuation allowances and gratuities to or in respect of its chairman as the Minister may specify with the like approval";

(b) after paragraph 4 there shall be inserted the following paragraph—

4A. Where a person ceases to be the chairman of an industrial training board otherwise than on the expiry of his term of office and it appears to the Minister that there are special circumstances which make it right for him to receive compensation, the board may make him a payment of such amount as the Minister may determine with the approval of the Minister for the Civil Service. ;

(c) in paragraph 6(1) after the word "specify" there shall be inserted the words "and the Commission";

(d) after sub-paragraph (1) of paragraph 6 there shall be inserted the following sub-paragraph—

(1A) The Commission may appoint one or more persons to attend the meetings of a committee of an industrial training board, and a person so appointed shall be entitled to take part in the proceedings of the committee and receive copies of all documents distributed to its members but shall have no vote. ;

(e) at the end of paragraph 10 there shall be inserted the words "with the approval of the Minister given with the consent of the Minister for the Civil Service"; and

(f) in paragraph 11 for the words "as the board may determine" there shall be substituted the words "(including allowances for loss of remunerative time) as the Minister may determine with the approval of the Minister for the Civil Service".

18. The following provisions of the Act shall cease to have effect, namely—

(a) section 2(1)(f);

(b) in section 3(1), the words from "in accordance" to "section 7 of this Act,";

(c) in section 5, in subsection (1) the words "out of moneys provided by Parliament", subsection (3) and in subsection (4) the words from "and any" onwards ;

- (d) in section 6, subsection (1), in subsection (2) the words from “and any” to “board” in the second place where it occurs and in subsections (6) and (7)(a) the words “subsection (1) or”;
- (e) sections 11, 13 and 17 ;
- (f) in the Schedule, paragraph 6(2).

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PART II

SECTIONS 1 TO 7, 9, 9A, 12 AND 14(1) OF THE ACT AS AMENDED

1.—(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, if the Manpower Services Commission submits to him proposals that he should do so, 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.

Establishment of industrial training boards.

(2) In this Act—

“the Commission” means the Manpower Services Commission ;

“employee” includes a person engaged under a contract for services, and “employer” shall be construed accordingly ;

“employment” means employment under a contract of service or apprenticeship or a contract for services or otherwise than under a contract, and “employed” shall be construed accordingly ;

“exemption certificate” has the meaning assigned to it by section 4A(1) of this Act, and “holder” in relation to an exemption certificate means the person to whom the certificate is issued ;

“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 ;

“levy order” has the meaning assigned to it by section 4(1) of this Act ; and

“the Minister” means the Secretary of State.

(3) The provisions of the Schedule to this Act shall have effect with respect to industrial training boards.

(4) Before the Commission submits to the Minister proposals for the making of an industrial training order the Commission shall consult any organisation or association of organisations appearing

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to it to be representative of substantial numbers of employees engaging in the activities concerned and any organisation or association of organisations appearing to it 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.—(1) For the purpose of encouraging adequate training of persons employed or intending to be employed in the industry an industrial training board—

- (a) may provide or secure the provision of such courses and other facilities (which may include residential accommodation) for the training of those persons as the board considers adequate, having regard to any courses or facilities otherwise available to those persons;
- (b) may approve such courses and facilities provided by other persons;
- (c) may 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;
- (g) may carry on or assist other persons in carrying on research into any matter relating to training for employment in the industry;
- (h) may provide advice about training connected with 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.

Functions of
industrial
training
board.

(3) An industrial training board may—

- (a) at the request of another industrial training board provide advice for the other board and 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 ;
- (b) at the request of the Commission provide such other advice, and such other courses and facilities for training, as are mentioned in the request ;
- (c) at the request of an employer in the industry provide for him advice about training connected with activities carried on in Northern Ireland or outside the United Kingdom which, if they were carried on in Great Britain, would be included in the industry ;
- (d) enter into agreements with persons for the making by them of payments to the board in respect of the exercise by the board of any of its functions ;
- (e) take part in any arrangements made in pursuance of section 2(1) or (2), 3(4) or 8 of the Employment and Training Act 1973 (which relate to arrangements for persons to select, train for and obtain suitable employments and to obtain suitable employees) ;

but any expense incurred by the board in pursuance of paragraph (c) of this subsection shall not be defrayed out of sums received by the board by way of levy.

(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, to persons who make studies for the purpose of providing such courses or facilities and to persons who maintain arrangements to provide such courses or facilities which are not for the time being in use ;
- (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 ;
- (d) make payments to persons in connection with arrangements under which they or employees of theirs make use of courses or other facilities 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 Commission and approved by the Commission under section 7 of this Act.

(6) An industrial training board shall give to the Commission such information or facilities for obtaining information with regard to the exercise of its functions, in such manner and at such times as the Commission may reasonably require.

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Establishment
of committees.

3.—(1) An industrial training board may—

- (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 proposals submitted to and approved by the Commission under section 7 of this Act, all or any of the functions conferred on the board by section 2 or 4B(4) 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 (including allowances for loss of remunerative time) as the Minister may determine with the approval of the Minister for the Civil Service and to the chairman of any such committee to which functions mentioned in the preceding subsection are delegated (hereafter in this section referred to as a "relevant committee") such remuneration as the Minister may so determine.

(2A) An industrial training board may make, or as the case may be join in making, such arrangements as the Minister may specify with the approval of the Minister for the Civil Service—

- (a) for the payment of pensions, superannuation allowances and gratuities to or in respect of the chairmen of relevant committees;
- (b) for the payment of compensation to a person who ceases to be a chairman of a relevant committee otherwise than on the expiry of his term of office where it appears to the Minister that there are special circumstances which make it right for him to receive compensation.

(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.

Levies.

4.—(1) For the purpose of encouraging adequate training in the industry an industrial training board may, in accordance with an order made by the Minister (hereafter in this Act referred to as "a levy order"), impose a levy on employers in the industry except so far as they are exempted from the levy by the industrial training order, the levy order or an exemption certificate.

(2) A levy order shall give effect to proposals in respect of a levy which have been submitted to and approved by the Commission 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.

(2A) Nothing in this Act shall be construed as requiring the Minister to make a levy order in a case in which he considers it inexpedient to make one; and the Minister shall not make a levy order in pursuance of any proposals under the said section 7 unless—

- (a) he is satisfied that proposals published by the relevant board in pursuance of section 4A of this Act provide for

exemption certificates relating to the levy (other than levy payable by virtue of subsection (1B) of the said section 7) in such cases as he considers appropriate ;

- (b) such of the proposals under the said section 7 as were made in pursuance of subsection (1A)(a) of that section and are approved by the Commission provide for the exemption from the levy of employers who, in view of the small number of their employees, ought in his opinion to be exempted from it ;
- (c) he is satisfied that such of the proposals under the said section 7 as were made in pursuance of subsection (1B) of that section are necessary as mentioned in paragraph (a) of that subsection and are shown, by evidence furnished by the board which made the proposals, to be considered necessary as mentioned in paragraph (b) of that subsection ; and
- (d) the amount which, disregarding any exemptions, he estimates would if the order were made be payable by virtue of it by any employer in the industry either—
 - (i) does not exceed an amount which the Minister estimates is equal to one per cent. of the aggregate of the emoluments and payments intended to be disbursed as emoluments which are paid and payable, by that employer to or in respect of persons employed in the industry, in respect of the period specified in the proposals as the period which is relevant for the purposes of this sub-paragraph, or
 - (ii) does exceed the amount mentioned in the preceding sub-paragraph but is considered by him to be appropriate in the circumstances ;

and a levy order made in a case falling within paragraph (d)(ii) of this subsection shall state that it is made in such a case.

(3) A levy order may provide for payments by way of levy to accrue due from day to day over a period specified in the order and 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 (whether or not any period over which that amount accrues due has expired) 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 unless the instrument contains only an order which includes a statement that it is made in a case falling within subsection (2A)(d)(ii) of this section, and no levy order which includes such a statement shall be made unless a draft of the order has been approved by a resolution of each House of Parliament.

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Proposals for exemption by certificate from certain levies.

4A.—(1) An industrial training board may from time to time, and shall whenever directed to do so by the Commission, submit to the Commission for the Commission's approval proposals for the issue of certificates (in this Act referred to as "exemption certificates") which, while the certificates are in force, are to exempt from relevant levy employers in the industry who—

- (a) make arrangements for the training, or the training and further education associated with training, of persons needed to carry on the activities which are or are expected to be carried on at establishments of the employers; and
- (b) satisfy the board, by reference to criteria specified in the proposals, that the arrangements are adequate for those establishments;

and in this subsection "relevant levy" means levy which, apart from any exemption certificate, is payable to the board in question by virtue of this Act in respect of persons employed at establishments for which such arrangements are made, other than levy which the levy order authorising it provides is to be payable notwithstanding any exemption certificate.

(2) Where a board by which proposals are submitted to the Commission in pursuance of the preceding subsection is informed by the Commission that the Commission and the Minister approve the proposals, it shall be the duty of the board to arrange for the proposals to be published as soon as practicable in a manner approved by the Commission.

(3) Proposals made by a board in pursuance of subsection (1) of this section —

- (a) must include proposals as to the arrangements for the reconsideration of decisions in pursuance of subsection (4) of the following section; and
- (b) may include proposals for altering or cancelling any previous proposals made by the board in pursuance of subsection (1) of this section;

but proposals made by virtue of paragraph (b) of this subsection shall not affect the operation of any exemption certificates issued in pursuance of previous proposals.

(4) Subsections (2) to (6) of section 7 of this Act shall have effect in relation to a direction under subsection (1) of this section and proposals mentioned in that subsection as they have effect in relation to a direction under section 7(1) of this Act and proposals mentioned in the said section 7(1).

Certificates of exemption from levy.

4B.—(1) Where an industrial training board is satisfied, on an application made in writing to the board by an employer liable apart from this section to pay to the board any levy from which exemption may be conferred on him by an exemption certificate, that the arrangements made by him for the training, or the training and further education associated with training, of persons needed to carry on the activities which are or are expected to be carried on at a particular establishment of his are such that, in accordance with

proposals published by the board in pursuance of the preceding section, an exemption certificate falls to be issued to him in respect of the establishment, it shall be the duty of the board to issue such a certificate to him ; and the holder of an exemption certificate shall, while the certificate is in force, be exempt from levy payable to the board by virtue of this Act in respect of persons employed at the establishment to which the certificate relates, other than levy which the levy order authorising it provides is to be payable notwithstanding any exemption certificate.

(2) An exemption certificate—

- (a) may require the holder of the certificate to comply with such conditions relating to the training, or the training and education, of persons needed to carry on the activities which are or are expected to be carried on at the establishments to which the certificate relates (including in particular conditions as to the inspection on behalf of the relevant board of the arrangements for the training or the training and education) as are specified in the certificate and are in accordance with the proposals mentioned in the preceding subsection ;
- (b) shall specify the date on which the certificate is to come into force ;
- (c) shall specify the period (not exceeding three years beginning with that date) at the expiration of which it shall cease to be in force unless it has previously ceased to be in force by virtue of the following subsection ;
- (d) may provide that the certificate shall be deemed to have been in force for such period before the date on which it comes into force as is specified in the certificate (which shall not begin before the period of one year ending with the date on which the said board received the application in pursuance of which it issues the certificate) ;

and any levy paid to the said board by a person for a period in respect of which by virtue of paragraph (d) of this subsection it becomes not payable shall be repayable by the board to that person.

(3) An exemption certificate issued by a board shall cease to be in force if the board gives notice in writing to the holder of the certificate stating that in the opinion of the board he has failed to comply with conditions specified in the certificate and mentioned in the notice ; but for the purposes of the preceding provisions of this subsection a notice given in pursuance of this subsection shall be disregarded if the board subsequently informs the person to whom it was given that the notice is withdrawn.

(4) If a person who is liable apart from any exemption certificate to pay to a board levy from which exemption may be conferred by an exemption certificate is dissatisfied with the decision of the board—

- (a) to refuse to issue to him an exemption certificate relating to such levy in respect of a particular establishment ; or

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- (b) to refuse to include in an exemption certificate issued to him provisions or different provisions authorised by subsection (2)(b) or (d) of this section ; or
- (c) to include in an exemption certificate provisions requiring him to comply with conditions ; or
- (d) to give a notice to him in pursuance of subsection (3) of this section,

and requests the board in writing to reconsider the decision, it shall be the duty of the board to reconsider it or to secure that it is reconsidered by a committee authorised to deal with such requests by virtue of section 3(1) of this Act ; and if on reconsidering the decision the board or committee decides not to alter it, or not to alter it in a manner which the person who made the request considers is satisfactory, that person may refer the decision to a body established in pursuance of the following subsection.

(5) It shall be the duty of the Minister to make regulations establishing a body to which decisions are to be referred in pursuance of the preceding subsection ; and regulations made by virtue of this subsection may include provisions as to the powers and procedure of the body and such other provisions (including provisions for defraying the body's expenses out of moneys provided by Parliament or otherwise) as the Minister considers appropriate for the purpose of facilitating the exercise by the body of its functions and may, without prejudice to the generality of the preceding provisions of this subsection—

- (a) require a board to draw the attention of a person to his right to refer a decision to the body ;
- (b) authorise the body to direct a board of which a decision is referred to the body to alter the decision in a manner specified in the direction ; and
- (c) require the board to comply with the direction and provide for any case in which it fails to do so.

(6) Regulations under subsection (5) of this section shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) No appeal shall lie to a tribunal established in pursuance of section 12 of this Act in respect of such a decision as is mentioned in subsection (4) of this section.

5.—(1) The Commission may with the approval of the Minister make grants and loans to an industrial training board.

(1A) The Commission may give to an industrial training board such directions as the Commission thinks fit for the purpose of securing—

- (a) that the board's expenditure for a purpose specified in the directions does not exceed an amount so specified ; and
- (b) that the whole or part of any grant or loan made to the board in pursuance of the preceding subsection is used only for the purposes specified in the directions ;

and it shall be the duty of the board to comply with the directions.

(2) An industrial training board may, with the consent of the Commission or in accordance with the terms of any authority given by the Commission, borrow temporarily from any other person by way of overdraft or otherwise such sums as it may require.

(4) An industrial training board may give security for any money borrowed by it.

(5) An industrial training board shall not invest any money otherwise than in such manner as the Commission may approve.

6.—(2) An industrial training 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.

Power to obtain information from employers.

(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 or to the Commission, the Employment Service Agency, the Training Services Agency or an officer of the Commission or either Agency.

(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 (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.

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(7) If any person—

- (a) knowingly or recklessly furnishes, in pursuance of any requirement made under 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 that subsection 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.

6A.—(1) The Commission may, with the approval of the Minister, direct an industrial training board to exercise the power to require the furnishing of information which is conferred on the board by subsection (2) of the preceding section (hereafter in this section referred to as “ the relevant power ”) so as to require employers in the industry to furnish to the board, in such form and on such occasions as are specified in the direction, such information as the Commission considers that the Commission needs for the purposes of its functions and as is so specified ; and it shall be the duty of the board to comply with the direction.

(2) An industrial training board shall not exercise the relevant power except—

- (a) in pursuance of a direction given by virtue of the preceding subsection ; or
- (b) with the approval of the Minister and in accordance with the conditions, if any, of the approval ;

and any application by a board for approval in pursuance of paragraph (b) of this subsection must be made to the Commission and contain such information as the Commission may require with respect to the proposed exercise of the relevant power.

(3) Where the Commission receives such an application from a board the Commission—

- (a) may request the board to withdraw or alter the application ; and
- (b) shall, if it does not so request or the board declines to comply with the request or complies with a request to alter the application, transmit the application to the Minister ;

and it shall be the duty of the Commission on transmitting the application to the Minister to inform him whether in its opinion he should reject the application or approve it with specified conditions or without conditions.

Provisions
supplementary
to s. 6.

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(4) An approval of an application given by the Minister in pursuance of subsection (2)(b) of this section may be given subject to conditions that the board in question may exercise the relevant power only for the purpose of requiring the furnishing of information in such forms and on such occasions as are specified in the instrument of approval.

7.—(1) An industrial training board shall from time to time, and whenever directed to do so by the Commission, submit to the Commission for the Commission's approval proposals for the exercise of functions conferred on the board by section 2 of this Act and may from time to time, and shall whenever directed by the Commission to do so, submit as aforesaid—

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

- (a) proposals for the delegation of all or any of those functions to committees established under section 3 of this Act ; and
- (b) proposals for the raising and collection of a levy.

(1A) Any proposals by a board in pursuance of paragraph (b) of the preceding subsection must include—

- (a) proposals for exempting from the levy any employer who, in view of the small number of his employees, ought in the opinion of the board to be exempted from it ; and
- (b) such information or further information as the Commission directs the board to furnish, and any additional information which the board considers appropriate, for the purpose of assisting the Minister to decide whether a levy order made in pursuance of the proposals would fall within sub-paragraph (i) or sub-paragraph (ii) of section 4(2A)(d) of this Act ;

and proposals in pursuance of paragraph (a) of this subsection may be made in respect of different numbers of employees for different employers or classes of employers and may provide for numbers of employees or for employers or classes of employers to be determined by reference to such factors as are specified in the proposals.

(1B) Any proposals made by a board in pursuance of paragraph (b) of subsection (1) of this section may include proposals for securing that exemption certificates issued by the board shall not exempt from the whole or a portion of the levy the employers or some of the employers in the industry, and different proposals may be made in pursuance of this subsection as respects different categories of employers and different portions of the levy ; but the Commission shall not approve proposals made in pursuance of this subsection unless—

- (a) it is of the opinion that the proposals are necessary to encourage adequate training in the industry ; and
- (b) it is satisfied, by evidence furnished to it by the board, that—

- (i) organisations appearing to it to represent more than half of the persons whom it considers are likely to be liable to make payments by way of levy in consequence of the proposals, and

SCH. 2

(ii) organisations appearing to it to represent persons whom it considers are together likely to be liable to make payments by way of levy in consequence of the proposals which amount to more than half the aggregate amount of those payments,

consider, after taking reasonable steps to ascertain the views of the proposals taken by the persons aforesaid who are represented by the organisations, that the proposals are necessary as mentioned in paragraph (a) of this subsection.

(1C) It shall be the duty of the Commission to submit to the Minister any proposals which are made to the Commission in pursuance of paragraph (b) of subsection (1) of this section and approved by the Commission.

(2) Where an industrial training board—

(a) has failed to comply within a reasonable time with a direction of the Commission under subsection (1) of this section to submit to it such proposals as are mentioned in paragraph (a) or paragraph (b) thereof; or

(b) has submitted to the Commission such proposals which appear to the Commission unsatisfactory;

the Commission may direct the board to submit such proposals or, as the case may be, fresh proposals, within a specified time, and if the Commission directs the board to submit fresh proposals the Commission shall specify in the direction in what respects the proposals already submitted appear to the Commission unsatisfactory; and if the board fails to comply with the direction or it appears to the Minister, after he has considered a report made to him by the Commission on the proposals submitted in pursuance of the direction, that the proposals are 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.

9.—(1) The Minister may on the recommendation of the Commission by order—

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- (a) amend an industrial training order ; or
 (b) revoke such an order.

Amendment
 or revocation
 of industrial
 training
 order.

(2) Before recommending the making of an order under subsection (1)(a) of this section the Commission shall consult the industrial training board and such organisations or associations appearing to the Commission to be representative—

- (a) of employers engaged in activities to be included in or excluded from the relevant industrial training order by virtue of the amendments in question ; and
 (b) of employees engaged in those activities ;

and before recommending the making of an order under subsection (1)(b) of this section the Commission 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 (whether or not they are holders of exemption certificates), other than such (if any) as may be exempted by the order, for the purpose of raising the whole or part of 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.

9A.—(1) If an employer in the industry of an industrial training board requests the Commission in writing to secure that the activities carried on at a particular establishment of his shall, instead of being included for the purposes of this Act in that industry, be included for those purposes in the industry of another industrial training board, the Commission may if it thinks fit, after consulting both the boards in question about the request, submit it to the Minister with a recommendation that he should give effect to the request.

Transfer of establishments' activities from industry of one board to that of another.

SCH. 2

(2) Where the Minister receives a recommendation in pursuance of the preceding subsection in respect of a request he may if he thinks fit make an order giving effect to the request; and the power conferred by this subsection to make an order relating to an establishment shall—

(a) be exercisable by statutory instrument; and

(b) include power to revoke or vary any previous order made in the exercise of that power in respect of the establishment.

(3) An industrial training order or an order under the preceding section may revoke an order under the preceding subsection.

Appeal
tribunals.

12.—(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.

(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 (subject to subsection (2A) of this section) in any other case shall confirm it.

(2A) If, on an appeal, it appears to such a tribunal that the appellant ought to have been assessed to the levy in a larger amount, the tribunal may increase the assessment accordingly.

(2B) The Minister may out of moneys provided by Parliament pay such remuneration as he may determine with the consent of the Minister for the Civil Service to the President of the Industrial Tribunals (England and Wales), the President of the Industrial Tribunals (Scotland) and any person who is a member on a full-time basis of a panel of chairmen of tribunals which is appointed in accordance with regulations under this section.

(3) The Minister may out of moneys provided by Parliament pay to members of tribunals established in accordance with regulations under this section and to any assessors appointed for the purposes of proceedings before such tribunals such fees and allowances as he may with the consent of the Treasury determine and may out of moneys so provided pay to any other persons such allowances as he may with the consent of the Treasury determine for the purposes of, or in connection with, their attendance at such tribunals.

(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.

14.—(1) An industrial training board may, with the consent of the Commission given with the approval of the Minister, exercise such functions in connection with training for employment 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; and the board may enter into agreements for the making of payments to the board in respect of the exercise in pursuance of this subsection of functions by the board.

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

PART III

SCH. 2

SPECIAL MODIFICATIONS RELATING TO THE AGRICULTURAL TRAINING BOARD

1. The following provisions of the Act shall cease to have effect, namely—

- (a) in section 1, subsections (1) and (4) to (6) ;
- (b) section 2(5) and (6) ;
- (c) in section 3(1) the words from “, in accordance” to “7 of this Act,” and from “, to such extent” to “the proposals,” ;
- (d) sections 4, 5(2) to (4), 6 and 7 ;
- (e) in section 9, in subsection (3) the words from “and may” onwards, and subsection (4) ;
- (f) sections 11 to 13, 14(3) and 17 ; and
- (g) in the Schedule, paragraphs 5, 6(2) and 12.

2. In section 1(2) of the Act after the word “Act” there shall be inserted the words—

“agriculture” has the same meaning as in the Agriculture Act 1947 c. 48. 1947 or the Agriculture (Scotland) Act 1948 ; 1948 c. 45.

“employee” includes a person engaged under a contract for services, and “employer” shall be construed accordingly ;

“employment” means employment under a contract of service or apprenticeship or a contract for services or otherwise than under a contract, and “employed” shall be construed accordingly ;

and for the definition “the Minister” there shall be substituted the words—

“the Minister” means the Ministers concerned with agriculture in England, Scotland and Wales acting jointly.

3.—(1) In section 2(1) of the Act for paragraph (f) there shall be substituted the following paragraph—

- (f) may take part in any arrangements made in pursuance of section 2(1) or (2), 3(4) or 8 of the Employment and Training Act 1973 (which relate to arrangements for persons to select, train for and obtain suitable employments and to obtain suitable employees) ;

and after paragraph (g) there shall be inserted the following paragraphs—

- (h) may provide advice about training connected with the industry ;

- (i) may enter into agreements with persons for the making by them of payments to the board in respect of the exercise by the board of any of its functions.

(2) In section 2(3) of the Act after the word “provide” there shall be inserted the words “advice for the other board and”.

SCH. 2

(3) At the end of section 2(4) of the Act there shall be inserted the following paragraph—

- (d) make payments to persons in connection with arrangements under which they or employees of theirs make use of courses or other facilities provided or approved by the board.

4. After section 2 of the Act there shall be inserted the following sections—

Control of Agricultural Training Board by the Minister. 2A.—(1) The Minister may give to the Agricultural Training Board such directions as he thinks fit with respect to the performance by the Board of its functions; and it shall be the duty of the Board, notwithstanding anything in any other provision of this Act, to comply with the directions.

1967 c. 22. (2) Any such directions may require the said Board to exercise on behalf of the Minister functions exercisable by the Minister, whether by virtue of an enactment or otherwise, which are connected with the provision of training or advice for persons employed or intending to be employed in agriculture or in agriculture or horticulture business within the meaning of section 64 of the Agriculture Act 1967 (excluding a function of making regulations or any other instrument having the force of law).

Disclosure of information to Agricultural Training Board. 2B. The Minister of Agriculture, Fisheries and Food and the Secretary of State may, for the purpose of assisting the Agricultural Training Board in planning and carrying out activities (including research) connected with the functions conferred on it by section 2(1)(a) of this Act, disclose to the Board any information about—

- (a) the kind of crops grown on any land and the areas of land on which crops of any kind are grown; and
- (b) the number and description of persons employed on any land and employed on disposing of the produce of any land; and
- (c) the kinds of machinery used on any land, which has been furnished to him in pursuance of section 78 of the Agriculture Act 1947.
- 1947 c. 48.

5.—(1) In section 3(1) of the Act after the words “section 2” there shall be inserted the words “or by virtue of section 2A”.

(2) In section 3(2) of the Act for the words from “allowances” onwards there shall be substituted the words “allowances (including allowances for loss of remunerative time) as the Minister may determine with the approval of the Minister for the Civil Service and to the chairman of any such committee to which functions mentioned in the preceding subsection are delegated (hereafter in this section referred to as a “relevant committee”) such remuneration as the Minister may so determine”.

(3) After subsection (2) of section 3 of the Act there shall be inserted the following subsection—

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(2A) An industrial training board may make such arrangements as the Minister may specify with the approval of the Minister for the Civil Service—

- (a) for the payment of pensions, superannuation allowances and gratuities to or in respect of the chairmen of relevant committees ;
- (b) for the payment of compensation to a person who ceases to be a chairman of a relevant committee otherwise than on the expiry of his term of office where it appears to the Minister that there are special circumstances which make it right for him to receive compensation.

6. In section 5(1) of the Act for the word “Minister” there shall be substituted the words “Minister of Agriculture, Fisheries and Food”.

7.—(1) At the end of section 9(1) of the Act there shall be inserted the words “and an order under paragraph (a) of this subsection may, besides including or without including provisions with respect to any activities of industry or commerce, include provisions with respect to activities relating to agriculture which are not carried on in the course of industry or commerce”.

(2) In section 9(2) of the Act for the words “subsection (1)” there shall be substituted the words “subsection (1)(a)”, and for the words from “consult” onwards there shall be substituted the words “consult the Agricultural Training Board and any organisations or associations appearing to him to be representative—

- (a) of employers engaged in activities to be included in or excluded from the relevant industrial training order by virtue of the amendments in question ; and
- (b) of employees engaged in those activities ;

and before making an order under subsection (1)(b) of this section the Minister shall consult the said Board and any organisation or association of organisations appearing to him to be representative—

- (i) of substantial numbers of employers engaging in the activities with which the said Board is concerned ; and
- (ii) of substantial numbers of persons employed in the activities mentioned in paragraph (i) above”.

8. In section 14(1) of the Act for the words from the beginning to “carried on” there shall be substituted the words “An industrial training board may, with the consent of the Minister, exercise such functions in connection with training for employment”.

9. In the Schedule to the Act—

- (a) at the end of paragraph 4 there shall be inserted the words “and may make such arrangements for the payment of pensions, superannuation allowances and gratuities to or in respect of its chairman as the Minister may specify with the like approval” ;

SCH. 2

(b) after paragraph 4 there shall be inserted the following paragraph—

4A. Where a person ceases to be the chairman of an industrial training board otherwise than on the expiry of his term of office and it appears to the Minister that there are special circumstances which make it right for him to receive compensation, the board may make him a payment of such amount as the Minister may determine with the approval of the Minister for the Civil Service. ;

(c) in paragraph 6(1), after the word “specify” there shall be inserted the words “and the Manpower Services Commission” ;

(d) at the end of paragraph 10 there shall be inserted the words “with the approval of the Minister given with the consent of the Minister for the Civil Service” ; and

(e) in paragraph 11, for the words “as the board may determine” there shall be substituted the words “(including allowances for loss of remunerative time) as the Minister may determine with the approval of the Minister for the Civil Service” .

PART IV

SECTIONS 1 TO 3, 5 AND 9 OF THE ACT AS AMENDED IN RELATION TO THE AGRICULTURAL TRAINING BOARD

1.—(2) In this Act—

“agriculture” has the same meaning as in the Agriculture Act 1947 or the Agriculture (Scotland) Act 1948 ;

“employee” includes a person engaged under a contract for services, and “employer” shall be construed accordingly ;

“employment” means employment under a contract of service or apprenticeship or a contract for services or otherwise than under a contract, and “employed” shall be construed accordingly ;

“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 Ministers concerned with agriculture in England, Scotland and Wales acting jointly.

Establishment
of industrial
training
boards.

1947 c. 48.
1948 c. 45.

(3) The provisions of the Schedule to this Act shall have effect with respect to industrial training boards. SCH. 2

2.—(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 ; Functions of industrial training board.
- (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 in pursuance of section 2(1) or (2), 3(4) or 8 of the Employment and Training Act 1973 (which relate to arrangements for persons to select, train for and obtain suitable employments and to obtain suitable employees) ;
- (g) may carry on or assist other persons in carrying on research into any matter relating to training for employment in the industry ;
- (h) may provide advice about training connected with the industry ;
- (i) may enter into agreements with persons for the making by them of payments to the board in respect of the exercise by the board of any of its functions.

(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 advice for the other board and

SCH. 2 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 ;
- (d) make payments to persons in connection with arrangements under which they or employees of theirs make use of courses or other facilities provided or approved by the board.

Control of
Agricultural
Training Board
by the Minister.

2A.—(1) The Minister may give to the Agricultural Training Board such directions as he thinks fit with respect to the performance by the Board of its functions ; and it shall be the duty of the Board, notwithstanding anything in any other provision of this Act, to comply with the directions.

(2) Any such directions may require the said Board to exercise on behalf of the Minister functions exercisable by the Minister, whether by virtue of an enactment or otherwise, which are connected with the provision of training or advice for persons employed or intending to be employed in agriculture or in agriculture or horticulture business within the meaning of section 64 of the Agriculture Act 1967 (excluding a function of making regulations or any other instrument having the force of law).

1967 c. 22.

Disclosure of
information to
Agricultural
Training Board.

2B. The Minister of Agriculture, Fisheries and Food and the Secretary of State may, for the purpose of assisting the Agricultural Training Board in planning and carrying out activities (including research) connected with the functions conferred on it by section 2(1)(a) of this Act, disclose to the Board any information about—

- (a) the kind of crops grown on any land and the areas of land on which crops of any kind are grown ; and
- (b) the number and description of persons employed on any land and employed on disposing of the produce of any land ; and
- (c) the kinds of machinery used on any land,

which has been furnished to him in pursuance of section 78 of the Agriculture Act 1947.

1947 c. 48.

Establishment
of committees.

3.—(1) An industrial training board may—

- (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 all or any of the functions conferred on the board by section 2 or by virtue of section 2A 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 (including allowances for loss of remunerative time) as the Minister may determine with the approval of the Minister for the Civil Service and to the chairman of any such committee to which functions mentioned in the preceding subsection are delegated (hereafter in this section referred to as a "relevant committee") such remuneration as the Minister may so determine.

(2A) An industrial training board may make such arrangements as the Minister may specify with the approval of the Minister for the Civil Service—

- (a) for the payment of pensions, superannuation allowances and gratuities to or in respect of the chairmen of relevant committees ;
- (b) for the payment of compensation to a person who ceases to be a chairman of a relevant committee otherwise than on the expiry of his term of office where it appears to the Minister that there are special circumstances which make it right for him to receive compensation.

(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.

5.—(1) The Minister of Agriculture, Fisheries and Food may with the approval of the Treasury make grants and loans to an industrial training board out of moneys provided by Parliament.

Grants and loans, etc.

(5) An industrial training board shall not invest any money otherwise than in such manner as the Minister may approve.

9.—(1) The Minister may by order—

- (a) amend an industrial training order ; or
- (b) revoke such an order ;

Amendment or revocation of industrial training order.

and an order under paragraph (a) of this subsection may, besides including or without including provisions with respect to any activities of industry or commerce, include provisions with respect to activities relating to agriculture which are not carried on in the course of industry or commerce.

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(2) Before making an order under subsection (1)(a) of this section the Minister shall consult the Agricultural Training Board and any organisations or associations appearing to him to be representative—

(a) of employers engaged in activities to be included in or excluded from the relevant industrial training order by virtue of the amendments in question ; and

(b) of employees engaged in those activities ;

and before making an order under subsection (1)(b) of this section the Minister shall consult the said Board and any organisation or association of organisations appearing to him to be representative—

(i) of substantial numbers of employers engaging in the activities with which the said Board is concerned ; and

(ii) of substantial numbers of persons employed in the activities mentioned in paragraph (i) above.

(3) An order under subsection (1)(b) of this section shall provide for the winding up of the industrial training board.

(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.

Section 14(1).

SCHEDULE 3

MINOR AND CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

1935 c. 8.

The Unemployment Insurance Act 1935

1. Section 80 of the Unemployment Insurance Act 1935 (which provides for payments out of the National Insurance Fund in respect of the attendance at certain courses of persons entitled to unemployment benefit) shall cease to have effect.

1944 c. 10.

The Disabled Persons (Employment) Act 1944

2. Sections 2 to 5 of the Disabled Persons (Employment) Act 1944 (which relate to vocational training and industrial rehabilitation courses) shall cease to have effect, and in section 16 of that Act (which requires the Secretary of State to give preference to ex-service men and women in selecting persons for such courses and in selecting disabled persons as candidates for engagements) the words "vocational training and industrial rehabilitation courses and" and the words from "and in selecting" to "engagements" shall be omitted.

1948 c. 29.

The National Assistance Act 1948

3. In section 29(4)(c) of the National Assistance Act 1948 (which relates to the provision by local authorities of workshops and hostels for persons for whom work or training is provided in pursuance of

the Disabled Persons (Employment) Act 1944), after the word "1944", there shall be inserted the words "or the Employment and Training Act 1973". SCH. 3

The House of Commons Disqualification Act 1957 1957 c. 20.

4. In Part II of Schedule 1 to the House of Commons Disqualification Act 1957 (which specifies bodies of which all members are disqualified under that Act), as it applies to the House of Commons of the Parliament of the United Kingdom, there shall be inserted at the appropriate place in alphabetical order the words "The Manpower Services Commission".

The Public Records Act 1958 1958 c. 51.

5. In Part II of the Table at the end of paragraph 3 of Schedule 1 to the Public Records Act 1958 (which specifies certain establishments of which the records are public records), there shall be inserted at the appropriate places in alphabetical order the words "Employment Service Agency", "Manpower Services Commission" and "Training Services Agency".

The Factories Act 1961 1961 c. 34.

6. In section 119A(2) of the Factories Act 1961, for paragraph (a) (which contains a definition for the purposes of that section of 'the local careers office'), there shall be substituted the following paragraph—

- (a) 'the local careers office' means the premises from which, under arrangements made in pursuance of subsection (1), (4) or (5) of section 8 of the Employment and Training Act 1973, the facilities provided in pursuance of the said subsection (1) are made available in the area (as determined in pursuance of the arrangements) in which the factory is situated; and.

The National Insurance Act 1965 1965 c. 51.

7.—(1) In section 11(4) of the National Insurance Act 1965 (which among other things enables an employer who usually engages persons through an employment exchange or an approved agency to arrange for the exchange or agency to pay contributions under that Act on his behalf in respect of those persons), for the words from "an employment exchange" to "whereby" there shall be substituted the words "an office of the Employment Service Agency whereby", and for the words "the employment exchange or other agency" there shall be substituted the words "such office of the Secretary of State as is specified in the arrangement".

(2) In section 22(2) of that Act (which relates to disqualifications for receiving unemployment benefit), after the words "an employment exchange or" in paragraph (b) there shall be inserted the words "the Employment Service Agency or local education authority or some" and after the words "an employment exchange" in paragraph (d) there shall be inserted the words "the Employment Service Agency or a local education authority".

(3) Section 107 of that Act (which relates to parliamentary control of regulations under that Act) and section 108 of that Act (which requires a draft of regulations under that Act to be submitted to the National Insurance Advisory Committee) shall not apply to any

SCH. 3

such regulations which are contained in a statutory instrument made within the period of one year beginning with the date of the passing of this Act if the instrument states that it is made in consequence of this Act.

1965 c. 52.

The National Insurance (Industrial Injuries) Act 1965

8.—(1) Section 25(2)(c) of the National Insurance (Industrial Injuries) Act 1965 (which relates to the attendance at courses provided under the Disabled Persons (Employment) Act 1944 of persons claiming or receiving injury or disablement benefit) shall cease to have effect.

(2) Section 72 of that Act (under which arrangements may be made for securing that persons entitled to disablement benefit may take full advantage of courses and facilities provided under the said Act of 1944) shall cease to have effect.

1967 c. 13.

The Parliamentary Commissioner Act 1967

9. In Schedule 2 to the Parliamentary Commissioner Act 1967 (which lists the authorities subject to investigation under that Act), there shall be inserted at the appropriate places in alphabetical order the words "Employment Service Agency" and "Manpower Services Commission" and "Training Services Agency".

1968 c. 71.

The Race Relations Act 1968

10.—(1) In the following provisions of the Race Relations Act 1968 (which relate to complaints of such unlawful acts as are mentioned in section 16(1) of that Act or to communications privileged in certain proceedings under that Act) namely, sections 16(1), 17(1) and 24 and paragraphs 13 and 16 of Schedule 2, after the words "conciliation committee" there shall be inserted the words "or the Manpower Services Commission or an Agency", and those words shall also be inserted after the words "or body" in section 24 of that Act and before the word "refer" in paragraph 16(a) of Schedule 2 to that Act.

(2) In section 28(1) of that Act (interpretation), after the definition of "act" there shall be inserted the words "'an Agency' means the Employment Service Agency or the Training Services Agency;".

1970 c. 44.

The Chronically Sick and Disabled Persons Act 1970

11.—(1) In subsection (1) of section 13 of the Chronically Sick and Disabled Persons Act 1970 (which provides that the Central Youth Employment Executive shall include at least one person with special responsibility for the employment of disabled persons), for the words "the Central Youth Employment Executive" there shall be substituted the words "any body constituted in pursuance of section 10(2)(a) of the Employment and Training Act 1973".

(2) In subsection (2) of that section (which relates to the membership of any of the bodies constituted under section 8(1) of the Employment and Training Act 1948), for the words from "to be

members" to "respectively)" there shall be substituted the words "in pursuance of section 5(2)(a) of the Employment and Training Act 1973 to advise the Secretary of State with respect to the performance of the functions conferred on him by virtue of section 10(1) of that Act", and the words "the body in question" shall be omitted.

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The Local Employment Act 1972

1972 c. 5.

12. In section 1(4) of the Local Employment Act 1972 (which provides that orders under that section may describe development or intermediate areas by reference to employment exchange areas), for the words from "to employment" to "1948" there shall be substituted the words "to employment office areas, that is to say areas specified by the Employment Service Agency as areas for each of which a specified office of the Agency exercises functions" and for the word "exchange" where it last occurs there shall be substituted the word "office".

The Superannuation Act 1972

1972 c. 11.

13. In Schedule 1 to the Superannuation Act 1972 (which lists certain kinds of employment in respect of which superannuation schemes may be made under section 1 of that Act), before the words "Monopolies Commission" there shall be inserted the words "Manpower Services Commission" and after the words "Scottish Land Court" there shall be inserted the words—

"Employment Service Agency.
Training Services Agency."

The Employment Medical Advisory Service Act 1972

1972 c. 28.

14. In section 1(9) of the Employment Medical Advisory Service Act 1972 (which relates to persons attending rehabilitation courses provided under section 3(1) of the Disabled Persons (Employment) Act 1944 or under arrangements made under that section), for the words from "under section 3(1)" to "that section" there shall be substituted the words "by virtue of the Employment and Training Act 1973".

The Industry Act 1972

1972 c. 63.

15. In section 1(5) of the Industry Act 1972 (which provides that orders under that section may describe special development areas by reference to employment exchange areas), for the words from "to employment" to "1948" there shall be substituted the words "to employment office areas, that is to say areas specified by the Employment Service Agency as areas for each of which a specified office of the Agency exercises functions" and for the word "exchange" where it last occurs there shall be substituted the word "office".

Section 14(2).

SCHEDULE 4

REPEALS

Chapter	Short title	Extent of repeal
25 & 26 Geo. 5. c. 8.	The Unemployment Insurance Act 1935.	Section 80.
7 & 8 Geo. 6. c. 10.	The Disabled Persons (Employment) Act 1944.	Sections 2 to 5. In section 16 the words "vocational training and industrial rehabilitation courses and" and the words from "and in selecting" to "engagements".
11 & 12 Geo. 6. c. 46.	The Employment and Training Act 1948.	The whole Act.
12, 13 & 14 Geo. 6. c. 37.	The Agriculture (Miscellaneous Provisions) Act 1949.	Section 8(5).
1963 c. 33.	The London Government Act 1963.	Section 34.
1964 c. 16.	The Industrial Training Act 1964.	Section 2(1)(f). In section 3(1) the words from "in accordance" to "section 7 of this Act,". In section 5, in subsection (1) the words "out of moneys provided by Parliament", subsection (3), and in subsection (4) the words from "and any" onwards. In section 6, subsection (1), in subsection (2) the words from "and any" to "board" in the second place where it occurs, and in subsections (6) and (7)(a) the words "subsection (1) or". Sections 11, 13 and 17. In the Schedule, paragraph 6(2). Sections 81(7) and 83(1)(b)(iv). In section 114(1), the definition of "employment exchange".
1965 c. 51.	The National Insurance Act 1965.	Sections 25(2)(c) and 72.
1965 c. 52.	The National Insurance (Industrial Injuries) Act 1965.	
1967 c. 80.	The Criminal Justice Act 1967.	In Schedule 3 the entry relating to the Employment and Training Act 1948.
1970 c. 40.	The Agriculture Act 1970.	Section 104.
1970 c. 44.	The Chronically Sick and Disabled Persons Act 1970.	In section 13(2) the words "the body in question".
1972 c. 5.	The Local Employment Act 1972.	Section 6.
1972 c. 28.	The Employment Medical Advisory Service Act 1972.	Section 5(2).
1972 c. 70.	The Local Government Act 1972.	Section 209.