



# Industrial Training Act 1982

## 1982 CHAPTER 10

### *Establishment and winding up of industrial training boards*

#### **1 Establishment of industrial training boards. E+W+S**

(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 Secretary of State may, subject to the provisions of this section, 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.

(2) In this Act—

<sup>F1</sup>

.....  
[<sup>F2</sup> “ base period ” has the meaning assigned to it by section 11(2E) below; ]  
“ 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 13(1) below;  
“ industrial training board ” means (subject to section 20(2) below) a board established under this section or section 1 of the <sup>M1</sup> Industrial Training Act 1964;  
“ 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 11(2) below; <sup>F3</sup> ...  
[<sup>F4</sup> “ levy period ” has the meaning assigned to it by section 11(2A) below; and ]  
“ levy proposals ” has the meaning assigned to it by section 11(1) below.

(3) The provisions of Schedule 1 to this Act shall have effect with respect to industrial training boards.

[<sup>F5</sup>( 4 ) Before making an industrial training order the Secretary of State shall consult—

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*Changes to legislation:* There are currently no known outstanding effects for the Industrial Training Act 1982, Cross Heading: Establishment and winding up of industrial training boards. (See end of Document for details)

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- (a) such organisations or associations of organisations appearing to him to be representative of substantial numbers of employers, and such bodies established for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, as he thinks fit; and
  - (b) such other organisations, associations or bodies (if any) as he thinks fit.]
- (6) Any consultations required to be carried out under this section may be in such form and in respect of such matters (whether or not related to the making of a specific order) as the Secretary of State . . . <sup>F6</sup> thinks fit.
- (7) An industrial training order may provide for any incidental or supplementary matter for which it appears to the Secretary of State to be necessary or expedient to provide and an order amending or revoking such an order may provide for any incidental, transitional or consequential matter for which it appears to the Secretary of State to be necessary or expedient to provide; and, without prejudice to the generality of the foregoing or to the powers implied in [<sup>F7</sup>section 3(1)(b)] below, the matters for which orders under this section may provide shall include the amendment or revocation of an order under that section.
- (8) 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.

#### Textual Amendments

- F1** Definition repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#) , ss. 22(4) , 29(4) , [Sch. 4 para. 1\(2\)](#) , [Sch. 7 Pt. I](#)
- F2** Words in s. 1(2) inserted (2.3.2008) by [Further Education and Training Act 2007 \(c. 25\)](#) , s. 32(5) , [Sch. 1 para. 2\(a\)](#) ; S.I. 2007/3505 , art. 4(d) (with art. 7 )
- F3** Word in s. 1(2) repealed (2.3.2008) by [Further Education and Training Act 2007 \(c. 25\)](#) , s. 32(5) , [Sch. 1 para. 2\(b\)](#) , [Sch. 2](#) ; S.I. 2007/3505 , art. 4(d) (with art. 7 )
- F4** Words in s. 1(2) inserted (2.3.2008) by [Further Education and Training Act 2007 \(c. 25\)](#) , s. 32(5) , [Sch. 1 para. 2\(c\)](#) ; S.I. 2007/3505 , art. 4(d) (with art. 7 )
- F5** S. 1(4) substituted for s. 1(4)(5) by [Employment Act 1989 \(c. 38, SIF 43:1\)](#) , ss. 22(5) , 23 , [Sch. 5 para. 9\(1\)\(4\)](#)
- F6** Words repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#) , ss. 22(4) , 29(4) [Sch. 4 para. 1\(3\)](#) , [Sch. 7 Pt. I](#)
- F7** Words substituted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#) , s. 22(4) , [Sch. 4 para. 1\(4\)](#)

#### Modifications etc. (not altering text)

- C1** S. 1(4) amended by [Employment Act 1988 \(c. 19, SIF 43:5\)](#) , [s.29\(3\)](#) and [Employment Act 1989 \(c. 38, SIF 43:1\)](#) , s. 22(5) , [Sch. 5 para. 9\(1\)\(4\)](#)

#### Marginal Citations

- M1** 1964 c. 16 .

## 2 Establishment of committees. **E+W+S**

- (1) An industrial training board may—
- (a) appoint committees (which need not include members of the board);

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- (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 [<sup>F8</sup>Secretary of State] under section 5(5) below, all or any of the functions conferred on the board by section 5 or section 14(5) below.
- (2) An industrial training board may pay or, as the case may be, join in paying—
- (a) to the members of such a committee such allowances for loss of remunerative time as the Secretary of State may, with the approval of the Treasury, determine and such travelling, subsistence and other allowances as the board or, as the case may be, the boards may determine; and
- (b) to the chairman of any such committee to which functions mentioned in subsection (1) above are delegated such remuneration as the board or, as the case may be the boards may determine.
- (3) An industrial training board may make, or as the case may be join in making, such arrangements as the board may determine—
- (a) for the payment of pensions, superannuation allowances and gratuities to or in respect of the chairmen of such committees as are mentioned in subsection (2) (b) above;
- (b) for the payment of compensation to a person who ceases to be such a chairman otherwise than on the expiry of his term of office where it appears to the board that there are special circumstances which make it right for him to receive compensation.
- (4) 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.

#### Textual Amendments

**F8** Words substituted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 22(4), [Sch. 4 para. 2](#)

### [<sup>F9</sup>3 **Transfer of establishments' activities from industry of one board to that of another.** **E+W+S**

- (1) If an employer in the industry of an industrial training board requests the Secretary of State in writing to secure that the activities carried on at a particular establishment of the employer 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 Secretary of State—
- (a) shall consult both boards in question about the request; and
- (b) after such consultation, may if he thinks fit make an order giving effect to that request.
- (2) The power to make an order under this section shall be exercisable by statutory instrument.]

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#### Textual Amendments

**F9** S. 3 substituted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 22(4)(5), Sch. 4 para. 3, **Sch. 5 para. 9(2)(4)**

#### Modifications etc. (not altering text)

**C2** S. 3(1) amended by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 22(5), **Sch. 5 para. 9(1)(4)**

### [<sup>F10</sup>3A **Transfer of assets on revocation or amendment of industrial training order.** **E** **+W+S**]

- (1) Where an order has been made under section 1 above which—
  - (a) revokes an industrial training order, or
  - (b) amends such an order so as to exclude from the scope of operation of an industrial training board some of the activities in relation to which it exercises functions,
 the board concerned—
  - (i) may with the consent of the Secretary of State, or
  - (ii) shall if he so directs,
 transfer all or any of its assets to any person on trust to be used for charitable purposes which are related to or connected with training for employment.
- (2) A transfer under subsection (1) above may be made for a consideration which is less than the market value of the assets transferred or for no consideration; and different assets may be transferred by a board under that subsection to different persons.
- (3) It is hereby declared that a transfer under subsection (1) above may be made in a case where an industrial training order is revoked even if the assets of the board concerned are (or will be after the transfer) insufficient to meet its liabilities and the expenses of the winding up of the board in pursuance of section 4(1) below.
- (4) Subject to subsection (5) below, the provisions of section 15(5) to (9) below shall apply in relation to any direction given by the Secretary of State under subsection (1) above as they apply in relation to any direction given by him under section 15(1) or (2) below.
- (5) Where any such direction is given in a case where an industrial training order is revoked, those provisions shall so apply with the omission from section 15(6) below of the words from “during such period” onwards.]

#### Textual Amendments

**F10** Ss. 3A, 3B inserted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 24(1)

### **3B Transfer of staff employed by boards.** **E+W+S**

- (1) If arrangements are made (whether in connection with a transfer of assets under section 3A(1) above or otherwise) for any activities of an industrial training board to be carried on by some other person (“the transferee”) as from a particular date, this section shall have effect in relation to any employee of the board who, immediately before that date, was employed wholly or mainly in connection with those activities.

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- (2) [<sup>F11</sup>Transfer of Undertakings (Protection of Employment) Regulations 2006] shall apply in relation to any such employee of the board in accordance with subsection (3) below.
- (3) For the purposes of the application of those Regulations in relation to any such employee, the activities referred to in subsection (1) above shall (whether or not they would otherwise be so regarded) be regarded—
  - (a) as constituting an undertaking [<sup>F12</sup>to which those Regulations apply] which is transferred from the board to the transferee on the date referred to in that subsection, and
  - (b) as being so transferred by a transfer to which those Regulations apply and which is completed on that date.
- (4) A certificate issued by an industrial training board, in connection with any such arrangements as are referred to in subsection (1) above, to the effect that a person was, immediately before the date referred to in that subsection, employed by the board wholly or mainly in connection with the activities to which the arrangements relate shall be conclusive evidence of the facts stated in the certificate.

#### Textual Amendments

- F11** Words in s. 3B(2) substituted (6.4.2006 with application in accordance with reg. 21(1)) by [The Transfer of Undertakings \(Protection of Employment\) Regulations 2006 \(S.I. 2006/246\)](#), reg. 1(2), [Sch. 2 para. 2\(2\)](#)
- F12** Words in s. 3B(3)(a) substituted (6.4.2006 with application in accordance with reg. 21(1)) by [The Transfer of Undertakings \(Protection of Employment\) Regulations 2006 \(S.I. 2006/246\)](#), reg. 1(2), [Sch. 2 para. 2\(3\)](#)

## 4 Winding up of boards. **E+W+S**

- (1) An order made under section 1 above revoking an industrial training order (in this section referred to as “a revocation order”) shall provide for the winding up of the industrial training board.
- (2) A revocation order may provide—
  - (a) for the imposition of a levy on employers in the industry (whether or not exemption certificates have been issued to them), 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 board may be insufficient to meet its liabilities and the expenses of the winding up; and
  - [<sup>F13</sup>(b) for any assets of the board which are not required to meet those liabilities and expenses to be transferred to the Secretary of State and for those assets to be applied for purposes specified in the order.

Any reference in this subsection to the assets of the board is a reference to the assets (if any) held by it after the making of any transfer or transfers under section 3A(1) above.]
- (3) A revocation order making provision for the imposition of a levy—
  - (a) may provide for payments by way of levy to accrue due from day to day over a period specified in the order; and
  - (b) 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

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which any amount payable by any person by way of levy shall (whether or not any period over which that amount accrues due has expired) become due and recoverable by the board.

- (4) A person assessed to levy imposed under a revocation order may appeal to an [F14 employment tribunals] and a revocation order imposing a levy shall make provision as to the time within which such an appeal may be made.
- (5) On an appeal under subsection (4) above—
- (a) if the appellant satisfies the 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 paragraph (b) below) in any other case shall confirm it; and
  - (b) if it appears to the tribunal that the appellant ought to have been assessed to the levy in a larger amount, the tribunal may increase the assessment accordingly.
- (6) Where a revocation order has been made for the winding up of an industrial training board the Secretary of State may out of moneys provided by Parliament—
- (a) pay such pension, superannuation allowance or gratuity to or in respect of the former chairman of the board as he may with the approval of the Treasury determine; and
  - (b) pay such sums as he may so determine to the trustees of the Industrial Training Boards' Combined Pension Fund for the purpose of meeting the whole or part of any shortfall in the assets of the Fund referable to the pensions, superannuation allowances and gratuities payable in respect of the former officers and servants of the board.

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#### Subordinate Legislation Made

**P1** S. 4: s. 1(1) (with ss. 1(7) and 4(1)(2)(b)) power exercised by [S.I. 1991/263](#)

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#### Textual Amendments

**F13** S. 4(2)(b) and words beginning "Any reference..." substituted for s. 4(b) by [Employment Act 1989](#) (c. 38, SIF 43:1), [s. 24\(2\)](#)

**F14** Words in s. 4(4) substituted (1.8.1998) by [1998 c. 8, s. 1\(2\)\(a\)](#) (with s. 16(2)); [S.I. 1998/1658](#), art. 2(1), [Sch. 1](#)

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