



# Industrial Training Act 1982

## 1982 CHAPTER 10

### *Functions of boards*

#### **5 Functions of boards.**

- (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 [F<sup>1</sup>post-school 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 carry on or assist other persons in carrying on research into any matter relating to training for employment in the industry;
  - (g) 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.
- (3) An industrial training board may—

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- (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 [<sup>F2</sup>Secretary of State] 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 [<sup>F3</sup>section 2 . . . ]<sup>F4</sup> . . . of the <sup>M1</sup>Employment and Training Act 1973 [<sup>F5</sup>or of section 2(3) of the Enterprise and New Towns (Scotland) Act 1990]<sup>F6</sup> and may provide services or arrange for the provision of services in pursuance of arrangements made, or a direction given, under section 10 of the Employment and Training Act 1973 (careers services)];

but any expense incurred by the board in pursuance of paragraph (c) above shall not be defrayed out of sums received 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 [<sup>F1</sup>post-school 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—

- (a) shall from time to time submit to the [<sup>F7</sup>Secretary of State for his] approval proposals for the exercise of functions conferred on the board by this section; and
- (b) may from time to time submit to the [<sup>F7</sup>Secretary of State for his] approval proposals for the delegation of all or any of those functions to committees established under section 2 above;

and the board shall exercise its functions under this section in accordance with proposals submitted to the [<sup>F8</sup>Secretary of State and approved by him].

(6) An industrial training board shall give to the [<sup>F2</sup>Secretary of State] such information or facilities for obtaining information with regard to the exercise of its functions, in such manner and at such times as the [<sup>F2</sup>Secretary of State] may reasonably require.

<sup>X1</sup>[<sup>F9</sup>(7) The functions conferred by this section which are exercisable outside Great Britain are those which are exercisable under provisions of it which are applied by section 10(1A)

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below in connection with the training of persons outside Great Britain under that section.]

[<sup>F10</sup>(8) In this section “ post-school education ” means—

- (a) in England and Wales, “ higher education ” as defined by section 120(1) of the Education Reform Act 1988 or “ further education ” as defined by section 2(3) to (5) of the Education Act 1996; and
- (b) in Scotland, “ further education ” within the meaning of the Education (Scotland) Act 1980. ]

#### Editorial Information

**X1** S. 5(7) inserted by [Industrial Training Act 1986 \(c. 15, SIF 43:1\)](#), **s. 1(2)**

#### Textual Amendments

- F1** Words substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(1), **Sch. 12 para. 87(2)**
- F2** Words substituted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 22(4), **Sch. 4 para. 4(2)**
- F3** Words substituted by [Employment Act 1988 \(c. 19, SIF 43:5\)](#), s. 33(1), **Sch. 3 Pt. II para. 14(1)**
- F4** Words repealed by [Employment Act 1989 \(c. 19, SIF 43:1\)](#), s. 29(4), **Sch. 7 Pt. I**
- F5** Words inserted (1.4.1991) by [Enterprise and New Towns \(Scotland\) Act 1990 \(c. 35, SIF 64\)](#), s. 38(1), **Sch. 4 para. 11**
- F6** Words in s. 5(3)(e) inserted (1.4.1994 for E.S and 1.4.1995 otherwise) by [1993 c. 19, s. 49\(2\)](#), **Sch. 8 para. 34**; [S.I. 1993/2503, art. 2\(3\)](#), **Sch. 3**
- F7** Words substituted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 22(4), **Sch. 4 para. 4(3)(a)**
- F8** Words substituted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 22(4), **Sch. 4 para. 4(3)(b)**
- F9** S. 5(7) inserted by [Industrial Training Act 1986 \(c. 15, SIF 43:1\)](#), **s. 1(2)**
- F10** S. 5(8) substituted for s. 5(7) (1.11.1996) by [1996 c. 56, ss. 582\(1\), 583\(2\)](#), **Sch. 37 Pt. I para. 54** (with ss. 1(4), 561, 562, Sch. 39)

#### Marginal Citations

**M1** [1973 c. 50](#).

## 6 Power to obtain information from employers.

- (1) An industrial training board may require employers in the industry to furnish such returns and other information of a kind approved by the Secretary of State 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.
- (2) Subject to subsection (3) below, returns and other information furnished in pursuance of subsection (1) above and any information obtained on an examination made in pursuance of that subsection shall not, without the consent of the employer to whose business the returns or information relate, be disclosed otherwise than to the Secretary of State 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 . . . <sup>F11</sup>
- (3) Subsection (2) above 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

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- 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.
- (4) A certificate purporting to be issued by or on behalf of the Secretary of State and stating that he has approved any kind of information, return or record for the purposes of subsection (1) above shall in any legal proceedings be evidence, and in Scotland sufficient evidence, of the facts stated in the certificate.
- (5) If any person fails to comply with any requirement made under subsection (1) above he shall be liable on summary conviction to a fine not exceeding [<sup>F12</sup>£100][<sup>F12</sup>level 4 on the standard scale] or, on a second or subsequent conviction, [<sup>F13</sup>£200][<sup>F13</sup>level 4 on the standard scale].
- (6) If any person—
- knowingly or recklessly furnishes, in pursuance of any requirement made under subsection (1) above, any return or other information which is false in a material particular, or
  - 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
  - discloses any information in contravention of subsection (2) above,
- he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding the prescribed sum or to both, or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both.
- (7) In subsection (6) above “the prescribed sum” means—
- if the offence was committed in England or Wales, the prescribed sum within the meaning of section 32 of the <sup>M2</sup>Magistrates’ Courts Act 1980 (£1,000 or other sum substituted by order under section 143(1) of that Act); and
  - if the offence was committed in Scotland, the prescribed sum within the meaning of section 289B of the <sup>M3</sup>Criminal Procedure (Scotland) Act 1975 (£1,000 or other sum substituted by order under section 289D(1) of that Act).
- (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.

#### Textual Amendments

- F11** Words repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), [ss. 22\(4\), 29\(4\)](#) Sch. 4 para. 5, Sch. 7 Pt. I
- F12** “level 4 on the standard scale” substituted (S.) for “£100” by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289E–289G](#)
- F13** “level 4 on the standard scale” substituted (S.) for “£200” by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289E–289G](#)

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

- C1** S. 6(5): [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 35](#) (in relation to liability on first and subsequent convictions), s. 38 (increase of fines) and s. 46 (substitution of references to levels on the standard scale) apply (E.W.)

**Marginal Citations**

- M2** [1980 c. 43](#).  
**M3** [1975 c. 21](#).

**7 Provisions supplementary to s. 6.**

- (1) The [<sup>F14</sup>Secretary of State may] direct an industrial training board to exercise the power to require the furnishing of information which is conferred on the board by section 6(1) above (in this section referred to as “the information 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 [<sup>F15</sup>Secretary of State considers that he needs for the purposes of his] 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 information power except—
- (a) in pursuance of a direction given by virtue of subsection (1) above; or
  - (b) with the approval of the Secretary of State and in accordance with the conditions, if any, of the approval;
- and any application by a board for approval in pursuance of paragraph (b) above must be made to the [<sup>F16</sup>Secretary of State and contain such information as he] may require with respect to the proposed exercise of the information power.
- (3) .....<sup>F17</sup>
- (4) An approval of an application given by the Secretary of State in pursuance of subsection (2)(b) above may be given subject to conditions that the board in question may exercise the information 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.

**Textual Amendments**

- F14** Words substituted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 22(4), [Sch. 4 para. 6\(2\)\(a\)](#)
- F15** Words substituted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 22(4), [Sch. 4 para. 6\(2\)\(b\)](#)
- F16** Words substituted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 22(4), [Sch. 4 para. 6\(3\)](#)
- F17** S. 7(3) repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), ss. 22(4), 29(4), [Sch. 4 para. 6\(4\)](#) [Sch. 7 Pt. 1](#)

**8 Reports and accounts.**

- (1) An industrial training board shall keep proper accounts and other records in relation to the accounts and prepare in respect of each of its financial years a statement of account in such form as the [<sup>F18</sup>Secretary of State may, with the approval of] the Treasury, determine.

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- (2) The accounts of an industrial training board shall be audited by auditors appointed by the board and no person [<sup>F19</sup> shall be so appointed unless he is eligible for appointment as a [<sup>F20</sup> statutory auditor under Part 42 of the Companies Act 2006].]
- [<sup>F21</sup>(2A) Subsection (2) shall not apply to the accounts of—
- (a) the Construction Industry Training Board, or
  - (b) the Engineering Construction Industry Training Board,
- in respect of financial years ending on or after 31st December 2003.]
- [<sup>F21</sup>(2B) The Construction Industry Training Board and the Engineering Construction Industry Training Board shall each send a copy of its statement of account prepared under subsection (1) in respect of each financial year ending on or after 31st December 2003 to the Comptroller and Auditor General as soon as reasonably practicable after the end of the financial year to which each statement relates.]
- [<sup>F21</sup>(2C) The Comptroller and Auditor General shall examine, certify and report on each statement of account sent to him under subsection (2B).]
- (3) An industrial training board shall for each of its financial years make a report of its activities to the [<sup>F22</sup>Secretary of State] and that report shall include a statement of the accounts of the board for that year together with a copy of any report made by the auditors on the accounts [<sup>F23</sup> or, as the case may be, by the Comptroller and Auditor General on the statement].
- (4) The [<sup>F24</sup>Secretary of State] shall lay a copy of every such report before Parliament.

#### Textual Amendments

- F18** Words substituted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 22(4), [Sch. 4 para. 7\(2\)](#)
- F19** Words in s. 8(2) substituted by [S.I. 1991/1997, reg. 2, Sch., para. 44](#) (with reg. 4).
- F20** Words in s. 8(2) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), [Sch. 1 para. 1\(y\)](#) (with arts. 6, 11, 12)
- F21** S. 8(2A)-(2C) inserted (23.5.2003) by [Government Resources and Accounts Act 2000 \(Audit of Public Bodies\) Order 2003 \(S.I. 2003/1326\)](#), arts. 1, [12\(2\)](#)
- F22** Words substituted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 22(4), [Sch. 4 para. 7\(3\)](#)
- F23** Words in s. 8(3) inserted (23.5.2003) by [Government Resources and Accounts Act 2000 \(Audit of Public Bodies\) Order 2003 \(S.I. 2003/1326\)](#), arts. 1, [12\(3\)](#)
- F24** Words substituted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 22(4), [Sch. 4 para. 7\(4\)](#)

## 9 Publication of information.

- (1) Subject to subsection (2) below, the Secretary of State may . . . <sup>F25</sup>direct an industrial training board to publish in the report made by it under section 8(3) above, or otherwise as he may direct, such information in the possession of the board as he may specify in the direction.
- (2) No direction under this section shall require any information which is so framed as to enable particulars relating to any individual employer or establishment of an employer to be ascertained from it to be published without the consent of the employer in question.

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**Textual Amendments**

**F25** Words repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), ss. 22(4), 29(4), Sch. 4 para. 8, **Sch. 7 Pt. I**

**10 Training for employment overseas.**

[<sup>F26</sup>(1) An industrial training board may, with the consent . . . <sup>F27</sup>of the Secretary of State, exercise such functions in connection with training for employment in a similar industry outside Great Britain as are exercisable by it under the relevant provisions in connection with the training of persons employed or intending to be employed in the industry in Great Britain.

(1A) In subsection (1) above “ the relevant provisions ” means—

- (a) in relation to the training of persons in Great Britain, section 5(1), (3)( *d* ) and (4) above; and
- (b) in relation to the training of persons outside Great Britain, paragraphs ( *a* ), ( *c* ), ( *d* ), ( *e* ), ( *f* ) and ( *g* ) of section 5(1) and paragraph ( *d* ) of section 5(3) above. ]

(2) An industrial training board may delegate any power exercisable by it by virtue of this section to a committee (which need not include members of the board) appointed for that purpose or to any committee appointed under section 2 above.

(3) An industrial training board shall keep separate accounts—

- (a) with respect to its functions under this section; and
- (b) with respect to its other functions under this Act;

and no money raised by a levy imposed under this Act shall be carried to an account kept in pursuance of paragraph (a) above, and any expenses and liabilities incurred by the board under this section shall be disregarded for the purposes of section 4(2) above and section 11(1) below.

**Textual Amendments**

**F26** S. 10(1)(1A) substituted for s. 10(1) by [Industrial Training Act 1986 \(c. 15, SIF 43:1\)](#), **s. 1(1)**

**F27** Words repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), ss. 22(4), 29(4), Sch. 4 para. 9, **Sch. 7 Pt. I**

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