

1964 No. 1079

INDUSTRIAL TRAINING

The Industrial Training (Construction Board) Order 1964

<i>Made</i> - - - -	13th July 1964
<i>Laid before Parliament</i>	20th July 1964
<i>Coming into Operation</i>	21st July 1964

The Minister of Labour (hereinafter referred to as “the Minister”) after consultation with organisations and associations of organisations appearing to be representative respectively of substantial numbers of employers engaging in the activities hereinafter mentioned and of substantial numbers of persons employed in those activities and with the bodies established for the purpose of carrying on under national ownership industries in which the said activities are carried on to a substantial extent and by virtue of the powers conferred on him by section 1 of, and paragraphs 1 and 7 of the Schedule to, the Industrial Training Act 1964(a) (hereinafter referred to as “the Act”) and of all other powers enabling him in that behalf hereby makes the following Order:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Industrial Training (Construction Board) Order 1964 and shall come into operation on 21st July 1964.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Establishment of Industrial Training Board

2. An industrial training board to be known as the Construction Industry Training Board (hereinafter referred to as “the Board”) is hereby established to exercise in relation to the activities specified in Schedule 1 to this Order as the activities of the construction industry the functions conferred on industrial training boards by the Act.

Membership and proceedings of the Board

3. The provisions of Schedule 2 to this Order shall have effect in relation to the Board.

Dated 13th July 1964.

Joseph Godber,
Minister of Labour.

SCHEDULE 1

THE CONSTRUCTION INDUSTRY

1. Subject to the provisions of this Schedule, the activities of the construction industry are the following activities in so far as they are carried out in Great Britain :—

- (a) all operations in—
 - (i) the construction, alteration, repair or demolition of a building ;
 - (ii) the construction or demolition of a railway-line, siding or monorail ;
 - (iii) the construction, structural alteration, repair or demolition of any aerodrome, airport, bridge, road, viaduct, dock, harbour, pier, quay, wharf, coast protection, river or drainage work, aqueduct, canal, inland navigation, reservoir, waterworks, bore-hole, well (other than an oil-well), filter bed, sewage works, sewer, cooling tower or pond, tunnel, heading, adit, chimney, furnace, carbonising or gas-making plant, nuclear or thermal power station, hydro-electric station, electric line or any structure designed for its support, cable trench or duct, oil refinery, pipe-line or defence installation ;
 - (iv) the preparation of the site or the laying down of a foundation or sub-structure in connection with any of the above-mentioned operations or with the erection of structural metalwork ;
 - (v) the construction of a swimming pool or other bathing place, or of a playing field or ground for sporting or recreational purposes, or the laying out of a cemetery ;
 - (vi) the provision or continued provision for any building or other construction or work above-mentioned of water, gas, electricity, lighting, heating or ventilation, being operations undertaken in, upon, above or under the building or the close, curtilage or precincts thereof, or such construction or work, or any site above-mentioned ;
 - (vii) the erection or dismantling of fencing, hoarding or scaffolding ;
- (b) the preparation of stone for building purposes ;
- (c) all operations in the manufacture of—
 - (i) a pre-fabricated building or section of a building, not being constructed wholly or mainly from metal, or plastics material, or from a combination of metal and plastics material ;
 - (ii) doors, window frames, built-in storage units, stairs or curtain walling being in each case constructed wholly or mainly from wood ; or
 - (iii) bank, church, laboratory or other joinery ;
- (d) the construction of shop, office or similar fittings on the premises on which they are to be installed ;
- (e) the erection or dismantling of exhibition stands ;
- (f) the hiring out of contractors' plant or scaffolding ;
- (g) when carried out in conjunction with any of the foregoing activities, any of the following activities, that is to say—
 - (i) research, development, design or drawing ;
 - (ii) operations in connection with sale, packing, warehousing, distribution or transport ;
 - (iii) work done at any office or laboratory, at any store, warehouse or similar place or at a garage ;
- (h) any other activity of industry or commerce carried out at or from an establishment engaged mainly in one or more of the foregoing activities.

2. Notwithstanding anything contained in this Schedule there shall not be included in the activities of the construction industry :—

- (a) the activities of any establishment (not being that of a local authority) engaged mainly in one or more activities not included in paragraph 1 of this Schedule ;
- (b) the activities included in paragraph 1(g) of this Schedule when carried out by a local authority ;
- (c) the activities of—
- (i) the Electricity Council, the Central Electricity Generating Board or an Area Electricity Board ;
 - (ii) the North of Scotland Hydro-Electric Board or the South of Scotland Electricity Board ;
 - (iii) the Gas Council or an Area Gas Board ;
 - (iv) a harbour authority within the meaning of the Harbours Act 1964(a) when acting in that capacity ;
 - (v) a statutory water undertaker within the meaning of the Water Act 1945(b) (other than Part II of that Act) or a local water authority within the meaning of the Water (Scotland) Act 1946(c) being the activities of such undertaker or authority in the exercise of its powers or duties as such ;
- (d) the activities of any establishment engaged wholly or mainly in—
- (i) the erection of steel or other metal framework of buildings ; or
 - (ii) the erection of structures made wholly or mainly of steel or other metal (not being electric lines or structures designed for the support thereof, fencing, hoarding or scaffolding ; or
 - (iii) the provision by a local authority of a road transport passenger service ; or
 - (iv) the installation, testing, inspection or repair of any machinery or plant, not being operations included in paragraph 1(a)(vi) of this Schedule ;
- (e) the supply of food or drink for immediate consumption ;
- (f) the activities of any company, association or body that is required by its constitution to apply its profits, if any, or other income in promoting its objects and is prohibited thereby from paying any dividend to its members, and that has for its sole or principal object or among its principal objects the provision of facilities for any of the purposes mentioned in section 15(1) of the Disabled Persons (Employment) Act 1944(d) (which relates to the provision for registered persons who are seriously disabled of employment or work on their own account under special conditions and of training for such employment or work) ; or
- (g) the activities of any local authority in the provision of sheltered employment carried on in accordance with arrangements under section 3 of the Disabled Persons (Employment) Act 1958(e), or under section 29 of the National Assistance Act 1948(f), as extended by section 8(2) of the Mental Health Act 1959(g) and section 8(2) of the Mental Health (Scotland) Act 1960(h), or under section 31 of the National Assistance Act 1948 (as substituted by the National Assistance Act 1948 (Amendment) Act 1962(i)), or under section 28 of the National Health Service Act 1946(j) as extended by section 6 of the Mental Health Act 1959, or under section 27 of the National Health Service (Scotland) Act 1947(k) as extended by section 7 of the Mental Health (Scotland) Act 1960.

3.—(1) In this Schedule—

- (a) “ building ” includes any structure or erection (other than a tent or caravan) and any part of a building as so defined ;

(a) 1964 c. 40.	(b) 8 & 9 Geo. 6. c. 42.	(c) 9 & 10 Geo. 6. c. 42.
(d) 7 & 8 Geo. 6. c. 10.	(e) 6 & 7 Eliz. 2. c. 33.	(f) 11 & 12 Geo. 6. c. 29.
(g) 7 & 8 Eliz. 2. c. 72.	(h) 8 & 9 Eliz. 2. c. 61.	(i) 10 & 11 Eliz. 2. c. 24.
	(j) 9 & 10 Geo. 6. c. 81.	(k) 10 & 11 Geo. 6. c. 27.

- (b) "company", "holding company" and "subsidiary" have the same meanings as in section 154 of the Companies Act 1948(a) ;
 - (c) "electric line" means a wire or wires, conductor, or other means used for the purpose of conveying, transmitting or distributing electricity, or any apparatus connected therewith ;
 - (d) "local authority" means in England and Wales a local authority within the meaning of the Local Government Act 1933(b), a local authority within the meaning of the London Government Act 1939(c), or the Common Council of the City of London and, in Scotland, the council of a county, the town council of a burgh or a district council ;
 - (e) "manufacture" includes assembly or any process or operation incidental or appertaining to manufacture or assembly ;
 - (f) "pipe-line" means a pipe or system of pipes (together with any apparatus or works associated therewith) for the conveyance of anything, but does not include a pneumatic despatch tube ;
 - (g) "plastics material" means any material made wholly or mainly by addition, polyaddition, condensation, polycondensation, polymerisation, copolymerisation, esterification or other similar chemical process, or regenerated or modified cellulose, or hardened proteins, or natural resin modified by fusion or esterification ;
 - (h) "repair" in relation to a building includes maintenance, re-pointing, re-decoration and external cleaning ;
 - (i) "section of a building" includes composite framed or laminated woodwork absorbing calculated stresses applied direct or from attached non-loadbearing portions of a structure.
- (2) For the purposes of this Schedule, an activity shall not be deemed to be carried out in conjunction with any other activity unless such activities are carried out by the same employer, or by a holding company and another company which is a subsidiary of the holding company, or by companies which are subsidiaries of the same holding company.

SCHEDULE 2

MEMBERSHIP

1. The appointment of a member of the Board shall be for such term as the Minister may determine and, subject to the provisions of this Schedule, a member shall hold and vacate office in accordance with the terms of the instrument appointing him to be a member.
2. A person who has held office as a member of the Board shall be eligible for reappointment.
3. A member of the Board may resign his office by notice in writing to the Minister and the resignation shall have effect on such date as the Minister shall appoint.
4. If a member of the Board—
 - (a) is absent from meetings of the Board for more than six months consecutively, unless his absence is due to illness or some other reason approved by the Minister ; or
 - (b) becomes in the opinion of the Minister unfit to continue in office or incapable of performing his duties ;
 the Minister may declare the office of that member to be vacant and shall notify the fact in such manner as he shall think fit, and thereupon the office of the member shall become vacant.

(a) 11 & 12 Geo. 6. c. 38.

(b) 23 & 24 Geo. 5. c. 51.

(c) 2 & 3 Geo. 6. c. 40.

PROCEEDINGS AND MEETINGS

5. At a meeting of the Board one-third of the members shall be the quorum, or if the number so ascertained includes a fraction the nearest higher whole number of members.

6. The chairman or if absent the deputy chairman (if any) shall preside at all meetings of the Board at which he shall be present, but if at any meeting the said chairman and any deputy chairman be not present within 10 minutes of the time appointed for holding the meeting the members present shall choose some one of their number to be chairman of the meeting.

7. At a meeting of the Board a resolution put to the vote on any matter not relating to the imposition of a levy shall be decided on a show of hands of the members present and voting ; each member shall have one vote and if the votes are equally divided the chairman of the meeting shall have a second or casting vote.

8.—(1) If at a meeting of the Board a resolution relating to the imposition of a levy is put to the vote of the members appointed as mentioned in paragraph 3(a) of the Schedule to the Act, each such member shall have one vote, and the resolution shall be decided on a show of hands of those members present and voting unless a poll is demanded by any such member (before or on the declaration of the result of the show of hands) in which case the poll shall be taken forthwith and the votes may be given either personally or by proxy.

(2) The instrument appointing a proxy shall be in writing under the hand of the appointor, and the proxy shall be a member of the Board appointed as mentioned in paragraph 3(a) of the Schedule to the Act.

(3) An instrument appointing a proxy shall be in the following form or a form as near thereto as circumstances admit:—

I of in the county of being a member of the Construction Industry Training Board appointed as mentioned in paragraph 3(a) of the Schedule to the Industrial Training Act 1964, hereby appoint of or failing him of as my proxy to vote for me on my behalf on any matter relating to the imposition of a levy at the meeting of the said Board to be held on the day of19... and at any adjournment thereof.

Signed this day of19...

(4) A vote given in accordance with the terms of an instrument of proxy shall be valid notwithstanding the previous death or insanity of the principal or revocation of the proxy, provided that no intimation in writing of any such death, insanity or revocation shall have been received by the Board at its office before the commencement of the meeting or adjourned meeting at which the proxy is used.

9. Minutes shall be kept of the proceedings of the Board and any such minutes shall, if signed by any person purporting to have acted as chairman of the meeting or at a meeting at which they were read, be evidence of the proceedings at the first-mentioned meeting, and a meeting to which any such minutes relate shall, unless the contrary is proved, be taken to have been regularly convened and constituted.

10. The Board shall have an office at which communications and notices will at all times be received and shall notify to the Minister the address of that office and any change of that address.

EXECUTION AND ISSUE OF INSTRUMENTS

11. The seal of the Board shall be authenticated by the signature of the chairman of the Board or some other member of the Board authorised by the

Board to act in that behalf and of the secretary or some other person authorised by the Board so to act.

12. Every document purporting to be a document duly executed or issued either under the seal of the Board authenticated in the manner provided by this Schedule or on behalf of the Board, or purporting to be signed by the secretary or any other person, being a member, officer or servant of the Board authorised to act in that behalf, shall, until the contrary be proved, be deemed to be a document so executed or issued or so signed as the case may be.

EXPLANATORY NOTE

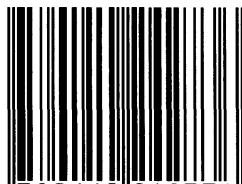
(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, which is made under the Industrial Training Act 1964, establishes an industrial training board to be known as the Construction Industry Training Board, and defines the industry to which it relates. Provision is made as to the membership of the Board and its meetings and proceedings.

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