

1984 No. 38

INDUSTRIAL TRAINING

Industrial Training (Clothing Board) Order
(Northern Ireland) 1984

Made 10th February 1984

Coming into operation 1st April 1984

The Department of Economic Development(a), in exercise of the powers conferred by sections 1(1) and 10(1) and (5) of the Industrial Training Act (Northern Ireland) 1964(b) and now vested in it(c) and of every other power enabling it in that behalf, and after consultation with the Clothing and Footwear Industry Training Board and with organisations and associations of organisations appearing to the Department 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 hereby makes the following Order:—

Citation and interpretation

1.—(1) This Order may be cited as the Industrial Training (Clothing Board) Order (Northern Ireland) 1984 and shall come into operation on 1st April 1984.

(2) In this Order—

“amendment Orders” means the Industrial Training (Clothing and Footwear Board) (Amendment) Order (Northern Ireland) 1966(d); and the Industrial Training (Clothing and Footwear Board) (Amendment) Order (Northern Ireland) 1973(e);

“Board” means the Clothing and Footwear Industry Training Board established by the Industrial Training (Clothing and Footwear Board) Order (Northern Ireland) 1966(f);

“Department” means the Department of Economic Development;

“levy Order” includes all the levy orders listed in Schedule 2 to this Order;

“principal Order” means the Industrial Training (Clothing and Footwear Board) Order (Northern Ireland) 1966.

Re-naming of the Board

2. The Board shall henceforth be known as the Clothing Industry Training Board and accordingly any reference to the Board in the principal Order shall be taken to be a reference to the Clothing Industry Training Board and any reference to the clothing and footwear industry as a reference to the clothing industry.

Revocation

3. The amendment Orders are hereby revoked.

(a) Formerly the Department of Manpower Services: see S.I. 1982/846 (N.I. 11) Article 3

(b) 1964 c. 18 (N.I.)

(c) By S.R. & O. (N.I.) 1964 No. 205 Article 3 and by S.R. & O. (N.I.) 1973 No. 504 Article 6

(d) S.R. & O. (N.I.) 1966 No. 222

(e) S.R. & O. (N.I.) 1973 No. 422

(f) S.R. & O. (N.I.) 1966 No. 130

Activities of the Board

4. The activities in relation to which the Clothing Industry Training Board exercises the functions conferred by the Industrial Training Act (Northern Ireland) 1964 upon industrial training boards shall, instead of the activities specified in Schedule 1 to the principal Order (as amended by the amendment Orders), be the activities specified in Schedule 1 to this Order and accordingly in the principal Order the latter Schedule shall be substituted for the former Schedule.

Transitional provisions

5.—(1) The chairman and other members of the Board immediately prior to the coming into operation of this Order shall continue in office in accordance with the terms of the instruments appointing them to be members, but shall be known as members of the Clothing Industry Training Board.

(2) The provisions of this Order shall not—

(a) extend the operations of a levy Order;

(b) affect the operation of a levy Order in relation to the assessment of an employer within the meaning of that Order in respect of an establishment that was engaged in the relevant levy period wholly or mainly in activities included in the Schedule 1 to this Order;

(c) affect the operation of any assessment notice served by the Board under the provisions of a levy Order before the date upon which this Order comes into operation or any appeal or other proceedings arising out of any such notice.

(3) The change of name of the Board shall not affect any right or obligation of the Board or of any other person and any pending legal proceedings may be continued by or against the Board notwithstanding its change of name.

Sealed with the Official Seal of the Department of Economic Development for Northern Ireland on 10th February 1984.

(L.S.)

Eric Mayne

Under Secretary

SCHEDULE 1

The Clothing Industry

1. Subject to the provisions of this Schedule, the activities of the clothing industry are the following activities in so far as they are carried out in Northern Ireland:—

- (a) all ready-made and wholesale bespoke tailoring and all retail bespoke tailoring carried on in a factory where garments are made up for two or more retail establishments;
- (b) the manufacture of—
 - (i) raincoats, oilskins, rubber and other weatherproof outerwear, including outerwear cut from plastic materials;
 - (ii) industrial overalls, dungarees, chef's clothing or similar articles;
 - (iii) shirts, collars, cuffs, pyjamas, socks, dressing-gowns, aprons, underclothing, athletic clothing or similar articles worn by male persons;
 - (iv) neck-ties;
 - (v) dresses, non-tailored skirts, wraps, blouses, blouse-ropes, jumpers, sports coats, neckwear, tea-gowns, dressing-gowns, dressing-jackets, nightdresses, pyjamas, stockings, underclothing, underskirts, domestic aprons and overalls, collars, cuffs, nurses' washing belts or other untailored articles worn by female persons;
 - (vi) juvenile clothing or baby linen (excluding nursery squares);
 - (vii) any knitted article of wearing apparel, whether or not such article is specified elsewhere in this sub-paragraph or in sub-paragraph (c), (d) or (e);
 - (viii) any article specified in this sub-paragraph or in sub-paragraph (c), (d) or (e) embodying lace, lace net or embroidery;
- (c) the manufacture of headgear from any material, or the trimming thereof, including the manufacture of—
 - (i) wool felt, fur felt and fur hats, hoods and cape lines;
 - (ii) oilskin, rubberised or other weatherproof headgear;
 - (iii) nurses' or servants' caps, chefs' caps, hospital ward caps or similar articles;
 - (iv) field bonnets, sun bonnets, boudoir caps and infants' millinery;
- (d) all work in connection with the manufacture of—
 - (i) corsets, corselettes, stays, children's corset bodies, and infants' stay-bands;
 - (ii) bust confiners;
 - (iii) support or abdominal belts or similar articles;
 - (iv) stocking suspenders, suspender belts and suspender pads;
- (e) the manufacture of—
 - (i) all types of cloth, leather or fur gloves and mittens (except sports gloves);
 - (ii) belts and braces (other than leather), garters, suspenders, cloth leggings and gaiters or similar articles;
 - (iii) wigs and theatrical costumes;
- (f) the arrangement, either directly or through another person, for the carrying out on commission of any of the foregoing activities where the person upon or from whose materials the process or manufacture is wholly or mainly to be carried out is engaged in any of the said activities;
- (g) the manufacture of trunks, suitcases, handbags, document cases or covers, wallets, purses, belts, braces, straps, harness, saddlery and other articles of leather or leather substitutes;
- (h) any activities, being—
 - (i) related activities incidental or ancillary to principal activities of the clothing industry; or
 - (ii) activities undertaken in the administration, control or direction of one or more establishments engaged wholly or mainly in principal activities of that industry, in related activities incidental or ancillary thereto, or in the administration, control or direction of one or more establishments engaged in such principal or related activities;

and carried out, in either case, by the employer engaged in those principal activities or, where the employer is a company, by the company or by an associated company of the company;

- (i) any activities of industry or commerce (other than clothing activities) carried out at or from an establishment mainly engaged—
 - (i) in clothing activities; or
 - (ii) in clothing activities and in activities described in the Appendix to this Schedule, but to a greater extent in clothing activities than in activities described in that Appendix in relation to any one industry.

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

- (a) the activities of any establishment engaged—
 - (i) mainly in activities not being clothing activities or activities described in the Appendix to this Schedule; or
 - (ii) to a less extent in clothing activities than in activities described in that Appendix in relation to any one industry;
- (b) the activities of those branches of bespoke tailoring in which the tailor supplies the garment direct to the individual wearer and employs the worker direct. A worker is deemed to be employed by the tailor direct if employed by another worker in the employ of the tailor to whom a minimum rate of wages fixed under the Wages Councils (Northern Ireland) Order 1982(a) is applicable; or if employed by a sub-contractor engaged in cutting, making or finishing garments exclusively for the tailor in the tailor's shop or in a building of which the shop forms part or to which the shop is attached;
- (c) the activities of the ostrich and fancy feather and artificial flower trade, that is to say—
 - (i) the preparation throughout of ostrich or fancy feathers from the natural condition to the finished feather product;
 - (ii) the making of artificial flowers, fruit, foliage, grasses, mosses, seeds or pods from paper, wax, textile materials, porcelain, glass, plaster, metal composition, rubber, leather, raffia, celiphane and similar materials;
 - (iii) the preservation of natural flowers, foliage, grasses, mosses, ferns, seeds or pods;
 - (iv) the manufacture of hats of any of the articles specified in heads (i), (ii) or (iii) when carried out at or from an establishment mainly engaged in any of the operations specified in those heads;
 - (v) the manufacture of feather garments (including neckwear and muffs), feather trimmings for dresses, feather fans or feather mountings of any description when carried out at or from an establishment mainly engaged in the preparation of ostrich or fancy feathers;
- (d) the activities of any establishment engaged wholly or mainly in the activities following or any of them that is to say—
 - (i) the manufacture of lace, lace net, any knitted fabric or knitted article, other than the manufacture of a knitted article of wearing apparel or an article of wearing apparel embodying lace, lace net or embroidery or the manufacture of such lace, lace net, knitted fabric or knitted article for subsequent manufacture at the same establishment into an article specified in paragraph 1(b), (c), (d) or (e);
 - (ii) the manufacture of articles specified in sub-paragraph (b), (c), (d) or (e) of paragraph 1 when carried out at or from an establishment excluded under head (i);
 - (iii) the casting and manufacture of solid metal helmets;
 - (iv) the manufacture of boots, shoes, slippers, clogs, leather leggings, insoles, leather soles and heels or similar articles;
 - (v) the manufacture of rubber gloves;
 - (vi) the manufacture of handkerchiefs;

- (vii) the manufacture of any of the articles specified in sub-paragraph (d) of paragraph 1 when carried out at or from an establishment mainly engaged in the manufacture of surgical instruments or appliances;
- (viii) the manufacture of corset steels and busks;
- (ix) the manufacture of umbrellas and parasols, including their covering;
- (x) the manufacture of walking sticks;
- (xi) the manufacture of fur toys; or
- (xii) the repair of mechanically propelled vehicles used on roads;
- (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 (Northern Ireland) 1945(a) (which relates to the provision for registered persons who are severely disabled of employment or work on their own account under special conditions and of training for such employment or work);
- (g) the activities of any Health and Social Services Board in the provision of sheltered employment carried on in accordance with arrangements under section 2(2) of the Mental Health Act (Northern Ireland) 1961(b).

3.—(1) In this Schedule:—

- (a) “clothing activities” means any one or more of the principal activities of the clothing industry or of the activities included in that industry by virtue of paragraph 1(i) of this Schedule;
- (b) “carrying out on commission” means the carrying out by a person in pursuance of a contract of work or labour (with or without the provision of materials) of a process or manufacture wholly or mainly upon or from materials owned in the course of his business by another person;
- (c) “company” includes any body corporate, and “subsidiary” has the same meaning as by virtue of section 148 of the Companies Act (Northern Ireland) 1960(c) it has for the purposes of that Act;
- (d) “knitted article” means any article manufactured on a knitting machine;
- (e) “knitted fabric” means fabric manufactured on a knitting machine;
- (f) “knitting machine” means a warp-knitting, weft-knitting or crocheting machine;
- (g) “lace, lace net or embroidery” means any articles in the manufacture of which a process has been carried out on one or more of the following machines—
 - Schiffli or other multi-needle shuttle embroidery machine, not being a single needle embroidery machine operated singly or in a battery;
 - Barmen lace machine;
 - Leavers lace machine;
 - Nottingham lace curtain machine;
 - Plain net machine;
 - Raschel or other warp lace machine;
- (h) “manufacture” includes any process or operation incidental to manufacture;
- (i) “office premises” has the same meaning as in section 1(2) of the Office and Shop Premises Act (Northern Ireland) 1966(d);
- (j) “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;

(a) 1945 c. 6 (N.I.)
 (b) 1961 c. 15 (N.I.)
 (c) 1960 c. 22 (N.I.)
 (d) 1966 c. 26 (N.I.)

- (k) "principal activities of the clothing industry" means activities which, subject to the provisions of paragraph 2 of this Schedule, are specified in paragraph 1, other than sub-paragraphs (h) and (i) thereof as activities of the clothing industry;
- (l) "related activities" means any of the following activities, that is to say—
- (i) research, development, design or drawing;
 - (ii) buying, selling, letting out on hire, testing, advertising, packing, distribution, delivery, transport or any similar operations;
 - (iii) operations of a kind performed at office premises or laboratories, at stores, warehouses or similar places or at garages;
 - (iv) training of employees or apprentices;
- (m) "rubber" means the following products, whether or not vulcanised or hardened, that is to say, natural rubber, balata, gutta percha and similar natural gums, synthetic rubber and factice derived from oils and such substances reclaimed;
- (n) "tailoring" includes any process or operation incidental to the manufacture of tailored garments.
- (2) For the purposes of this Schedule two companies shall be taken to be associated companies if one is a subsidiary of the other, or both are subsidiaries of a third company, and "associated company" shall be construed accordingly.

APPENDIX

The activities that would be included in an industry specified in Column 1 hereof by virtue of the industrial training order specified in the corresponding entry in Column 2, if the provisions specified in Column 3 were omitted from that order.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
The construction industry	The Industrial Training (Construction Board) Order (Northern Ireland) 1964(a)	Schedule 1 Paragraph 1(h)
The engineering industry	The Industrial Training (Engineering Board) Order (Northern Ireland) 1964 as amended by the Industrial Training (Engineering Board) Order (Northern Ireland) 1973(b)	Schedule 1 Paragraph 1(u)
The catering industry	The Industrial Training (Catering Board) Order (Northern Ireland) 1966(c)	Schedule 1 Paragraph 1(c)
The textiles industry	The Industrial Training (Textiles Board) Order (Northern Ireland) 1967(d)	Schedule 1 Paragraph 1(31)
The road transport industry	The Industrial Training (Road Transport Board) Order (Northern Ireland) 1967 as amended by the Industrial Training (Road Transport Board) Order (Northern Ireland) 1973(e)	Schedule 1 Paragraph 1(g)
The distributive industry	The Industrial Training (Distributive Board) Order (Northern Ireland) 1969 as amended by the Industrial Training (Distributive Board) (Amendment) Order (Northern Ireland) 1972(f)	Schedule 1 Paragraph 1(h)
The food and drink industry	The Industrial Training (Food and Drink Board) Order (Northern Ireland) 1969(g)	Schedule 1 Paragraph 1(n)

(a) S.R. & O. (N.I.) 1964 No. 145

(b) S.R. & O. (N.I.) 1964 No. 146 and S.R. & O. (N.I.) 1973 No. 257

(c) S.R. & O. (N.I.) 1966 No. 32

(d) S.R. & O. (N.I.) 1967 No. 29

(e) S.R. & O. (N.I.) 1967 No. 30 and S.R. & O. (N.I.) 1973 No. 258

(f) S.R. & O. (N.I.) 1969 No. 126 as amended by S.R. & O. (N.I.) 1972 No. 130

(g) S.R. & O. (N.I.) 1969 No. 165

SCHEDULE 2

<i>Levy Orders</i>	<i>References</i>
Industrial Training Levy (Clothing and Footwear Industry) (Northern Ireland) Order 1967	S.R. & O. (N.I.)1967 No. 388
Industrial Training Levy (Clothing and Footwear Industry) (Northern Ireland) Order 1968	S.R. & O. (N.I.) 1968 No. 160
Industrial Training Levy (Clothing and Footwear Industry) (Northern Ireland) Order 1969	S.R. & O. (N.I.) 1969 No. 265
Industrial Training Levy (Clothing and Footwear Industry) (Northern Ireland) Order 1970	S.R. & O. (N.I.) 1970 No. 191
Industrial Training Levy (Clothing and Footwear Industry) (Northern Ireland) Order 1971	S.R. & O. (N.I.) 1971 No. 240
Industrial Training Levy (Clothing and Footwear Industry) (Northern Ireland) Order 1972	S.R. & O. (N.I.)1972 No. 149
Industrial Training Levy (Clothing and Footwear Industry) (Northern Ireland) Order 1973	S.R. & O. (N.I.) 1973 No. 246
Industrial Training Levy (Clothing and Footwear Industry) (Northern Ireland) Order 1974	S.R. 1974 No. 124
Industrial Training Levy (Clothing and Footwear Industry) (Northern Ireland) Order 1975	S.R. 1975 No. 171
Industrial Training Levy (Clothing and Footwear Industry) (Northern Ireland) Order 1976	S.R. 1976 No. 167
Industrial Training Levy (Clothing and Footwear Industry) (Northern Ireland) Order 1977	S.R. 1977 No. 303
Industrial Training Levy (Clothing and Footwear Industry) (Northern Ireland) Order 1978	S.R. 1978 No. 183
Industrial Training Levy (Clothing and Footwear Industry) (Northern Ireland) Order 1979	S.R. 1979 No. 203
Industrial Training Levy (Clothing and Footwear Industry) (Northern Ireland) Order 1980	S.R. 1980 No. 335
Industrial Training Levy (Clothing and Footwear Industry) (Northern Ireland) Order 1981	S.R. 1981 No. 268
Industrial Training Levy (Clothing and Footwear Industry) (Northern Ireland) Order 1982	S.R. 1982 No. 228
Industrial Training Levy (Clothing and Footwear Industry) (Northern Ireland) Order 1983	S.R. 1983 No. 231

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order re-names the Clothing and Footwear Industry Training Board (which was established on 15th June 1966 by the Industrial Training (Clothing and Footwear Board) Order (Northern Ireland) 1966 and excludes the manufacture of footwear articles from the activities in relation to which the Board exercises its functions. The Board will henceforth be styled the Clothing Industry Training Board, and the activities will be those of the clothing industry.