



Number 5 of 1967

INDUSTRIAL TRAINING ACT 1967

REVISED

Updated to 12 September 2018

This Revised Act is an administrative consolidation of the *Industrial Training Act 1967*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including *Mental Health (Renewal Orders) Act 2018* (23/2018), enacted 3 October 2018, and all statutory instruments up to and including *Industrial Training (Laboratory Industry) Order 2018* (S.I. No. 409 of 2018), made 12 September 2018, were considered in the preparation of this Revised Act.

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Introduction

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

Industrial Training Acts 1967 and 1994: this Act is one of two Acts included in this collective citation (*Industrial Training (Apprenticeship Levy) Act 1994*, s. 17(3)). The Acts in the group are:

- *Industrial Training Act 1967* (5/1967)
- *Industrial Training (Apprenticeship Levy) Act 1994* (3/1994) (repealed)

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 1982, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.



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Industrial Grants (Amendment) Act, 1963	1963, No. 4
Shannon Free Airport Development Company Limited Act, 1959	1959, No. 36
Industrial Relations Act, 1946	1946, No. 26
Documentary Evidence Act, 1925	1925, No. 24
Companies Act, 1963	1963, No. 33
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Number 5 of 1967

INDUSTRIAL TRAINING ACT 1967

REVISED

Updated to 30 May 2018

AN ACT TO MAKE BETTER PROVISION FOR INDUSTRIAL AND COMMERCIAL TRAINING AND FOR THAT PURPOSE TO ESTABLISH A BODY TO BE KNOWN AS AN CHOMHAIRLE OILIÚNA AND TO DEFINE ITS POWERS AND DUTIES, TO PROVIDE FOR THE IMPOSITION BY AN CHOMHAIRLE OILIÚNA OF LEVIES FOR THE PROMOTION OF INDUSTRIAL AND COMMERCIAL TRAINING, TO REPEAL THE APPRENTICESHIP ACT, 1959, AND TO PROVIDE FOR OTHER MATTERS CONNECTED WITH THE MATTERS AFORESAID. [7th March, 1967.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

PART I

PRELIMINARY AND GENERAL

Short title. **1.**—This Act may be cited as the Industrial Training Act, 1967.

Interpretation. **2.**—(1) In this Act, save where the context otherwise requires—

“the Act of 1959” means the Apprenticeship Act, 1959 (repealed by this Act);

“activity of industry” includes any activity of commerce or of a trade or occupation, and also includes any activity of a distinct branch of an industry, of commerce or of a trade or occupation, but does not include an activity of agriculture, horticulture or fishing which is an activity of primary production, or any activity of a professional occupation;

“An Cheard Chomhairle” means the body established by section 8 of the Act of 1959;

“An Chomhairle” has the meaning specified in subsection (1) of section 8 of this Act;

“apprentice” means a person employed by way of apprenticeship in a designated industrial activity and includes any person to whom regulations under section 28 of this Act apply;

“authorised officer” means a person appointed by An Chomhairle to be an authorised officer for the purposes of this Act;

“designated industrial activity” means an activity of industry which is for the time being declared by an order under section 23 of this Act to be a designated industrial activity;

“the establishment day” means the day appointed to be the establishment day for the purposes of this Act by order of the Minister under section 3 of this Act;

“industrial training committee” means a body which is an industrial training committee under an order under section 24 of this Act;

“functions” includes powers and duties;

“the Minister” means the Minister for Labour;

“prescribed” means prescribed by rules made by An Chomhairle under this Act;

(2) Except in subsection (2) of section 11 and subsection (1) of section 13 of this Act, any reference in this Act to the Chief Officer includes a reference to a chairman of An Chomhairle who is acting as Chief Officer.

(3) A reference in this Act to performance of functions includes, as respects powers, a reference to exercise of those powers.

Establishment day. **3.**—The Minister may by order appoint a day to be the establishment day for the purposes of this Act.

Application in relation to employment by the State. **4.**—(1) This Act applies where persons are employed by way of apprenticeship by or under the State.
(2) Section 41 of this Act applies when the employer is the State.

Rules (prescribed matters). **5.**—An Chomhairle may make rules in relation to any matter or thing referred to in this Act as prescribed or to be prescribed.

Expenses of Minister. **6.**—Any expenses incurred by the Minister and the Minister for Education in the administration of this Act, shall to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Repeals. **7.**—(1) The Act of 1959 is hereby repealed.
(2) Section 7 of the Undeveloped Areas Act, 1952, section 5 of the Industrial Grants (Amendment) Act, 1963, and in subsection (2) of section 9 of the Shannon Free Airport Development Company Limited Act, 1959, the words “industrial or,” are hereby repealed.
(3) Subsection (1) of this section shall come into operation on the establishment day.
(4) Subsection (2) of this section shall come into operation on such day or days as may be fixed therefor by any order or orders of the Minister, either generally or with reference to a particular provision, and different days may be fixed for different provisions of the said subsection.

PART II

AN CHOMHAIRLE OILIÚNA

Establishment of An Chomhairle Oiliúna. **8.**—[...]

Functions of An Chomhairle. **9.**—[...]

Chairman's Superannuation scheme.	10.—[...]
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Annual Report, etc.	15.—[...]
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PART III

INDUSTRIAL TRAINING

CHAPTER I

Grants, Loans and Levies

Grants and loans for provision of certain courses and facilities. **19.—**(1) Subject to subsection (2) of this section An Chomhairle may, out of moneys at its disposal and subject to such terms and conditions as it thinks fit, make grants or loans to persons providing courses or other training facilities approved by An Chomhairle.

(2) A grant under this section shall not exceed the amount which the Minister shall, with the consent of the Minister for Finance, specify for the purposes of this section from time to time and different amounts may be so specified in relation to different courses and different facilities.

(3) [...]

Grants for training of workers in certain undertakings. **20.—**(1) Subject to subsection (2) of this section An Chomhairle may, out of moneys at its disposal and subject to such terms and conditions as it thinks fit, make grants for the training, either in the State or elsewhere, of workers for the purpose of an industrial undertaking, if An Chomhairle is satisfied that—

(a) financial assistance is necessary to ensure the establishment of the undertaking,
and

(b) the undertaking is of a reasonably permanent nature and will be carried on efficiently.

(2) (a) A grant under this section shall not exceed the amount which the Minister shall, with the consent of the Minister for Finance, specify for the purposes of this section from time to time and particular amounts may be so specified in relation to industrial undertakings of a particular class.

(b) A grant under this section for the training of workers in a skilled process of an industrial undertaking in an undeveloped area shall be made neither before the coming into effect of the repeal by this Act of section 7 of the Undeveloped Areas Act, 1952, nor in relation to workers in respect of whose training in the process a grant was made under the said section 7.

(c) A grant under this section for the training of workers in a skilled process of an industrial undertaking in an area other than an undeveloped area shall be made neither before the coming into effect of the repeal by this Act of section 5 of the Industrial Grants (Amendment) Act, 1963, nor in relation to workers in respect of whose training in the process a grant was made under the said section 5.

(d) A grant under this section for the training of workers for the purpose of an industrial undertaking at the airport shall be made neither before the coming into effect of the amendment by this Act of subsection (2) of section 9 of the Shannon Free Airport Development Company Limited Act, 1959, nor in relation to workers in respect of whose training for the purpose of the undertaking a grant was made by the Shannon Free Airport Development Company Limited.

(3) This section shall come into operation on such day as may be fixed therefor by order of the Minister.

(4) After the coming into effect of the amendment mentioned in paragraph (d) of subsection (2) of this section, the Shannon Free Airport Development Company Limited shall not make a grant for the training of workers for the purpose of an industrial undertaking at the airport.

(5) In this section—

“airport” has the same meaning as in section 1 of the Shannon Free Airport Development Company Limited Act, 1959;

“industrial undertaking” includes an undertaking in existence at the passing of this Act;

“undeveloped area” means an area to which the Undeveloped Areas Acts, 1952 to 1963, apply.

Levies.

21.—[...]

Appeal tribunals.

22.—(1) The Minister shall make regulations providing for the establishment of a tribunal or tribunals to determine appeals by employers assessed to any levy imposed under this Act and such regulations may include—

(a) provision as to the procedure to be followed on such an appeal;

(b) provision for summoning persons to attend and give evidence and produce documents; and

(c) provision for authorising the administration of oaths to witnesses.

(2) If, on an appeal, the appellant satisfies a tribunal established in accordance with regulations under this section 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 in any other case shall confirm it, and any decision of the tribunal shall be final.

(3) A person who is a member of a tribunal established in accordance with regulations under this section shall be paid, out of moneys provided by the Oireachtas, such fee for attendance at meetings of the tribunal and such allowances for expenses incurred by him as the Minister, with the consent of the Minister for Finance, determines.

(4) Every regulation made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next twenty-one days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

CHAPTER II

Designated Industrial Activities

Designated industrial activities.

23.—(1) For the purpose of making better provision for the training of persons employed or intending to be employed in any activity of industry An Chomhairle may make an order (in this Act referred to as an Industrial Training Order) declaring the activity to be a designated industrial activity for the purposes of this Act.

(2) Before making an industrial training order An Chomhairle shall make such inquiries as it thinks proper and consult any organisation or association of organisations appearing to it to be representative of substantial numbers of employers in the activity and any organisation or association of organisations appearing to it to be representative of substantial numbers of persons employed in the activity.

(3) An Chomhairle may by order revoke or amend an order under this section (including an order under this subsection).

(4) Every order under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next twenty-one days on which that House has sat after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Industrial training committees.

24.—[...]

Joint industrial training committees.

25.—[...]

Power to obtain information from employers.

26.—An Chomhairle may by notice in writing served on any person who is an employer in a designated industrial activity, require the person—

(a) to furnish to An Chomhairle within a specified period such specified returns or other specified information,

(b) to keep and produce for examination on behalf of An Chomhairle such records of a specified kind,

as appear to An Chomhairle to be necessary for performing its functions.

CHAPTER III

Apprenticeship

Apprentices.

27.—(1) Where An Chomhairle makes an industrial training order, An Chomhairle may, in relation to the employment in the relevant designated industrial activity of apprentices of a particular class, make all or any one or more of the following:

- (a) rules specifying the minimum age at which a person may commence to be so employed;
- (b) rules in relation to the educational or other qualifications as to suitability to be possessed by persons entering the said employment as such apprentices;
- (c) rules in relation to the circumstances under which such an apprentice may be dismissed or suspended from employment;
- (d) rules in relation to the period of training (including any probationary period) to be undergone by a person employed in the activity as such an apprentice;
- (e) rules requiring employers in the activity to ensure the training and instruction in a specified manner of persons whom they employ in the activity as such apprentices;
- (f) rules prohibiting persons carrying on such activity from taking any premium, fee or other consideration in respect of the employment by them in the activity of any person as such an apprentice;
- (g) rules specifying the form of the contract to be used when a person is taken into employment in the activity as such an apprentice;
- (h) rules requiring persons employed in the activity as such apprentices to keep records, in such form as shall be indicated in the rules, in relation to their employment.

(2) [...]

(3) Before making rules under paragraph (b) of subsection (1) of this section An Chomhairle shall consult with the Minister for Education.

(4) Rules under this section may require an employer who employs an apprentice of a class specified in the rules in an employment to which the rules relate to post and keep posted, in accordance with section 44 of this Act, printed copies of the rules or printed abstracts thereof approved by An Chomhairle.

(5) Where rules under paragraph (a), (b), (c), (d) or (g) of subsection (1) of this section are for the time being in force the following provisions shall have effect:

- (a) in the case of rules under the said paragraph (a)—a person shall not take into his employment as an apprentice of a class specified in the rules in an employment to which the rules relate a person unless that person has reached the age specified in the rules;
- (b) in the case of rules under the said paragraph (b)—a person shall not take into his employment as an apprentice of a class specified in the rules in an employment to which the rules relate a person unless that person possesses the qualifications specified in the rules;
- (c) in the case of rules under the said paragraph (c)—a person shall neither dismiss nor suspend a person employed by him as an apprentice of a class specified in the rules in an employment to which the rules relate save in accordance with the rules;
- (d) in the case of rules made under the said paragraph (d)—a person who is employed as an apprentice of a class specified in the rules in an employment to which the rules relate shall, notwithstanding any agreement to the contrary, be deemed to be employed under an agreement signed by the

person and his employer whereby the employer agrees to employ the person, and the person agrees to serve the employer, for the period of training specified in the rules, but An Chomhairle may, if it so thinks fit, release both parties from their respective obligations under the agreement implied by this paragraph or modify such agreement or, with the consent of—

- (i) in case the person has attained the age of eighteen years—the person, and
- (ii) in case the person has not attained the age of eighteen years—the parent (if any) of the person,

transfer the benefits and obligations of the employer under such agreement to another employer engaged in the relevant designated industrial activity;

- (e) in the case of rules under the said paragraph (g)—a person shall not take into his employment as an apprentice of a class specified in the rules in an employment to which the rules relate a person unless the contract is in the form specified in the rules.

(6) In subsection (5) of this section “parent”, in relation to a person employed as an apprentice of a class specified in rules under paragraph (d) of subsection (1) of this section in an employment to which the rules relate and who has not attained the age of eighteen years, means the individual having the legal custody of the person and where, owing to the absence of that individual or for any other reason, the person is not living with or in the actual custody of that individual, includes the individual with whom the person is living or in whose actual custody the person is.

Certain persons may be declared to be apprentices for the purposes of Act.

28.—An Chomhairle may by regulations under this section declare that every person employed in a particular manner in a designated industrial activity by a particular employer shall be deemed to be an apprentice for the purposes of this Act.

Notice of intention to make rules.

29.—(1) Before making rules under section 27 of this Act, An Chomhairle shall publish notice in at least two daily newspapers published in the State stating that it is intended to make such rules, the nature of the proposed rules, that copies thereof shall be made available, on request, to interested persons and the time, manner and place in which objections and representations in relation to the proposed rules may be made.

(2) An Chomhairle shall, before making rules under the said section 27, consider any objections or representations received, in accordance with a notice under subsection (1) of this section, in relation to the proposed rules.

Publication of notice of making of rules.

30.—An Chomhairle shall, as soon as may be after making rules under section 27 of this Act, publish a notice in *Iris Oifigiúil* and in at least two daily newspapers published in the State stating that such rules have been made and the place where copies of the rules may be purchased at a price (which shall be of such reasonable amount as An Chomhairle determines) specified in the notice.

Taking of persons into employment by way of apprenticeship.

31.—(1) A person who carries on—

(a) a designated industrial activity, or

(b) a trade which stands specified for the time being in an order under section 21 of the Act of 1959,

shall not take into his employment by way of apprenticeship in the activity or the trade any person save with the consent of An Chomhairle.

(2) Where rules under paragraph (a) or (b) of subsection (1) of section 27 of this Act are for the time being in force, An Chomhairle shall not give its consent under subsection (1) of this section unless it is satisfied that the requirements of the rules have, as respects the relevant employment, been complied with.

Education of apprentices.

32.—(1) An Chomhairle may, with the consent of the Minister for Education, make arrangements for the provision by [an education and training board] of courses of instruction in the nature of technical education of a type which An Chomhairle and [the education and training board] agree is suitable for persons employed by way of apprenticeship in a designated industrial activity.

(2) Where a course of instruction is provided by [an education and training board] either under subsection (1) of this section for persons employed by way of apprenticeship in a designated industrial activity, or under section 39 of the Act of 1959 for persons so employed in a trade which stands specified for the time being in an order under section 21 of that Act, An Chomhairle may—

(a) by notice in writing served on a person so employed in the activity or trade require him to attend either the whole of the course or any part thereof specified in the notice, and

(b) by notice in writing served on the employer of a person upon whom a notice under paragraph (a) of this subsection has been served require the employer to afford to the person time and liberty to attend either the whole of the course or any part thereof specified in the notice and to sit for any examination held in relation to the course without any deduction from wages or any addition to the hours of employment or reckoning such time as lost.

(3) Where a person upon whom a notice under paragraph (a) of subsection (2) of this section has been served is allowed time and liberty to attend an instruction which is part of a course mentioned in subsection (2) of this section and fails to attend, then, notwithstanding anything contained in his contract with his employer, he shall not be entitled to receive the amount of any pay (being pay which he would otherwise be entitled to receive) which is apportionable to the period of his absence from his employment unless he satisfies his employer that his failure to attend the instruction was due to sickness or other unavoidable cause.

Register of persons employed as apprentices.

33.—(1) An Chomhairle shall keep, in such form as the Minister shall from time to time direct, a register of the persons employed as apprentices and shall enter therein such particulars as An Chomhairle may consider appropriate.

(2) An Chomhairle shall, upon request, permit the register kept by it under this section to be inspected during office hours by any interested person.

Notifications.

34.—(1) Where a person who carries on a designated industrial activity takes a person into his employment as an apprentice in the activity, he shall, within two weeks thereafter, send to An Chomhairle such particulars in relation to the person as may be prescribed or as An Chomhairle may, by notice in writing served on him, specify.

(2) Where a person who carries on a designated industrial activity ceases to employ a person as an apprentice in the activity, he shall, within two weeks thereafter, send to An Chomhairle such particulars in relation to the person as may be prescribed or as An Chomhairle may, by notice in writing served on him, specify.

Interference with employers.

35.—Where any rules made by An Chomhairle under section 27 or paragraph (d) of subsection (1) of section 49 of this Act or rules mentioned in paragraph (b) of the said subsection (1) are for the time being in force, a person shall not do any act or thing for the purpose either of preventing or obstructing an employer carrying on the relevant activity of industry from complying with the rules.

Arrangements in case of trade dispute.

36.—(1) Where persons employed as apprentices are, on account of a trade dispute or for any other reason, for the time being not engaged in their employment, An Chomhairle may make such arrangements for safeguarding the continued training and instruction of the persons as it thinks proper.

(2) In this section “trade dispute” means any dispute or difference between employers and workers or between workers and workers connected with the employment or non-employment, or the terms of the employment, or with the conditions of employment, of any person.

CHAPTER IV

Miscellaneous

Advisory committees.

37.—(1) An Chomhairle may appoint such and so many committees as it thinks fit to advise An Chomhairle on matters connected with industrial or commercial training and on the co-ordination of the work of An Chomhairle.

(2) The chairman of a committee appointed by An Chomhairle under this section shall be paid out of moneys at the disposal of An Chomhairle such fee for attendance at meetings of the committee as the Minister with the consent of the Minister for Finance, determines, and in the absence of the chairman from a meeting of the committee, the fee that would be payable to him may, if An Chomhairle thinks fit, be paid to the person who acts as chairman of the meeting.

(3) Each member of a committee so appointed shall be paid, out of moneys at the disposal of An Chomhairle such allowances for expenses incurred by him as the Minister, with the consent of the Minister for Finance, may sanction.

Fees payable to An Chomhairle.

38.—(1) Where a person is taken into employment by way of apprenticeship in a designated industrial activity there shall be paid by him to An Chomhairle a fee (being a fee in respect of registration in the register kept under section 33 of this Act) of such amount as may be prescribed.

(2) Rules for the purposes of subsection (1) of this section shall require the consent of the Minister.

(3) Where An Chomhairle provides courses, facilities or services in relation to the training of persons An Chomhairle may charge and there shall be payable to An Chomhairle in respect thereof such fee (if any) as An Chomhairle shall determine: Provided that in case a person, at the instance of his employer, attends any such course or avails of any such service or facility, any fee payable to An Chomhairle in respect thereof shall be payable by, and only by, the employer.

(4) In default of being paid a fee under this section, An Chomhairle may recover it from the person (including a person who has not attained the age of twenty-one years) liable therefor as a simple contract debt in any Court of competent jurisdiction.

(5) An Chomhairle may, where it so thinks proper in any particular case, exempt a person from payment of any fee under this section.

Power to exempt employers in certain cases.

39.—(1) An Chomhairle may, if it so thinks proper in the case of the employment as an apprentice of a particular person by a particular employer, exempt the employer from the requirements of paragraphs (a), (b) or (e) of subsection (5) of section 27 of this Act.

(2) An Chomhairle may, if it so thinks proper in the case of the employment of a particular person as an apprentice by a particular employer, exempt the employer from specified requirements of rules mentioned in paragraph (e) of subsection (1) of the said section 27.

(3) An Chomhairle may, if it so thinks proper in the case of the taking of a particular person into employment as an apprentice by a particular employer, exempt the employer from the requirement of section 31 of this Act.

Restriction of section 48 of Industrial Relations Act, 1946, and on certain agreements and orders under that Act.

40.—(1) Section 48 of the Act shall, as respects a person to whom rules under paragraph (f) of subsection (1) of section 27 of this Act for the time being apply, cease to have effect.

(2) It is hereby declared that nothing contained either in an employment agreement registered in the Register or in an order made by the Labour Court under section 43 of the Act shall affect the provisions of section 41 of this Act.

(3) Upon the coming into force of any rules under section 27 of this Act—

(a) any provisions of an employment agreement then in force registered in the Register which relate to matters the subject of the rules, and

(b) any provisions of an order then in force made by the Labour Court under section 43 of the Act which relate to matters the subject of the rules,

shall cease to have effect.

(4) Where an employment agreement is, at a time when rules under section 27 of this Act or rules mentioned in section 49 of this Act are in force, registered in the Register, any provisions of the agreement which relate to matters the subject of the rules shall not have effect.

(5) Where an order is, at a time when rules under this Act or rules mentioned in section 49 of this Act are in force, made by the Labour Court under section 43 of the Act, any provisions of the order which relate to matters the subject of the rules shall not have effect.

(6) In this section—

“the Act” means the Industrial Relations Act, 1946;

“the Register” means the Register of Employment Agreements maintained by the Labour Court under section 26 of the Act.

PART IV

Miscellaneous

Power to ensure the provision, as respects activity of industry, of trained persons.

41.—(1) For the purpose of ensuring the provision of a sufficient number of trained persons to meet the requirements of an activity of industry, An Chomhairle may make such arrangements as appear to it to be necessary.

(2) Without prejudice to the generality of subsection (1) of this section, An Chomhairle, for the purpose mentioned in the said subsection (1) may, if it thinks fit, do either or both of the following:

(a) if it is satisfied that an employer who carries on—

(i) a designated industrial activity, or

(ii) a trade which stands specified for the time being in an order under section 21 of the Act of 1959,

has adequate facilities for the training of persons by way of apprenticeship in an employment in the activity or trade, arrange with the employer for the taking by him of a person into an employment in the activity or trade by way of apprenticeship;

(b) arrange with an employer for the taking by him into an employment in an activity of industry of a particular person who has successfully undergone training which was both for the employment and provided or approved as respects the activity by An Chomhairle under this Act.

(3) Where any arrangement has been made by An Chomhairle under this section a person shall not do any act or thing for the purpose either of preventing or obstructing An Chomhairle or an employer from carrying out the arrangement.

Powers of authorised officers.

42.—(1) An authorised officer may do all or any of the following things:

(a) at all reasonable times enter upon any premises in which a designated industrial activity is carried on where he has reasonable cause to believe any person is employed in the premises,

(b) examine either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, every person whom he finds in any premises upon which he is entitled under this section to enter and require the person to answer such questions as he may put touching such matters, and to sign a declaration of the truth of the answers to the questions,

(c) examine the methods used in the training and instruction of any person whom he finds employed in a designated industrial activity in any premises mentioned in paragraph (b) of this subsection and give advice in such training and instruction.

(2) No one shall be required by virtue of paragraph (b) of subsection (1) of this section to answer any question or to give any evidence tending to criminate himself.

(3) An authorised officer may, by notice in writing served on a person carrying on a designated industrial activity, require him to furnish to the officer, within a specified time and in a specified manner, specified particulars with respect to the persons or any specified person employed by him in any employment in the activity.

Certificates of authorised officers.

43.—An authorised officer shall be furnished by An Chomhairle with a certificate of his appointment as an authorised officer and, when exercising any of the powers conferred on him by this Act, shall, if so required, produce the certificate to any person affected.

Posting of copies or abstracts of rules.

44.—(1) Where rules under section 27 or rules mentioned in section 49 of this Act require printed copies of the rules or printed abstracts thereof approved by An Chomhairle to be posted and kept posted, such copies shall be posted and kept posted—

(a) in a prominent place in every premises in which are employed persons to whom the rules relate, and

(b) in such characters and in such position as to be conveniently read by persons so employed in such premises.

(2) A person shall not wilfully pull down, injure or deface any copy or abstract of rules posted in pursuance of this section.

Offences and penalties.

45.—(1) Where a person on whom a notice is served under section 26 of this Act in respect of any return, information or record fails or neglects to comply with the requirements of the notice, he shall be guilty of an offence unless he satisfies the Court that the return, information or record was not necessary for the carrying out of its functions by An Chomhairle or, in the case of such information, that it was not in his possession.

(2) Where a person on whom a notice is served under the said section 26—

(a) furnishes in pursuance of a requirement of the notice any return or other information which to his knowledge is false or misleading in any material particular,

(b) makes in a record required by the notice to be produced an entry which to his knowledge is false or, with intent to deceive, makes use of any such entry which he knows to be false,

he shall be guilty of an offence.

(3) A person who contravenes paragraph (a), (b), (c) or (e) of subsection (5) of section 27, section 31, section 35 or subsection (2) of section 44 of this Act shall be guilty of an offence.

(4) Where a person who is required by rules under section 27 of this Act to post and keep posted, in accordance with section 44 of this Act, copies of the rules or copies of abstracts thereof approved by An Chomhairle, fails or neglects to comply with the requirements, he shall be guilty of an offence.

(5) Where a person of whom a requirement is made by rules mentioned in paragraph (e) of subsection (1) of section 27 of this Act fails or neglects to comply with the requirement, he shall be guilty of an offence.

(6) Where a person contravenes rules mentioned in paragraph (f) of subsection (1) of section 27 of this Act, he shall be guilty of an offence.

(7) (a) In case a person on whom a notice under paragraph (a) of subsection (2) of section 32 of this Act is served, at any time while failing or neglecting to comply with the requirement of the notice, either is on any premises in the occupation of the employer on whom a notice relating to the person is served under paragraph (b) of the said subsection (2), or does work for or on behalf of the employer, the employer shall be guilty of an offence.

(b) Where an employer is charged with an offence under this subsection, it shall be a good defence for him to show that—

(i) after the service on him of the notice secondly mentioned in paragraph (a) of this subsection he took reasonable steps to ensure that the requirement of the notice would be complied with, and

(ii) the person mentioned in paragraph (a) of this subsection was at the relevant time on the premises without the employer's consent.

(8) A person who fails or neglects to comply with the requirements of subsection (1) or (2) of section 34 of this Act or of a notice under either of those subsections served on him shall be guilty of an offence.

(9) A person who contravenes subsection (3) of section 41 of this Act shall be guilty of an offence.

(10) Where a person—

(a) prevents or attempts to prevent a person from appearing before an authorised officer exercising any of the powers conferred on an authorised officer by subsection (1) of section 42 of this Act,

(b) wilfully refuses to answer questions lawfully put to him by an authorised officer under that subsection,

(c) refuses to sign a declaration which he is lawfully required by an authorised officer to sign under that subsection, or

(d) in any other manner obstructs or impedes an authorised officer in the exercise of any of the powers conferred upon an authorised officer by that subsection, he shall be guilty of an offence.

(11) Where a person upon whom a notice under subsection (3) of section 42 of this Act is served fails or neglects to comply with the requirements of the notice, he shall be guilty of an offence.

(12) (a) A person who is guilty of an offence under subsection (9) of this section shall be liable on conviction thereof on indictment to a fine not exceeding one thousand pounds together with, in the case of a continuing offence, a fine not exceeding one hundred pounds for every day on which the offence is continued.

(b) A person who is guilty of an offence under any other subsection of this section shall be liable on summary conviction to a fine not exceeding one hundred pounds together with, in the case of a continuing offence, a fine not exceeding ten pounds for every day on which the offence is continued.

(13) Where an offence under this Act is proved to have been committed by a body corporate and is proved to have been so committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager, secretary, other officer or servant of such body corporate, such director, manager, secretary, other officer or servant or any person purporting to act in such capacity shall also be deemed to have committed the said offence and he as well as the body corporate shall be deemed to be guilty of the offence.

Prosecution of offences.

46.—An offence under this Act may be prosecuted by An Chomhairle.

Proof of orders, rules and regulations.

47.—Section 4 of the Documentary Evidence Act, 1925, shall apply to all orders, rules and regulations under this Act.

Service and signing of notices.

48.—(1) A notice given pursuant to this Act or rules or regulations thereunder or rules mentioned in section 49 of this Act may be served on a person—

(a) by delivering it to him, or

(b) by sending it by registered post in an envelope addressed to him at the address at which he ordinarily resides or carries on business.

(2) A notice given pursuant to this Act or rules thereunder or rules mentioned in section 49 of this Act by An Chomhairle may be signed by an officer of An Chomhairle authorised in that behalf.

(3) For the purposes of subsection (1) of this section, a company registered under the Companies Act, 1963, shall be deemed to carry on business at its registered office and every other body corporate and every unincorporated body shall be deemed to carry on business at its principal office or place of business.

Transitional provisions.

49.—(1) Notwithstanding anything contained in section 7 of this Act the following provisions shall apply:

(a) an order under section 21 or section 22 of the Act of 1959 in force immediately before the establishment day shall continue in force and may be amended or revoked by An Chomhairle by order under this section, subject, in the case of an order under the said section 22, to the modification that for any reference therein to functions to be performed by the committee established by the order there shall be substituted a reference to the function of advising and assisting An Chomhairle as respects the performance by An Chomhairle

of its functions in relation to the activity of industry corresponding to the trade standing specified for the time being in the order, and any reference to An Cheard Chomhairle in any order under either of the said sections shall be construed as a reference to An Chomhairle.

- (b) every rule and every notice made or given under the Act of 1959 in force immediately before the establishment day shall continue in force and every such rule shall be administered by An Chomhairle in respect of the area for and in respect of which it was actually made under the Act of 1959, and every such rule may be amended or revoked by An Chomhairle by order under this section, and proceedings and penalties arising in relation to any such rule or notice before, on or after the establishment day, may be prosecuted, recovered and enforced by An Chomhairle,
- (c) every document purporting to be an instrument made by An Cheard Chomhairle and to be sealed with the seal (purporting to be authenticated in accordance with section 16 of the Act of 1959) of An Cheard Chomhairle shall continue to be received in evidence and to be deemed to be such instrument without proof unless the contrary is shown,
- (d) in case a committee established by an order under the said section 22 has not before the establishment day made rules in accordance with the requirement of subsection (1) of section 29 of the Act of 1959, An Chomhairle may, on the advice of the committee, make such rules and any rules made under this paragraph shall, for the purposes of section 45 of this Act, have effect as if they were made under paragraph (e) of subsection (1) of section 27 of this Act, and
- (e) a certificate issued under section 56 of the Act of 1959 in force immediately before the establishment day shall, if and in so far as it relates to any such rule, continue in force and may be amended or revoked by An Chomhairle by certificate under this section.

(2) An Chomhairle may by order amend or revoke an order under this section and may by certificate amend or revoke a certificate under this section.

(3) All property, whether real or personal (including choses-in-action), which immediately before the establishment day was vested in or belonged to or was held in trust or subject to conditions for An Cheard Chomhairle and all rights, powers and privileges relating to or connected with any such property shall on the establishment day, without any conveyance or assignment but subject where necessary to transfer in the books of any bank, corporation or company, become and be vested in or the property of or held in trust or subject to conditions for (as the case may require) An Chomhairle for all the estate, term or interest for which the same immediately before the establishment day was vested in or belonged to or was held in trust or subject to conditions for An Cheard Chomhairle, but subject to all trusts, conditions and equities affecting the same and then subsisting and capable of being performed.

(4) All property transferred by this section which immediately before the establishment day was standing in the books of any bank or was registered in the books of any bank, corporation or company in the name of An Cheard Chomhairle shall, upon the request of An Chomhairle made at any time on or after the establishment day, be transferred in such books by such bank, corporation or company into the name of An Chomhairle.

(5) Every chose-in-action transferred by this section from An Cheard Chomhairle to An Chomhairle may, on or after the establishment day, be sued upon, recovered, or enforced by An Chomhairle in its own name and it shall not be necessary for An Chomhairle to give notice to the person bound by such chose-in-action of the transfer effected by this section.

(6) Every debt and other liability (including unliquidated liabilities arising from torts or breaches of contract) which, immediately before the establishment day is owing

and unpaid or has been incurred and is undischarged by An Cheard Chomhairle shall, on the establishment day, become and be the debt or liability of An Chomhairle and shall be paid or discharged by and may be recovered from and enforced against An Chomhairle accordingly.

(7) Every arrangement made under section 39 of the Act of 1959 and every contract which was entered into and is in force immediately before the establishment day between An Cheard Chomhairle and any person shall continue in force on and after the establishment day, but every such contract shall be construed and have effect as if An Chomhairle were substituted therein for An Cheard Chomhairle, and every such arrangement and every such contract shall be enforceable by or against An Chomhairle accordingly.

(8) Where, immediately before the establishment day, any legal proceedings are pending to which An Cheard Chomhairle is a party, the name of An Chomhairle shall be substituted for that of An Cheard Chomhairle, and the proceedings shall not abate by reason of such substitution.

(9) Every register kept under section 44 of the Act of 1959 by an apprenticeship committee within the meaning of that Act shall be included in and shall be deemed to be part of the register required to be kept by An Chomhairle under section 33 of this Act.

(10) [...]

SCH. 1

[1967.]

Industrial Training Act 1967

[No. 5.]

Section 8.

FIRST SCHEDULE

AN CHOMHAIRLE

Section 24.

SECOND SCHEDULE

INDUSTRIAL TRAINING COMMITTEES

[...]