

29/07/2022

CITB
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Dear [REDACTED]

Freedom of Information Request: 122022

Thank you for contacting CITB requesting information under the Freedom of Information Act (FOIA). Your email, dated 4th July 2022, asked for the following information:

The interpretation of the wording in the regulation which differentiates our companies from the like of many other companies manufacturing timber proceed assembled items including fitted kitchen's, wardrobes, windows, doors Etc for the construction industry that are not subject to the CITB levy

My response is as follows:

- For the purposes of Industrial Training Act 1982 ("**the Act**") and consequent Levy Orders, the activities of the construction industry are set out at Schedule 1 of the Industrial Training (Construction Board) Order 1964 (Amendment) Order 1992 ("**Scope Order**"), Statutory Instrument Number 3048. This sets out construction activities in far wider terms than common perception may suggest.

Included at paragraph 1(c) of Schedule 1 is *'the manufacture of: (i) doors, window frames, built-in storage units, stairs or curtain walling being articles wholly or mainly of wood; (ii) bank, church or laboratory joinery or joinery of any other kind'*.

A link to the Act can be found here:

<https://www.legislation.gov.uk/ukxi/1992/3048/made>

- Further clarification can be found within the High Court Judgment between Mark Wilkinson Furniture Limited and Construction Industry Training Board dated 28th July 2000 which is legally binding and confirms at paragraph 22 (2) *'that "any other kind of joinery" cannot extend to joinery in the nature of furniture; but (3) includes joinery which upon a proper interpretation of the Construction Order is treated as a component part of a building or part of a building'*.

Excluded at paragraph 2 (xx) is *"the manufacture or fabrication of building products from timber or timber based materials where the activity is automated and carried out away from the site of any building work or civil engineering works"*

A link to the judgement can be found here:

<https://www.casemine.com/judgement/uk/5a938b4160d03e5f6b82bdb6>



If you are unhappy with this response, or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied, then you may apply for an independent internal review by contacting Adrian Beckingham, Corporate Performance Director, CITB, Sand Martin House, Bittern Way, Peterborough, PB2 8TY or email adrian.beckingham@citb.co.uk.

If you remain unhappy following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Further details of the role and powers of the Information Commissioner can be found on the Commissioners website: <https://ico.org.uk/>

Yours sincerely

Jonathan Francis
Information Risk & Data Governance Manager