

Subsidiary Legislation made under s.82.

Training Regulations, 2001

LN.2001/063

Commencement

7.6.2001

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation.
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Citation.

1. These Regulations may be cited as the Training Regulations, 2001.

Interpretation.

2. In these Regulations unless the context otherwise requires—

“employer” has the meaning given to it in regulation 2 of the Gibraltar Development Corporation (Employers Insolvency) Regulations, 1991: Provided that the Crown shall be deemed to be an employer for the purposes of these Regulations;

“providing” means financing in whole or in part absolutely or by way of loan or organising directly or indirectly or by way of establishing facilities or access to facilities in or outside a work place and may include the research necessary to establish the appropriate and effective training in relation to any particular categories of person or training and “provision” shall be similarly construed

“training” means full or part time courses for any period or periods spent in a work place with the purpose of obtaining vocational experience or practical skills and may include instruction of whatever kind during hours of employment in addition to such hours or in substitution therefor;

Appointment of Director.

3.(1) The Director is appointed as—

(a) the person responsible for—

- (i) providing and regulating training in accordance with section 82(1A) of the Act and these or any other regulations made for that purpose;
- (ii) the imposition of any levy in accordance with the provisions of section 82(1A) (f)(b);
- (iii) establishing and administering in accordance with regulations made under section 82(1A), tests of achievement, competence or skill in relation to any training provided under paragraph (i);

(b) the competent authority in accordance with section 82(1A)(f).

(2) The Director may appoint inspectors for the purpose of these Regulations and any other regulations made under the provisions of section 82(1A) and the powers and obligations of such inspectors shall be those provided for in relation to inspectors appointed under section 74 of the Act.

Training, etc. to be provided by the Director.

4.(1) The Director shall make such provision for training and retraining of persons over compulsory school age for employment in any of the activities of industry or commerce in Gibraltar as in his view, is appropriate to meet the needs of such industry or commerce and to fit such persons to take up or retain employment or to be engaged in such industry or commerce.

(2) The Director may—

- (a) assist persons in finding facilities for being trained for employment in any industry or commerce or for engaging in such industry or commerce;
- (b) carry on or assist other persons in carrying on research into any matter relating to training in any such industry or commerce;
- (c) make payment of fees to persons providing further education in respect of persons who receive it in association with training courses provided or approved by the Director;
- (d) make provision for the payment of grants or loans to persons providing courses or other facilities approved by the Director.

Information from employers.

5.(1) The Director may require employers or any category of employers to furnish such returns and information and to keep such records and to produce them for examination as may be specified by the Director in relation to any training provided under these Regulations.

(2) Subject to subregulation (3), returns and other information furnished in pursuance of the provisions of subregulation (1) and any information obtained on an examination made in pursuance thereof shall not, without the consent of the employer to whose business the returns or information relate, be disclosed otherwise than to the Director.

(3) Subregulation (2) 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 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 purpose of any legal proceedings pursuant to these Regulations or any criminal proceedings whether pursuant to the provisions of these Regulations or not or for the purpose of any report of any such proceedings.
- (4) A person who fails to comply with any requirements made under subregulation (1), is guilty of an offence and is liable on summary conviction to a fine at level 2 on the standard scale or on a second or subsequent conviction, to a fine of twice the amount at level 2 on the standard scale.
- (5) A person who—
- (a) knowingly or recklessly furnishes in pursuance of any requirement made under subregulation (1) any return or other information which is false in a material particular; or
 - (b) wilfully makes a false entry in any record required to be produced under subregulation (1) or with intent to deceive makes use of any such entry which he knows to be false; or
 - (c) discloses any information in contravention of subregulation (2),
- is guilty of an offence and is liable on summary conviction to imprisonment for three months and to a fine at level 2 on the standard scale.
- (6) Where an offence against this regulation 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 is purporting to act in any such capacity, he as well as the body corporate is guilty of that offence and is liable to be proceeded against and punished accordingly.
- (7) Where the affairs of a body corporate are managed by its members, subregulation (6) shall apply to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate