
STATUTORY INSTRUMENTS

1982 No. 1840 (N.I. 23)

NORTHERN IRELAND

The Wages Councils (Northern Ireland) Order 1982

Laid before Parliament in draft

Made 22nd December 1982

Coming into Operation 23rd January 1983

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At the Court at Buckingham Palace, the 22nd day of December 1982

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (a), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

PART I

INTRODUCTORY

Title and commencement

1. This Order may be cited as the Wages Councils (Northern Ireland) Order 1982 and shall come into operation on the expiration of the period of one month from the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (b) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“the Agency” means the Labour Relations Agency;

“the Department” means the Department of Economic Development;

“organisation” includes, in relation to workers, an association of trade unions, and in relation to employers, an association of organisations of employers;

“prescribed” means prescribed by regulations made under this Order;

“statutory minimum remuneration” means remuneration (including holiday

(a) 1974 c. 28.

(b) 1954 c. 33 (N.I.).

remuneration) fixed by an order made under Article 10;

“superannuation scheme” means any enactment, rules, deed or other instrument, providing for the payment of annuities or lump sums to the persons with respect to whom the instrument has effect on their retirement at a specified age or on becoming incapacitated at some earlier age, or to the personal representatives or the widows, relatives or dependants of such persons on their death or otherwise, whether with or without any further or other benefits;

“thrift scheme” means any arrangement for savings, for providing money for holidays or for other purposes, under which a worker is entitled to receive in cash sums equal to or greater than the aggregate of any sums deducted from his remuneration or paid by him for the purposes of the scheme;

“trade union” includes an association of trade unions;

“wages council” means a wages council established by an order under Article 3;

“worker” means any person who has entered into or works under a contract with an employer, whether the contract be for manual labour, clerical work or otherwise, be expressed or implied, oral or in writing and whether it be a contract of service or of apprenticeship or a contract personally to execute any work or labour, but does not include any person who is employed casually and otherwise than for the purposes of the employer’s business.

3. For the purposes of section 42 of the Northern Ireland Constitution Act 1973 (a) (validity of Acts of the Parliament of Northern Ireland), provisions of this Order which re-enact provisions of an Act of the Parliament of Northern Ireland shall be deemed to be provisions of such an Act.

PART II

WAGES COUNCILS

Establishment of wages councils

3.—(1) Subject to the provisions of this Part, the Department may by order establish a wages council to perform, in relation to the workers described in the order and their employers, the functions specified in the subsequent provisions of this Order.

(2) An order establishing a wages council may be made by the Department either—

- (a) if it is of opinion that no adequate machinery exists for the effective regulation of the remuneration of the workers described in the order and that, having regard to the remuneration existing among those workers, or any of them, it is expedient that such a council should be established; or
- (b) if it thinks fit, to give effect to a recommendation of the Agency made on the reference to it in accordance with Article 4, of an application made in accordance therewith for the establishment of a wages council; or
- (c) if it thinks fit, to give effect to the recommendation of the Agency made in a case where the Department, being of opinion that no adequate machinery exists for the effective regulation of the remuneration of any workers or the existing machinery is likely to cease to exist or be adequate for that purpose and a reasonable standard of remuneration among those workers will not be maintained, refers to the Agency the question whether a wages council should be established with respect to any of those workers and their employers.

(a) 1973 c. 36.

(3) Schedule 1 shall have effect with respect to the making of orders establishing wages councils.

(4) Schedule 2 shall have effect with respect to the constitution, officers and proceedings of wages councils.

Applications for wages council orders

4.—(1) An application for the establishment of a wages council with respect to any workers and their employers may be made to the Department either—

- (a) by a joint industrial council, conciliation board or other similar body constituted by organisations representative respectively of those workers and their employers; or
- (b) jointly by any organisation of workers and any organisation of employers which claim to be organisations that habitually take part in the settlement of remuneration and conditions or employment for those workers;

on the ground, in either case, that the existing machinery for the settlement of remuneration and conditions of employment for those workers is likely to cease to exist or be adequate for that purpose.

(2) Where such an application as aforesaid is made to the Department, the Department—

- (a) subject to paragraph (3), if it is satisfied that there are sufficient grounds to justify the reference of the application to the Agency, and, in the case of an application under paragraph (1) (b), that the claim of the organisations habitually to take part in the settlement of remuneration and conditions of employment for those workers is well-founded, shall refer the application to the Agency to inquire into and report on the application;
- (b) if it is not so satisfied shall notify the applicants to that effect, in which case no further steps shall be taken on the application unless and until the Department is so satisfied by fresh facts brought to its notice;

and before taking either of the said courses, the Department may require the applicants to furnish such information, if any, in relation to the application as it considers necessary.

(3) If, on considering an application under paragraph (1), it appears to the Department either—

- (a) that there is a joint industrial council, conciliation board or other similar body constituted by organisations of workers and organisations of employers, being a council, board or body which would or might be affected by the establishment of a wages council in pursuance of the application; or
- (b) that there are organisations of workers and organisations of employers representative respectively of workers other than workers to whom the application relates and their employers, who would or might be affected by the establishment of a wages council as aforesaid;

being a council, board or body, or, as the case may be, organisations, which are parties to joint voluntary machinery for the settlement of remuneration and conditions of employment but are not parties to the application for a wages council, the Department shall, before deciding to refer the application to the Agency, give notice of the application to that council, board or body or, as the case may be, to those organisations, shall consider any observations in writing which may be submitted to the Department by them within such period as it may direct, not being less than one month from the date of the notice, and, if the

Department decides to refer the application to the Agency, shall transmit a copy of the observations to the Agency.

(4) If, before an application is referred to the Agency, it is withdrawn by the applicants, no further proceedings shall be had thereon.

Proceedings on references to Agency as to establishment of wages councils

5.—(1) Where the Department makes any such reference as is mentioned in Article 3 (2) (b) or (c), it shall be the duty of the Agency to consider not only the subject matter of the reference but also any other question or matter which, in the opinion of the Agency is relevant thereto, and in particular to consider whether there are any other workers (being workers who, in the opinion of the Agency are engaged in work which is complementary, subsidiary or closely allied to the work performed by the workers specified in the reference or any of them) whose position should be dealt with together with that of the workers, or some of the workers, specified as aforesaid; and in relation to any such reference, any reference in this Part to the workers with whom the Agency is concerned shall be construed as a reference to the workers specified as aforesaid and any such other workers as aforesaid.

(2) If the Agency is of opinion with respect to the workers with whom it is concerned or any of those workers whose position should, in the opinion of the Agency, be separately dealt with—

- (a) that there exists machinery set up by agreement between organisations representing workers and employers respectively which is, or can be made by improvements which it is practicable to secure, adequate for regulating the remuneration and conditions of employment of those workers; and
- (b) that there is no reason to believe that that machinery is likely to cease to exist or be adequate for that purpose,

the Agency shall report to the Department accordingly and may include in its report any suggestions which it may think fit to make as to the improvement of that machinery.

(3) Where any such suggestions are so included, the Department shall take such steps as appear to it to be expedient and practicable to secure the improvements in question.

(4) If the Agency is of opinion with respect to the workers with whom it is concerned or any of those workers whose position should, in the opinion of the Agency, be separately dealt with—

- (a) that machinery for regulating the remuneration and conditions of employment of those workers is not, and cannot be made by any improvements which it is practicable to secure, adequate for that purpose, or does not exist; or
- (b) that the existing machinery is likely to cease to exist or be adequate for that purpose,

and that as a result a reasonable standard of remuneration among those workers is not being or will not be maintained, the Agency may make a report to the Department embodying a recommendation for the establishment of a wages council in respect of those workers and their employers.

(5) In considering for the purposes of this Article whether any machinery is, or is likely to remain, adequate for regulating the remuneration and conditions of employment of any workers, the Agency shall consider not only what matters are capable of being dealt with by that machinery, but also to what extent those

matters are covered by the agreements or awards arrived at or given thereunder, and to what extent the practice is, or is likely to be, in accordance with those agreements or awards.

Abolition of, or variation of field of operation of, wages councils

6.—(1) The Department may at any time abolish a wages council by order made—

- (a) to give effect to an application in that behalf made to the Department in accordance with paragraphs (3) and (4), or
- (b) without any such application, subject however to the provisions of paragraph (5).

(2) The Department may at any time by order vary the field of operation of a wages council.

(3) An application for the abolition of a wages council may be made to the Department jointly by organisations of workers and organisations of employers which represent respectively substantial proportions of the workers and employers with respect to whom that wages council operates.

(4) The grounds on which any such application may be made are that the existence of a wages council is no longer necessary for the purpose of maintaining a reasonable standard of remuneration for the workers with respect to whom that wages council operates.

(5) The Department—

- (a) shall in any case where an application for the abolition of a wages council has been made to it under this Article and it does not thereupon proceed to the making of an order giving effect to the application,
- (b) may in any other case where it is considering whether to exercise the powers under this Article to abolish or vary the field of operation of a wages council,

refer to the Agency the question whether the council should be abolished or, as the case may be, its field of operation varied.

(6) Where an order of the Department under this Article directs that a wages council shall cease to operate in relation to any workers and that another wages council shall operate in relation to them, the order may provide that anything done by, or to give effect to proposals made by, the first-mentioned council shall have effect in relation to those workers as if it had been done by, or to give effect to proposals made by, the second-mentioned council and may make such further provision as appears to the Department to be expedient in connection with the transition.

(7) Where an order of the Department under this Article directs that a wages council shall be abolished or shall cease to operate in relation to any workers, then, save as is otherwise provided by the order, anything done by, or to give effect to proposals made by the wages council shall, except as respects things previously done or omitted to be done, cease to have effect or, as the case may be, cease to have effect in relation to the workers in relation to whom the council ceases to operate.

(8) Schedule 1 shall have effect with respect to the making of orders under this Article.

Exclusion orders

7.—(1) The Department may by order exclude from the field of operation of a wages council the workers of any undertaking in relation to whom, or a

substantial proportion of whom, there are, in the opinion of the Department, satisfactory arrangements for collective bargaining.

(2) An application for an order under paragraph (1) may be made to the Department by either party to the arrangements for collective bargaining mentioned in that paragraph or by both such parties jointly.

(3) Before making an order under paragraph (1), the Department shall consult the wages council whose field of operation would be affected by such order and take into consideration any observations which that wages council may make.

Supplemental provisions

8.—(1) On any reference under this Part to the Agency, the Agency shall make all such investigations as appear to it to be necessary and shall publish in the prescribed manner a notice stating the questions which it is its duty to consider by virtue of the reference and further stating that it will consider representations with respect thereto made to it in writing within such period as may be specified in the notice, not being less than 40 days from the date of the publication thereof; and it shall consider any representations made to it within that period and then make such further inquiries as it considers necessary including, so far as it considers necessary, the hearing of oral evidence.

(2) Any power conferred by this Part on the Department to make an order giving effect to a recommendation of the Agency shall be construed as including power to make an order giving effect to that recommendation with such modifications as the Department thinks fit, being modifications which, in the Department's opinion, do not effect important alterations in the character of the recommendation.

(3) Where the Department receives any report from the Agency, the Department may, if it thinks fit, refer the report back to the Agency and the Agency shall thereupon reconsider it having regard to any observations made by the Department and shall make a further report, and the like proceedings shall be had on any such further report as in the case of an original report.

General duties of wages councils

9.—(1) A wages council shall consider, as occasion requires, any matter referred to it by the Department, the Agency or any government department with reference to the industrial conditions prevailing as respects the workers and employers in relation to whom it operates, and shall make a report upon the matter to the Department, the Agency or that government department (as the case may be).

(2) A wages council may, if it thinks it expedient so to do, make of its own motion a recommendation to the Department, the Agency or any government department with reference to the said conditions and, where such a recommendation is so made, the Department, the Agency or that government department (as the case may be) shall forthwith take it into consideration.

(3) A wages council may encourage the development of effective consultations and negotiations in relation to matters concerning the relationship between employers and workers represented on that wages council.

PART III

ORDERS REGULATING REMUNERATION AND HOLIDAYS

Power to fix remuneration and holidays

10.—(1) A wages council may make an order, subject to and in accordance with the provisions of this Article—

- (a) fixing the remuneration,
- (b) requiring holidays to be allowed,

for all or any of the workers in relation to whom the council operates.

(2) An order under this Article requiring a holiday to be allowed for a worker—

- (a) shall not be made unless both holiday remuneration in respect of the period of the holiday and remuneration other than holiday remuneration have been or are being fixed under this Part for that worker;
- (b) shall provide for the duration of the holiday being related to the duration of the period for which the worker has been employed or engaged to be employed by the employer who is to allow the holiday; and
- (c) subject as aforesaid, may make provisions as to the times at which or the periods within which, and the circumstances in which, the holiday shall be allowed.

(3) Any order under this Article fixing holiday remuneration may contain provisions—

- (a) as to the times at which, and the conditions subject to which, that remuneration shall accrue and shall become payable, and
- (b) for securing that any such remuneration which has accrued due to a worker during his employment by any employer shall, in the event of his ceasing to be employed by that employer before he becomes entitled to be allowed a holiday by him, nevertheless become payable by the employer to the worker.

(4) Before making an order under this Article the wages council shall make such investigations as it thinks fit and shall—

- (a) publish in the prescribed manner notice of the council's proposals with respect to remuneration and holidays; and
- (b) give the prescribed notice for the purpose of informing, so far as practicable, all persons affected by the proposals, stating the place where copies of the proposals may be obtained and the period (which shall not be less than 21 days from the date of publication of the notice) within which written representations with respect to the proposals may be sent to the council.

(5) After considering any written representations made with respect to any such proposals within the said period and making such further inquiries as the wages council considers necessary, or if no such representations are made within that period, after the expiration of that period, the council may make an order—

- (a) giving effect to the proposals; or
- (b) giving effect to them with such modifications as the council thinks fit having regard to any such representations;

but if it appears to the council that, having regard to the nature of any proposed modifications, an opportunity should be given to persons concerned to consider the modifications, the council shall again publish the proposals and give notice

under paragraph (4), and that paragraph and this paragraph shall apply accordingly.

(6) An order under this Article shall have effect as regards any terms as to remuneration as from a date specified in the order, which may be a date earlier than the date of the order but not earlier than the date on which the period referred to in paragraph (4) (b) ended; but where any such order fixing workers' remuneration applies to any worker who is paid wages at intervals not exceeding seven days and the date so specified does not correspond with the beginning of the period for which the wages are paid (hereafter in this Article referred to as a wages period), the order shall, as respects that worker, have effect as from the beginning of the next wages period following the date specified in the order.

(7) Any increase in remuneration payable by virtue of an order under this Article in respect of any time before the date of the order shall be paid by the employer within a period specified in the order, being—

- (a) in the case of a worker who is in the employment of the employer on the date of the order, a period beginning with that date;
- (b) in the case of a worker who is no longer in the employment of the employer on that date, a period beginning with the date on which the employer receives from the worker or a person acting on his behalf a request in writing for the remuneration;

but, if in the case of a worker falling within sub-paragraph (a) who is paid wages at intervals not exceeding seven days, pay day (the day on which wages are normally paid to him) for any wages period falling wholly or partly within the period so specified occurs within seven days from the end of that specified period, any such remuneration shall be paid not later than pay day.

(8) As soon as a wages council has made an order under this Article it shall give the prescribed notice of the making and contents of the order and shall then and subsequently give such notice of other prescribed matters affecting its operation for the purpose of informing, so far as practicable, all persons who will be affected by it.

(9) A document purporting to be a copy of an order made by a wages council under this Article and to be signed by the secretary of the council shall be taken to be a true copy of the order unless the contrary is proved.

(10) An order under this Article shall not prejudice any rights conferred on any worker by or under any other Act.

Effect and enforcement of orders under Article 10

11.—(1) If a contract between a worker to whom an order under Article 10 applies and his employer provides for the payment of less remuneration than the statutory minimum remuneration, it shall have effect as if the statutory minimum remuneration were substituted for the remuneration provided for in the contract, and if any such contract provides for the payment of any holiday remuneration at times or subject to conditions other than those specified in the order, it shall have effect as if the times or conditions specified in the order were substituted for those provided for in the contract.

- (2) If an employer fails—
 - (a) to pay a worker to whom an order under Article 10 applies remuneration not less than the statutory minimum remuneration; or
 - (b) to pay him arrears of remuneration before the expiration of the period specified in the order; or

(c) to pay him holiday remuneration at the times and subject to the conditions specified in the order; or
(d) to allow to any such worker the holidays fixed by the order;
he shall for each offence be liable on summary conviction to a fine not exceeding £100.

(3) Where the employer or any other person charged as a person to whose act or default the offence was due has been found guilty of an offence under paragraph (2) consisting of a failure to pay remuneration not less than the statutory minimum remuneration or to pay arrears of remuneration, the court may order the employer to pay to the worker such sum as is found by the court to represent the difference between the amount which ought to have been paid to the worker by way of remuneration or arrears, if the provisions of this Part had been complied with, and the amount actually so paid.

(4) Where proceedings are brought under paragraph (2) in respect of an offence consisting of a failure to pay remuneration not less than the statutory minimum remuneration, or to pay arrears of remuneration, then, if notice of intention so to do has been served with the summons, warrant or complaint—

(a) evidence may, on the employer or any other person charged as a person to whose act or default the offence was due having been found guilty of the offence, be given of any like contravention on the part of the employer in respect of any period during the two years immediately preceding the date of the offence; and

(b) on proof of the failure, the court may order the employer to pay to the worker such sum as is found by the court to represent the difference between the amount which ought to have been paid during that period to the worker by way of remuneration or arrears, if the provisions of this Part had been complied with, and the amount actually so paid.

(5) The powers given by this Article for the recovery of sums due from an employer to a worker shall not be in derogation of any right to recover such sums by civil proceedings.

Permits to infirm and incapacitated persons

12.—(1) If, as respects any worker employed or desiring to be employed in such circumstances that an order under Article 10 applies or will apply to him, the wages council is satisfied on application being made to it for a permit under this Article either by the worker or the employer or a prospective employer, that the worker is affected by infirmity or physical incapacity which renders him incapable of earning the statutory minimum remuneration, it may, if it thinks fit, grant, subject to such conditions, if any, as it may determine, a permit authorising his employment at less than the statutory minimum remuneration, and while the permit is in force the remuneration authorised to be paid to him by the permit shall, if those conditions are complied with, be deemed to be the statutory minimum remuneration.

(2) Where an employer employs any worker in reliance on any document purporting to be a permit granted under paragraph (1) authorising the employment of that worker at less than the statutory minimum remuneration, then, if the employer has notified the wages council in question that, relying on that document, he is employing or proposing to employ that worker at a specified remuneration, the document shall, notwithstanding that it is not or is no longer a valid permit relating to that worker, be deemed, subject to the terms thereof and as respects only any period after the notification, to be such a permit until notice to the contrary is received by the employer from the council.

Computation of remuneration

13.—(1) Subject to the provisions of this Part, any reference in this Part to remuneration shall be construed as a reference to the amount obtained or to be obtained in cash by the worker from his employer after allowing for the worker's necessary expenditure, if any, in connection with his employment, and clear of all deductions in respect of any matter whatsoever, except any deduction lawfully made—

- (a) under the Income Tax Acts, the enactments relating to social security or any enactment requiring or authorising deductions to be made for the purposes of a superannuation scheme;
- (b) at the request in writing of the worker, either for the purposes of a superannuation scheme or a thrift scheme or for any purpose in the carrying out of which the employer has no beneficial financial interest, whether directly or indirectly; or
- (c) in pursuance of, or in accordance with, such a contract in that behalf as is mentioned in section 1, 2 or 3 of the Truck Act 1896 (a) and in accordance with the provisions of that section.

(2) Notwithstanding paragraph (1), proposals and orders under Article 10 may contain provisions authorising specified benefits or advantages, being benefits or advantages provided, in pursuance of the terms and conditions of the employment of workers, by the employer or by some other person under arrangements with the employer and not being benefits or advantages the provision of which is illegal by virtue of the Truck Acts (Northern Ireland) 1831 to 1940, or of any other enactment, to be reckoned as payment of wages by the employer in lieu of payment in cash, and defining the value at which any such benefits or advantages are to be reckoned.

(3) If any payment is made by a worker in respect of any benefit or advantage provided as mentioned in paragraph (2), then—

- (a) if the benefit or advantage is authorised by virtue of that paragraph to be reckoned as therein mentioned, the amount of the payment shall be deducted from the defined value for the purposes of the reckoning;
- (b) if the benefit or advantage is authorised by virtue of that paragraph to be reckoned as therein mentioned, any excess of the amount of the payment over the defined value shall be treated for the purposes of paragraph (1) as if it had been a deduction not being one of the excepted deductions therein mentioned;
- (c) if the benefit or advantage is specified in an order under Article 10 as one which has been taken into account in fixing the statutory minimum remuneration, the whole of the payment shall be treated for the purposes of paragraph (1) as if it had been a deduction not being one of the excepted deductions therein mentioned.

(4) Nothing in this Article shall be construed as authorising the making of any deduction, or the giving of remuneration in any manner, which is illegal by virtue of the Truck Acts (Northern Ireland) 1831 to 1940, or of any other enactment.

Employers not to receive premiums

14.—(1) Where a worker to whom an order under Article 10 applies is an apprentice or learner, it shall not be lawful for his employer to receive directly or indirectly from him, or on his behalf or on his account, any payment by way of premium; but nothing in this paragraph shall apply to any such payment duly

(a) 1896 c. 44.

made in pursuance of any instrument of apprenticeship not later than four weeks after the commencement of the apprenticeship or to any such payment made at any time if duly made in pursuance of any instrument of apprenticeship approved for the purposes of this paragraph by a wages council.

(2) If any employer acts in contravention of this Article, he shall be liable on summary conviction in respect of each offence to a fine not exceeding £20, and the court may, in addition to imposing a fine, order him to repay to the worker or other person by whom the payment was made the sum improperly received by way of premium.

Records and notices

15.—(1) The employer of any workers to whom an order under Article 10 applies shall keep such records of time worked and of wages paid and such other records as are necessary to show whether or not the provisions of this Part are being complied with as respects them, and the records shall be retained by the employer for three years.

(2) The employer of any workers shall post in the prescribed manner such notices as may be prescribed for the purpose of informing them of any proposals or orders under Article 10 affecting them, and, if it is so prescribed, shall give notice in any other prescribed manner to the said workers of the said matters and of such other matters, if any, as may be prescribed.

(3) If an employer fails to comply with any of the requirements of this Article, he shall be liable on summary conviction to a fine not exceeding £100.

PART IV

MISCELLANEOUS

Offences and enforcement

Criminal liability of agent and superior employer, and special defence open to employer

16.—(1) Where the immediate employer of any worker is himself in the employment of some other person and that worker is employed on the premises of that other person, that other person shall for the purposes of Part III and this Part be deemed to be the employer of that worker jointly with the immediate employer.

(2) Where an employer is charged with an offence under Part III or this Part, he shall be entitled, on duly making a complaint and on giving to the prosecution not less than three days' notice in writing of his intention, to have any other person to whose act or default he alleges that the offence in question was due brought before the court at the time appointed for the hearing of the charge; and if, after the commission of the offence has been proved, the employer proves that the offence was due to the act or the default of that other person, that other person may be convicted of the offence, and, if the employer further proves that he has used all due diligence to secure that Part III and this Part and any relevant regulation or order made thereunder are complied with, he shall be acquitted of the offence.

(3) Where a defendant seeks to avail himself of the provisions of paragraph (2)—

(a) the prosecution, as well as the person whom the defendant charges with the offence, shall have the right to cross-examine him if he gives

evidence and any witnesses called by him in support of his pleas and to call rebutting evidence;

(b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

(4) Where it appears to an officer acting for the purposes of Part III or this Part that an offence has been committed in respect of which proceedings might be taken under this Order against an employer, and the officer is reasonably satisfied that the offence of which complaint is made was due to an act or default of some other person and that the employer could establish a defence under paragraph (2), the officer may cause proceedings to be taken against that other person without first causing proceedings to be taken against the employer.

In any such proceedings the defendant may be charged with and, on proof that the offence was due to his act or default, be convicted of, the offence with which the employer might have been charged.

Officers

17.—(1) The Department, with the approval of the Department of Finance and Personnel as to numbers and salaries, may appoint officers to act for the purposes of Part III and this Part.

(2) Every officer acting for the purposes of Part III and this Part shall be furnished by the Department with a certificate of his appointment or authority so to act, and when so acting, shall, if so required by any person affected, produce the certificate to him.

(3) An officer acting for the purposes of Part III and this Part shall have power for the performance of his duties—

- (a) to require the production of wages sheets or other records of time worked or of wages paid kept by an employer, and records of payments made to outworkers by persons giving out work, and any other such records as are required by this Order to be kept by employers, and to inspect and examine those sheets or records and copy any material part thereof;
- (b) to require any person giving out work and any outworker to give any information which it is in his power to give with respect to the names and addresses of the persons to whom the work is given out or from whom the work is received, as the case may be, and with respect to the payments made or to be made for the work;
- (c) at all reasonable times to enter any premises or place at which any employer to whom an order under Article 10 applies carries on his business (including any place used, in connection with that business, for giving out work to outworkers and any premises which the officer has reasonable cause to believe to be used by or by arrangement with the employer to provide living accommodation for workers);
- (d) to inspect and copy any material part of any list of outworkers kept by an employer or person giving out work to outworkers;
- (e) to examine, either alone or in the presence of any other person, as he thinks fit, with respect to any matters under Part III or this Part, any person whom he has reasonable cause to believe to be or to have been a worker to whom an order under Article 10 applies or applied or the employer of any such person or a servant or agent of the employer employed in the employer's business and to require every such person to be so examined and to sign a declaration of the truth of the matters in respect of which he is so examined:

But no person shall be required under sub-paragraph (e) to give any information tending to criminate himself or, in the case of a person who is married, his or her wife or husband.

(4) An officer acting for the purposes of Part III and this Part, may institute proceedings for any offence under this Order and may, although not of counsel or a solicitor, conduct any such proceedings.

(5) An officer acting for the purposes of Part III and this Part who is authorised in that behalf by general or special directions of the Department may, if it appears to him that a sum is due from an employer to a worker on account of the payment to him of remuneration less than the statutory minimum remuneration and that it is not possible to recover, by means of a prosecution under the foregoing provisions of this Order the sum so appearing to be due, or some part of that sum, institute on behalf and in the name of the worker civil proceedings before any court of competent jurisdiction for the recovery of the said sum; and in any such civil proceedings the court may make an order for the payment of costs by the officer as if he were a party to the proceedings.

The power given by this paragraph for the recovery of sums due from an employer to a worker shall not be in derogation of any right of the worker to recover such sums by civil proceedings.

(6) Any person who obstructs an officer acting for the purposes of Part III and this Part in the exercise of any power conferred by this Article, or refuses to comply with any requirement of such an officer made in the exercise of any such power, shall be liable on summary conviction to a fine not exceeding £100.

Penalties for false entries in records, producing false records or giving false information

18. If any person makes or causes to be made or knowingly allows to be made any entry in a record required by this Order to be kept by employers, which he knows to be false in a material particular, or for purposes connected with Part III or this Part produces or furnishes, or causes or knowingly allows to be produced or furnished, any wages sheet, record, list or information which he knows to be false in a material particular, he shall be liable on summary conviction to a fine not exceeding £400 or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

Central co-ordinating committees

Central co-ordinating committees

19.—(1) The Department may, if it thinks fit to do so, by order establish a central co-ordinating committee in relation to any two or more wages councils, or abolish, or vary the field of operation of, any central co-ordinating committee so established: and, except where paragraph (2) or (3) applies, the Department shall, before making any such order, consult the wages councils concerned.

(2) Where the Agency makes a recommendation for the establishment of a wages council it may include in its report a recommendation for the establishment, in relation to any wages council established in accordance with the recommendation and any other wages council, of a central co-ordinating committee, or for the variation of the field of operation of an existing central co-ordinating committee so that it operates also in connection with any council established in accordance with the recommendation.

(3) Where the Agency makes a recommendation for the abolition of a wages council it may include in its report a recommendation for the variation of the

field of operation of an existing central co-ordinating committee so that it no longer operates in relation to the council to be abolished, or a recommendation for the abolition of any central co-ordinating committee theretofore operating in relation to the wages council to be abolished.

(4) The Department may by order give effect to a recommendation made under paragraph (2) or (3).

(5) It shall be the duty of any central co-ordinating committee from time to time—

(a) to consider whether the field of operation of the wages councils in relation to which it is established is properly divided as between those councils and to report thereon to the Department;

(b) to make recommendations to those councils with respect to the principles to be followed by them in the exercise of their powers under this Order;

(c) to consider any question referred to it by the Department or by the councils or any two or more of them, and to report thereon to the Department, or to the councils which referred the question, as the case may be.

(6) Schedule 2 shall have effect with respect to the constitution, officers and proceedings of central co-ordinating committees.

Reports on regulation of terms and conditions of employment

Reports by Agency on regulation of terms and conditions of employment

20. The Agency shall, if requested to do so by the Department—

(a) inquire into and report on the development by agreement of machinery for the regulation of the remuneration of workers within the field of operation of a wages council and the question whether, in order to maintain a reasonable standard of remuneration of those workers, it is necessary to regulate their remuneration by means of orders under Article 10;

(b) inquire into and report on the operation generally of this Order;

(c) publish a report made under paragraph (a) or (b).

Supplemental

Orders and regulations

21.—(1) The Department may make regulations for prescribing anything which by this Order is required or authorised to be prescribed.

(2) Any order of the Department made under Part II and any regulations made under any of the provisions of this Order shall (together, in the case of an order, with any report of the Agency relating thereto) be laid as soon as may be before the Assembly, and shall be subject to negative resolution.

If one or more of a set of regulations is or are so annulled the Department may, if it thinks fit, withdraw the whole set.

(3) Any power conferred by this Order to prescribe the manner in which anything is to be published shall include power to prescribe the date which is to be taken for the purposes of this Order as the date of publication.

Expenses

22. The expenses of the Department in carrying this Order into effect, and any expenses authorised by the Department with the consent of the Department

of Finance and Personnel to be incurred by a wages council or a central co-ordinating committee established under this Order by order of the Department shall be defrayed out of moneys appropriated by Measure.

Amendments and repeals

23.—(1) The enactments specified in Schedule 3 shall have effect subject to the amendments specified in that Schedule.

(2) Any reference in any enactment or document made before the passing of the Wages Councils Act (Northern Ireland) 1945 (a), other than an enactment repealed by that Act, to a trade board shall be construed as including a reference to a wages council.

(3) The enactments specified in the first column of Schedule 4 are hereby repealed to the extent specified in the third column of that Schedule.

N. E. Leigh,
Clerk of the Privy Council

SCHEDULES

Articles 3 (3) and 6 (8).

SCHEDULE 1

ORDERS RELATING TO WAGES COUNCILS

1. In this Schedule “order” means an order, whether made in pursuance of the recommendation of the Agency or not, under Article 3 or 6.

2. Before making an order, the Department shall publish, in the prescribed manner, notice of its intention to make the order, specifying a place where copies of a draft thereof may be obtained and the time (which shall not be less than 21 days from the date of the publication) within which any objection made with respect to the draft order must be sent to the Department.

3. Every objection made with respect to the draft order must be in writing, and must state—

(a) the specific grounds of objection, and

(b) the omissions, additions or modifications asked for,

and the Department shall consider any such objection made by or on behalf of any person appearing to it to be affected, being an objection sent to the Department within the time specified in the notice, but shall not be bound to consider any other objection.

4. If there is no objection which the Department is required by paragraph 3 to consider or if, after considering any such objection the Department is of the opinion that it satisfies one of the following conditions, that is to say—

(a) in the case of an order to be made in pursuance of a recommendation of the Agency, the objection was made to the Agency and was expressly dealt with in the report embodying the recommendation; or

(b) in any case, the objection will be met by a modification which the Department proposes to make under this paragraph, or is frivolous,

the Department may make the order either in the terms of the draft or subject to such modifications, if any, as it thinks fit, being modifications which, in its opinion, do not effect important alterations in the character of the draft order as published.

5. Where the Department does not proceed under paragraph 4 it may, if it thinks fit, either—

(a) amend the draft order, in which case all the provisions of this Schedule shall have effect in relation to the amended draft order as they have effect in relation to an original draft order; or

(a) 1945 c. 21 (N.I.).

- (b) refer the draft order to the Agency for inquiry and report, in which case the Department shall consider the report of the Agency and may then, if it thinks fit, make an order either in the terms of the draft or with such modifications as it thinks fit.

6.—(1) Where any of the wages councils affected by an order under Article 6 is one of the councils in relation to which a central co-ordinating committee has been established under Article 19, the Department, before making the order, shall consult that committee and take into consideration any observations which that committee may make to the Department within 14 days from the date on which the Department first consults it.

(2) Where an order under Article 6 directs that a wages council shall cease to operate in relation to any workers, and that another wages council shall operate in relation to them, but, save as aforesaid, does not affect the field of operation of any wages council, paragraphs 2 to 5 shall not apply but before making the order the Department shall consult the councils concerned.

7. Where the Department makes an order, it shall publish it in the prescribed manner, together with any report of the Agency relating to the order, and the order shall come into operation on the date on which it is so published or on such later date as is specified in the order.

SCHEDULE 2 Articles 3 (4) and 19 (6)

CONSTITUTION, OFFICERS AND PROCEEDINGS OF WAGES COUNCILS AND OF CENTRAL CO-ORDINATING COMMITTEES

1. A wages council or central co-ordinating committee shall consist of persons appointed by the Department, being—

- (a) not more than three persons chosen by the Department as being independent persons;
- (b) such number as the Department thinks fit of persons who, in its opinion, represent employers in relation to whom the council or, as the case may be, the councils in question, is or are to operate; and
- (c) such number as the Department thinks fit of persons who, in its opinion, represent workers in relation to whom the council or, as the case may be, the councils in question, is or are to operate.

2. Of the persons appointed under paragraph 1 (a), one shall be appointed by the Department to act as chairman, and another may be appointed by the Department to act as deputy chairman in the absence of the chairman.

3. Before appointing a person under paragraph 1 (b) or (c), the Department shall consult any organisations appearing to it to represent employers, or, as the case may be, workers, concerned, and the persons appointed under those sub-paragraphs shall be equal in number.

4. The Department may appoint a secretary and such other officers as it thinks fit of a wages council or central co-ordinating committee.

5. The proceedings of a wages council or central co-ordinating committee shall not be invalidated by reason of any vacancy therein or by any defect in the appointment of a member.

6. A wages council or central co-ordinating committee may, if it thinks fit, delegate any of its powers under this Order (except, in the case of a wages council, the power to make proposals and orders under Article 10) to a committee or, as the case may be, sub-committee consisting of such number of persons, being members of the council or committee, as the council or committee thinks fit:

But the members of the committee or sub-committee representing employers and the members of the committee or sub-committee representing workers shall be equal in number.

7. The Department may make regulations as to the meetings and procedure of a wages council or central co-ordinating committee and of any committee or, as the case may be, sub-committee thereof, including regulations as to the quorum and the method of voting, but, subject to the provisions of this Order and to any regulations so made, a wages council or central co-ordinating committee and any committee or, as the case may be, sub-committee thereof may regulate its procedure in such manner as it thinks fit.

8. The term for which a member of a wages council or central co-ordinating committee is to hold office shall be such as may be determined by the Department at the time of his appointment, and the conditions subject to which he is to hold office shall be such as may be prescribed.

9. There may be paid to the members of a wages council or central co-ordinating committee appointed under paragraph 1 (a) such remuneration, and to any member of any such council or committee, such travelling and other allowances, as the Department may, with the consent of the Department of Finance and Personnel, determine, and all such remuneration and allowances shall be defrayed as part of the expenses of the Department in carrying this Order into effect.

Article 23 (1).

SCHEDULE 3

CONSEQUENTIAL AMENDMENTS

The Post Office Act 1969 (c. 48)

In section 81 (1) for the words "the Wages Councils Act (Northern Ireland) 1945" substitute the words "the Wages Councils (Northern Ireland) Order 1982".

The Payment of Wages Act (Northern Ireland) 1970 (c. 12 (N.I.))

In section 6 in subsection (4) for the words "section 13 (1) of the Wages Councils Act (Northern Ireland) 1945" and "Part II of that Act" substitute the words "Article 13 (1) of the Wages Councils (Northern Ireland) Order 1982" and "Parts III and IV of that Order" respectively and in subsection (5) for the words "Part II of the Wages Councils Act (Northern Ireland) 1945" substitute the words "Parts III and IV of the Wages Councils (Northern Ireland) Order 1982".

The Equal Pay Act (Northern Ireland) 1970 (c. 32 (N.I.))

In section 4—

- (a) in subsections (1) and (2) for the words "wages regulation order" wherever they occur substitute the words "order under Article 10 of the Wages Councils (Northern Ireland) Order 1982";
- (b) in subsection (3) for the words "section 11 (1) of the Wages Councils Act (Northern Ireland) 1945", "in section 11 (1)" and "section 10 (10)" substitute the words "Article 11 (1) of the Wages Councils (Northern Ireland) Order 1982", "in Article 11 (1)" and "Article 10 (10)" respectively;
- (c) subsection (4) shall cease to have effect.

The Northern Ireland Assembly Disqualification Act 1975 (c. 25)

In Part III of Schedule 1, in the second entry relating to wages councils, for the words "Schedule 1 to the Wages Councils Act (Northern Ireland) 1945" substitute the words "Schedule 2 to the Wages Councils (Northern Ireland) Order 1982".

The Industrial Relations (Northern Ireland) (No. 2) Order 1976 (S.I. 1976/2147 (N.I. 28))

In Article 8 (2) for sub-paragraph (a) substitute—

- "(a) Article 10 of the Wages Councils (Northern Ireland) Order 1982".

The Judgments Enforcement (Northern Ireland) Order 1981
(S.I. 1981/226 (N.I. 6))

In Schedule 1 in paragraph 3 (c) for the words “the Wages Councils Act (Northern Ireland) 1945” substitute the words “the Wages Councils (Northern Ireland) Order 1982”.

SCHEDULE 4

Article 23 (3).

REPEALS

Chapter or Number	Short Title	Extent of Repeal
1945 c. 21 (N.I.).	The Wages Councils Act (Northern Ireland) 1945.	The whole Act.
1970 c. 32 (N.I.).	The Equal Pay Act (Northern Ireland) 1970.	Section 4 (4).
1971 c. 36 (N.I.).	The Civil Evidence Act (Northern Ireland) 1971.	In the Schedule, the amendment to the Wages Councils Act (Northern Ireland) 1945.
1973 c. 38.	The Social Security Act 1973.	In Schedule 27, paragraph 100.
S.I. 1976/1043 (N.I. 16).	The Industrial Relations (Northern Ireland) Order 1976.	Article 10. In Article 82 (1) the words from the beginning to “Part I of Schedule 5”. Part I of Schedule 5.
S.I. 1982/528 (N.I. 8).	The Industrial Relations (Northern Ireland) Order 1982.	Article 21. Schedule 1. In Schedule 2, the amendment to section 4 (3) of the Equal Pay Act (Northern Ireland) 1970.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order consolidates the Wages Councils Act (Northern Ireland) 1945 and the provisions amending that Act. The Order repeals but does not re-enact section 19 of that Act which is no longer of any practical utility.

STATUTORY INSTRUMENTS

1982 No. 1840 (N.I. 23)

NORTHERN IRELAND

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