



Price Commission Act 1977

1977 CHAPTER 33

Amendments of enactments

14 Certain temporary provisions of Counter-Inflation Act 1973 to have permanent effect

- (1) Sections 5, 6, 9 and 15 of the 1973 Act (which relate respectively to the notification and approval of price increases, the powers of the Commission, restrictions on insurance premiums and the obtaining of information) shall, as amended by this Act and subject to section 17(3) of this Act, have permanent effect.
- (2) Accordingly the following provisions of the 1973 Act (which as originally enacted referred to the duration of sections 3 to 11 which constituted Part II of that Act) shall have effect, and be deemed always to have had effect, with the following amendments, namely—
 - (a) in sections 8(1) and 10(1) for the words " this Part of this Act" there shall be substituted the words " this section ";
 - (b) in section 15(6) for the words "when Part II" there shall be substituted the words " when any provision of Part II of this Act " and for the words " under Part II " there shall be substituted the words " under that provision ";
 - (c) in paragraph 4 of Schedule 3 for the words " of Part II" there shall be substituted the words " of any provision of Part II " and for the words " if Part II of this Act " there shall be substituted the words " if that provision ".

15 Amendments relating to the code and other amendments of 1973 Act

- (1) In section 2 of the 1973 Act (which among other things provides for the preparation and alteration of a code for the purposes of that Act), after subsection (2) there shall be inserted the following subsection—

“(2A) The code shall not provide for the restriction of any prices or charges by reference to the costs of producing or distributing the goods or performing the services in question; but nothing in this subsection shall prevent the code from containing provisions under which, by reference to such costs, prices or charges which apart from those provisions could be restricted to a particular

Status: This is the original version (as it was originally enacted).

extent by virtue of the code are not to be so restricted by virtue of the code or are not to be restricted to that extent.”

- (2) A code prepared in pursuance of the said section 2 and contained in an order under that section which is made after the passing of this Act may, as so prepared, include any provisions which, immediately after the making of the order, could have been inserted in the code by way of changes made by virtue of section 3 of the Remuneration, Charges and Grants Act 1975 (which relates to a sanction against the payment of remuneration in excess of certain limits).
- (3) Such a code may contain provisions requiring the Commission, in a case where the Secretary of State gives notice to the Commission stating that in his opinion the sanction provisions may be, or may when they were in force have been, applicable to an employer mentioned in the notice, to give a notification in pursuance of subsection (1) of section 5 of this Act in respect of such prices charged and such charges made by the employer as the Commission consider are relevant or, as the case may be, in respect of the margin of the employer; and—
 - (a) in relation to prices charged and charges made by an employer to whom such a notice relates the said subsection (1) shall have effect as if for paragraph (a) there were substituted the words " (a) a price; or "; and
 - (b) a recommendation made in pursuance of section 6(5)(b)(i) of this Act in consequence of such a notice may, notwithstanding anything in this Act apart from this subsection and in particular notwithstanding anything in section 6(6) or 9 of this Act, recommend that the prices or charges or margin in question be reduced to such an extent as the Commission think appropriate for the purpose of giving effect to the sanction provisions or, if those provisions have ceased to be in force, for the purpose of giving effect to them in connection with any period when they were in force.
- (4) The 1973 Act shall have effect subject to the provisions of Schedule 2 to this Act.

16 Amendments of Prices Act 1974

- (1) For subsection (1) of section 4 of the Prices Act 1974 (which enables provision to be made by order for securing that prices are indicated for goods offered or exposed for sale by retail) there shall be substituted the following subsection—

“(1) The Secretary of State may by order make provision for securing—

 - (a) that prices are indicated on or in relation to goods which a person indicates are or may be for sale by retail, whether or not the goods are in existence when he does so;
 - (b) that charges are indicated for services which a person indicates are or may be provided, except services which he indicates are or may be provided only for the purposes of businesses carried on by other persons;
 - (c) that prices of such goods or charges for such services are not indicated in a manner which the Secretary of State considers inappropriate and that no part of a penny except one half-penny is specified in the amount of an indicated price or charge.”
- (2) Accordingly—
 - (a) in subsection (2) of that section (which contains supplementary provisions relating to an order under that section), after the words " this section " there

shall be inserted the words " may specify the kinds of goods or services to which and the circumstances in which the order applies and " and after the words " price " and " goods " wherever they occur there shall be inserted respectively the words " or charge " and " or services " ; and

- (b) in paragraph 7 of the Schedule to that Act (which among other things authorises purchases of goods for the purpose of determining whether an order under that section is being complied with) after the word " goods " there shall be inserted the words " and any contracts for services " .
- (3) In subsection (5) of that section (which among other things provides that an order under that section made by the Department of Commerce for Northern Ireland shall be subject to negative resolution as provided by that subsection) before the word " subject" there shall be inserted the words " a statutory rule for the purposes of the Statutory Rules Act (Northern Ireland) 1958 and be " .
- (4) Section 3 of the Prices Act 1974 (which confers on the Commission additional powers relating to price increases) shall cease to have effect.

17 Amendments of Remuneration, Charges and Grants Act 1975

- (1) At the end of subsection (1) of section 1 of the Remuneration, Charges and Grants Act 1975 (which provides that an employer who limits remuneration paid by him so as to keep it within the limits mentioned in that subsection shall not by reason of so doing be liable for breach of a contract to pay it which was entered into before the commencement of that Act) there shall be inserted the words " or payable in respect of a period after 31st July 1977 under an agreement entered into at any time " .
- (2) In section 2 of that Act (which among other things provides for section 1 of that Act to cease to have effect at the expiration of the period ending with 31st July 1976 unless by Order in Council it is continued in force, as it has been, for a period ending not later than 31st July 1977), for the words "31st July 1976 " in subsection (1) there shall be substituted the words " 31st July 1978 " and for subsection (3) there shall be substituted the following subsection—
 - “(3) If section 1 of this Act has ceased to be in force before 31st July 1978 Her Majesty may by Order in Council bring it again into force for a period ending not later than that date.”
- (3) In subsections (1) to (3) and (7) of the said section 2 the references to section 1 of that Act shall be construed as including the words " of the code and " in section 6(1) of the 1973 Act (which among other things relates to the power of the Commission to ensure that the provisions of the code are implemented).