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SCHEDULES

SCHEDULE 1

Sections 1, 4 and 13.

ORDERS RELATING TO WAGES COUNCILS AND STATUTORY JOINT INDUSTRIAL COUNCILS

- 1 In this Schedule, except in so far as the context otherwise requires, " order " means an order, whether made in pursuance of the recommendation of the Service or not, under section 1, 4, 10 or 12 of this Act.
- 2 Before making an order, the Secretary of State shall publish, in the prescribed manner, notice of his 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 forty days from the date of the publication) within which any objection made with respect to the draft order must be sent to him.
- 3 In relation to the making of an order under section 4 of this Act in pursuance of an application made in accordance with section 5(1)(c) of this Act, paragraph 2 above shall have effect as if, before the words " shall publish ", there were inserted the words " after consultation with the wages council concerned and with all such organisations of employers as in his opinion represent a substantial proportion of employers with respect to whom the wages council operates ".
- 4 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 Secretary of State shall consider any such objection made by or on behalf of any person appearing to him to be affected, being an objection sent to him within the time specified in the notice, but shall not be bound to consider any other objection.
- 5 (1) If there is no objection which the Secretary of State is required by paragraph 4 above to consider or if, after considering any such objection, he 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 Service, the objection was made to the Service and was expressly dealt with in the report embodying the recommendations ; or
 - (b) in the case of such an order as is referred to in paragraph (a) above, the objection is one the subject-matter of which was considered by the Service and was expressly dealt with in that report or is such that a further inquiry into that subject-matter would serve no useful purpose ; or
 - (c) in any case, the objection will be met by a modification which he proposes to make under this paragraph, or is frivolous,he may make the order either in the terms of the draft or subject to such modifications, if any, as he thinks fit, being modifications which, in his opinion, do not effect important alterations in the character of the draft order as published.
- (2) The Secretary of State shall not form an opinion as to any matter mentioned in paragraph (b) of sub-paragraph (1) above without consulting the Service.

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- 6 Where the Secretary of State does not proceed under paragraph 5 above, he may, if he 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
 - (b) refer the draft order to the Service for inquiry and report, in which case he shall consider the report of the Service and may then, if he thinks fit, make an order either in the terms of the draft or with such modifications as he thinks fit.
- 7 (1) Where any objection is made to the Secretary of State and, under sub-paragraph (b) of paragraph 6 above, he refers the draft order to the Service, the Secretary of State shall notify to the Service the objections which he wishes the Service to take into account, and the questions which it is the duty of the Service to consider and report on by virtue of the reference shall be all questions affecting the draft order which arise on or in connection with the objections so notified.
- (2) The Secretary of State shall include in the objections which he notifies to the Service all the objections which, under paragraph 4 above, he is himself required to consider, other than any objections which he thinks fit to exclude, in the case of an order in pursuance of a recommendation of the Service, on the ground that, in his opinion, they were made to the Service and were expressly dealt with in the report embodying the recommendation or, in any case, on the ground that they are in the Secretary of State's opinion frivolous.
- 8 (1) Where any of the councils affected by an order under section 4 or 12 of this Act is one of the councils in relation to which a central coordinating committee has been established under section 25 of this Act, the Secretary of State, before making the order, shall consult that committee and take into consideration any observations which it may make to him within fourteen days from the date on which he consults it.
- (2) Where an order under section 4 of this Act directs that a wages council shall cease to operate in relation to any workers, and that another existing 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 7 above shall not apply but before making the order the Secretary of State shall consult the councils concerned.
- (3) On the reference under sub-paragraph (b) of paragraph 6 above of a draft order for the abolition, or variation of the field of operation, of a wages council, subsection (2), or, as the case may be, (3) of section 6 of this Act shall apply as it would apply to the like reference under that section; and the power of the Secretary of State under the said sub-paragraph (b) to modify the draft in making an order shall include power to make any alterations necessary to give effect to a recommendation of the Service, with or without modifications.
- 9 An order shall come into operation on the date on which it is first issued by Her Majesty's Stationery Office or on such later date as is specified in the order.