



# Wages Act 1986

## 1986 CHAPTER 48

### PART II

#### WAGES COUNCILS

##### *Scope of operation of wages councils*

#### **12 Continued existence of wages councils after repeal of Wages Councils Act 1979**

- (1) The Wages Councils Act 1979 shall cease to have effect, but, subject to the following provisions of this Part—
- (a) any council in existence immediately before the commencement of this section by virtue of an order made or having effect as if made under section 1 of that Act (establishment of wages councils) shall continue in existence; and
  - (b) any order made or having effect as if made under that section or under section 4 of that Act (variation of field of operation of wages councils) and then in force in relation to that council shall continue in force;
- and in this Part (except where the context requires otherwise) "wages council" means such a council as is mentioned in paragraph (a).
- (2) Subject to the following provisions of this Part, there shall be exercisable by such a council, in relation to the workers and employers within its scope of operation by virtue of subsection (1), the functions conferred on wages councils by this Part.
- (3) A wages council shall not, however, exercise any functions under this Part in relation to workers under the age of 21.
- (4) Schedule 2 shall have effect with respect to the constitution, proceedings and officers of a wages council.

#### **13 Abolition, or variation of scope of operation, of wages councils**

- (1) The Secretary of State may at any time by order abolish, or vary the scope of operation of, any wages council.

---

*Status: This is the original version (as it was originally enacted).*

---

- (2) Before making an order under this section the Secretary of State shall have regard to—
- (a) the current levels of remuneration among any workers in relation to whom the wages council concerned would cease to operate, or (as the case may be) begin to operate, as a result of the order, and
  - (b) such other matters as appear to him to be appropriate,
- and shall consult such persons or organisations as appear to him to be appropriate.
- (3) An order under this section may vary the scope of operation of a wages council by reference to any matters or circumstances whatever, and in particular may do so by excluding from its scope of operation employers who are either—
- (a) specified in the order, or
  - (b) members of an organisation so specified, or
  - (c) represented on an organisation so specified.
- (4) Where an order of the Secretary of State under this section abolishes, or varies the scope of operation of, one wages council and directs that any workers previously within the scope of operation of that council shall be brought within the scope of operation of another, the order may—
- (a) provide that anything done by, or to give effect to proposals made by, the first of those councils 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 of those councils ; and
  - (b) make such further provisions as appear to the Secretary of State to be expedient in connection with the order, including provision for renaming any council to which the order relates.
- (5) Where an order of the Secretary of State under this section abolishes a wages council or directs that a wages council shall cease to operate in relation to any workers, then, except as is otherwise provided by the order, anything done by, or to give effect to proposals made by, that wages council shall 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.
- (6) Nothing in subsection (5) shall be construed as affecting any rights or liabilities which have accrued to any person in consequence of anything done or omitted to be done before the coming into operation of the order.

### *Wages orders*

## **14 Wages orders**

- (1) A wages council may make an order—
- (a) fixing a single minimum hourly rate of remuneration in respect of all the time worked by a worker in any week;
  - (b) fixing—
    - (i) a single minimum hourly rate of remuneration in respect of time worked by a worker in any week up to a total amount not exceeding such number of hours as may be fixed by the order ("the basic hours"), and
    - (ii) a single minimum hourly overtime rate of remuneration in respect of time worked by a worker in any week in excess of the basic hours;

---

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

---

- (c) fixing, for the purposes of section 17(2)(b) and (3)(b), a limit applying to amounts which are deducted from a worker's remuneration by his employer, or paid by a worker to his employer, in respect of the provision of living accommodation for him by his employer, being a limit framed by reference to the amount recovered by the employer by means of any such deductions or payments in respect of any period of 24 hours for the whole or part of which any such accommodation is so provided.
- (2) Any such order may—
- (a) make different provision under subsection (1) in relation to periods of time beginning with different dates;
  - (b) provide for any matter fixed by the order in pursuance of that subsection to have effect only as from a date later than that on which the order comes into force ;
- but no such order shall provide for a limit fixed in pursuance of paragraph (c) of that subsection to have effect at a time when no rate or rates fixed in pursuance of paragraph (a) or (b) of that subsection will have effect under the order.
- (3) Any order made by a wages council under this section shall apply—
- (a) to all time workers in relation to whom the council operates, and
  - (b) in accordance with the provisions of this Part relating to the remuneration of piece workers, to all piece workers in relation to whom the council operates;
- and shall so apply whether any such workers work on a full-time or part-time basis.
- (4) References in this Part to the statutory minimum remuneration provided for a worker by an order under this section shall, in the case of a time worker to whom such an order applies be construed as references to the remuneration due under the order in respect of any time worked by him in a week, as determined by the application, in relation to any time so worked—
- (a) of the rate for the time being fixed by the order in pursuance of subsection (1) (a) or (b)(i); or
  - (b) where a rate is so fixed in pursuance of subsection (1)(b)(i) and the time so worked exceeds the basic hours, of a combination of that rate (as respects the basic hours) and the rate for the time being fixed by the order in pursuance of subsection (1)(b)(ii) (as respects any time worked in excess of those hours).
- (5) In this Part any reference, in relation to a time worker, to time worked by that worker shall be construed as including a reference to time during which he is required (whether in accordance with his contract or otherwise) to be available for work and is so available at his place of work.
- (6) Before making an order under this section fixing any such rate as is mentioned in paragraph (a) or (b)(i) or (ii) of subsection (1) a wages council shall have regard to—
- (a) the effect that that rate will have on the level of employment among the workers to whom it will apply, and in particular in those areas where the remuneration received by such workers is generally less than the national average for such workers ; and
  - (b) such other matters as appear to it to be appropriate.
- (7) An order under this section may amend or revoke a previous order under this section, and any such order may, in particular, amend any rate or limit fixed in pursuance of subsection (1)(b)(ii) or (c) without also amending the rate for the time being fixed in pursuance of subsection (1)(a) or (b)(i), as the case may be.

---

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

---

- (8) An order under this section shall not prejudice any rights conferred on any worker by or under any other enactment.
- (9) Schedule 3 (supplementary provisions relating to wages orders) shall have effect.

## **15 Application of wages orders to piece workers**

- (1) Subject to subsection (4), references in this Part to the statutory minimum remuneration provided for a worker by an order under section 14 shall, in the case of a piece worker to whom such an order applies, be construed as references to remuneration, in respect of work executed by him, at such one or more piece rates as are appropriate to secure the result mentioned in subsection (2).
- (2) That result is that an ordinary worker executing the work in question would be able to earn, in any given time worked by him in any week, not less than the amount of remuneration due under the order in respect of the time so worked, as determined by the application, in relation to that time, of any such rate or combination of rates as is mentioned in section 14(4)(a) or (b).
- (3) In subsection (2) the reference to an ordinary worker in relation to any work is a reference to a worker of ordinary competence to execute the work who has no disability affecting the speed at which he is able to execute it.
- (4) In relation to any time during which—
  - (a) a piece worker (other than a homemaker) is required, whether in accordance with his contract or otherwise, to be available for work and is so available at his place of work, but
  - (b) no work is available to be executed by the worker,
 references in this Part to the statutory minimum remuneration provided for him by an order under section 14 shall be construed as references to remuneration in respect of any such time at the rate for the time being fixed by the order in pursuance of section 14(1)(a) or (b)(i).
- (5) In the application of subsection (4) to a piece worker whose remuneration is calculated by reference to items of work executed by a number of workers of whom he is one ("the group"), the reference to the worker in paragraph (b) shall be construed as a reference to the group.

## **16 Effect and enforcement of wages orders**

- (1) If, in the case of any worker to whom an order under section 14 applies, the amount of remuneration paid to the worker by his employer in respect of any week is less than the statutory minimum remuneration provided for him by the order in respect of that week, the worker shall be taken to be entitled under his contract to be paid the difference between those two amounts as additional remuneration in respect of that week.
- (2) Any employer who, in respect of any week, fails to pay any worker to whom an order under section 14 applies an amount of remuneration equal to, or exceeding, the statutory minimum remuneration provided for him by the order shall be guilty of an offence and liable on summary conviction to a fine not exceeding the third level on the standard scale.
- (3) Where proceedings are brought in respect of any offence under subsection (2) and the employer, or any other person charged as a person to whose act or default the offence

was due, is found guilty of the offence, the court may (subject to subsection (5)) order the employer to pay to the worker the appropriate sum in respect of the week in relation to which the offence was committed, and (subject to subsections (5) and (6))—

- (a) evidence may be given of any other failure on the part of the employer such as is mentioned in subsection (3) which occurred, in relation to any week falling within the period of two years ending with the date of the offence, in the case of the worker in relation to whom the offence was committed or in the case of any other worker employed by the employer; and
  - (b) on proof of any such failure the court may order the employer to pay to the worker or (as the case may be) to each of the workers in question the appropriate sum in respect of the week in relation to which the failure occurred.
- (4) In subsection (3) " the appropriate sum ", in relation to any worker, means such sum as is found by the court to represent the difference between the following amounts, namely—
- (a) the statutory minimum remuneration provided for the worker in respect of the week in question by the relevant order under section 14 ; and
  - (b) the amount of remuneration paid to the worker in respect of that week.
- (5) A court shall not make an order in the case of any time worker under subsection (3) in respect of any such offence or failure as is mentioned in that subsection if—
- (a) the offence was committed or the failure occurred in relation to a week forming part of a cycle of weeks (not exceeding four) during which the time worked by that worker in a week was different in different weeks ; and
  - (b) the total remuneration paid to that worker in respect of the total time worked by him during the cycle was not less than the aggregate of the statutory minimum remuneration provided for him by the relevant order under section 14 in respect of the time worked in the constituent weeks of the cycle.
- (6) Evidence of any such failure as is mentioned in subsection (3) may be given under that subsection only if notice of intention to adduce such evidence has been served with the summons or warrant.
- (7) The powers given by this section 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.
- (8) Any reference in this section, in relation to a worker, to remuneration or statutory minimum remuneration in respect of a week shall be construed as a reference to remuneration or statutory minimum remuneration in respect of the following, namely—
- (a) in the case of a time worker, time worked by the worker in that week ; and
  - (b) in the case of a piece worker—
    - (i) work executed by the worker in that week, and
    - (ii) any such time as is mentioned in section 15(4) occurring during that week.
- (9) In the application of this section to Scotland—
- (a) in subsection (3), the words ", or any other person charged as a person to whose act or default the offence was due," shall be omitted ; and
  - (b) in subsection (6), for " summons or warrant" there shall be substituted " complaint ".

## 17 Computation of remuneration

- (1) For the purpose of determining, for the purposes of this Part, the amount of remuneration paid to a time worker by his employer in respect of time worked by the worker in any week there shall be added together—
- (a) the total amount of any money payments made by the employer to the worker, on or before the relevant pay day, by way of remuneration in respect of time worked by him in that week, and
  - (b) the total amount of any deductions made by the employer (whether in accordance with Part I or not) when making the payment of wages which consisted of or included those money payments, apart from deductions falling to be left out of account under this paragraph by virtue of subsection (2),
- and then, from the aggregate of those amounts, there shall be subtracted the aggregate of—
- (i) the worker's necessary expenditure in connection with his employment to the extent that such expenditure consists of payments to persons other than the employer, is attributable to that week and is not met, or designed to be met, by an allowance paid to him by the employer, and
  - (ii) the total amount of any payments received from the worker by the employer (whether in accordance with Part I or not) and falling to be taken into account under this paragraph by virtue of subsection (3).
- (2) The following deductions shall be left out of account under subsection (1)(b), namely—
- (a) any deduction in respect of the worker's necessary expenditure in connection with his employment to the extent that the deduction is attributable to the week in question;
  - (b) any deduction in respect of the provision of living accommodation for the worker by the employer to the extent that the deduction exceeds any limit for the time being in force in relation to the worker by virtue of section 14(1)(c), and
  - (c) subject to subsection (4), any other deduction made by the employer for his own use and benefit (and accordingly not attributable to any amount paid or payable by him to any other person, or to any authority, on behalf of the worker).
- (3) The following payments by the worker shall be taken into account under subsection (1)(ii), namely—
- (a) any payment in respect of the worker's necessary expenditure in connection with his employment to the extent that the payment is attributable to the week in question;
  - (b) any payment due from the worker in that week in respect of the provision of living accommodation for him by the employer to the extent that the payment exceeds any limit for the time being in force in relation to the worker by virtue of section 14(1)(c), and
  - (c) subject to subsection (4), any other payment due from the worker in that week and retained by the employer for his own use and benefit (and accordingly not attributable to any amount paid or payable by him to any other person, or to any authority, on behalf of the worker).
- (4) Subsections (2)(c) and (3)(c) do not apply—

---

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

---

- (a) to deductions made or payments received by the employer on account of any of the following matters, namely—
  - (i) any conduct of the worker or any other event in respect of which he (whether together with any other workers or not) has any contractual liability,
  - (ii) any advance under an agreement for a loan or any advance of wages, or
  - (iii) the purchase by the worker of any shares or other securities or of any share in a partnership ; or
- (b) to deductions made or payments received by the employer on account of any goods or services supplied by the employer with the worker's prior agreement or consent to the extent that any such deductions or payments do not result in the employer recovering from the worker an amount exceeding the cost to the employer of supplying the goods or services in question ;

and accordingly any such deductions shall not be left out of account under subsection (1)(b) and any such payments shall not be taken into account under subsection (1)(ii).

- (5) For the purposes of subsection (4)(b) the cost to an employer of supplying any goods or services shall—
  - (a) where he supplies goods or services of the kind in question in the course of his business, be taken to be the amount which he would have obtained for the goods or services if they had been supplied in the course of that business; and
  - (b) in any other case, be taken to be the amount of expenditure incurred by the employer in connection with the supply by him of the goods or services.
- (6) The preceding provisions of this section shall apply to a piece worker as they apply to a time worker but as if, in subsection (1), any reference to remuneration in respect of time worked by the worker in any week were a reference to remuneration in respect of—
  - (a) work executed by him in any week, and
  - (b) any such time as is mentioned in section 15(4) that occurs during the week.

- (7) In this section—

" deduction " does not include any such deficiency in the payment of wages as is mentioned in section 8(3);

" money payment " means—

- (a) a payment in cash,
- (b) a payment by cheque or by a money or postal order issued by the Post Office, or
- (c) a payment (however effected) into any account kept with a bank or other institution ;

" relevant pay day ", in relation to any week of a worker's employment, means the day on which his remuneration in respect of that week is payable ;

" wages " has the same meaning as in Part I.

## **18 Apportionment of remuneration**

- (1) This section applies where—

---

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

---

- (a) in respect of part of the time worked by a time worker in any week (" the relevant period ") the worker is entitled to the statutory minimum remuneration provided for him by an order under section 14, and
    - (b) in respect of the remainder of the time worked by him in the week (" the remaining period ") the worker is not entitled to any such remuneration or is entitled to any such remuneration by virtue of another such order;
- and in this section any reference to the worker's computed remuneration is a reference to the amount of the remuneration paid to the worker in respect of the time worked by him in the week in question as determined in accordance with section 17.
- (2) Subject to subsections (3) to (5), the amount of the worker's computed remuneration that is to be attributed to either the relevant period or the remaining period for the purposes of this Part shall, if not apparent from the terms of the worker's contract, be the amount which bears to the total amount of the worker's computed remuneration the same proportion as the relevant period, or (as the case may be) the remaining period, bears to the total time worked by the worker in the week in question.
  - (3) Where any particular amount falling to be added or subtracted under section 17(1), as it applies to any week, is exclusively referable to the relevant period, the amount of the worker's computed remuneration to be attributed to that period for the purposes of this Part shall be determined by either—
    - (a) adding the unattributed balance of that particular amount to the amount to be attributed to that period in accordance with subsection (2) above, or
    - (b) subtracting the unattributed balance of that particular amount from the amount to be attributed to that period in accordance with that subsection,according to whether that particular amount falls to be added or subtracted under section 17(1); and a corresponding adjustment shall be made in the amount of the worker's computed remuneration to be attributed for the purposes of this Part to the remaining period.
  - (4) In subsection (3) " the unattributed balance ", in relation to the particular amount in question, means so much of that amount as is not taken into account for the purpose of determining the amount to be attributed to the relevant period in accordance with subsection (2).
  - (5) Where any particular amount falling to be added or subtracted under section 17(1), as it applies to any week, is exclusively referable to the remaining period, subsections (3) and (4) shall apply to any such particular amount as if—
    - (a) any reference to the relevant period were a reference to the remaining period ; and
    - (b) the reference in subsection (3) to the remaining period were a reference to the relevant period.
  - (6) The preceding provisions of this section shall apply to a piece worker as they apply to a time worker but as if—
    - (a) any reference to time worked by the worker in any week were a reference to work executed by him in any week ; and
    - (b) the word " work " were substituted for the word " period " wherever occurring;and for the purposes of those provisions as they apply to a piece worker in accordance with this subsection the worker shall be treated as executing work during any such time as is mentioned in section 15(4).



## *Enforcement*

### **19 Obligation to keep records etc.**

- (1) The employer of any workers to whom an order under section 14 applies shall keep such records as are necessary to show—
  - (a) whether or not the provisions of this Part are being complied with in relation to the payment of remuneration to those workers, and
  - (b) the amount of any deductions or payments made in the case of those workers in respect of the provision of living accommodation by the employer;and the records shall be retained by the employer for a period of 3 years beginning with the date of the payments or deductions in question.
- (2) The employer of any such workers shall post in the prescribed manner such notices as may be prescribed for the purpose of informing the workers—
  - (a) of any order under section 14, or proposal under paragraph 1 of Schedule 3, that affects them ; or
  - (b) of such other matters (if any) as may be prescribed.
- (3) Where any such workers are homeworkers, the employer shall notify them in the prescribed manner of the matters mentioned in subsection (2).
- (4) An employer who fails to comply with any of the requirements of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding the third level on the standard scale.

### **20 Officers**

- (1) The Secretary of State, with the approval of the Treasury as to numbers and salaries, may appoint officers to act for the purposes of this Part, and may, instead of or in addition to appointing any officers under this section, arrange with any government department that officers of that department shall act for those purposes.
- (2) When acting for the purposes of this Part any such officer shall, if so required, produce some duly authenticated document showing his authority so to act; and if it appears to any such officer that any person with whom he is dealing while so acting does not know that he is an officer acting for the purposes of this Part he shall identify himself as such to that person.
- (3) An officer acting for the purposes of this Part shall have power for the performance of his duties—
  - (a) to require the production of—
    - (i) wages sheets or other records of remuneration kept by an employer, or
    - (ii) records of payments made to homeworkers by persons giving out work, or
    - (iii) any other records such as are required by this Part to be kept by employers,and to inspect and examine those sheets or records and to copy any material part of them;
  - (b) to require any person giving out work and any homeworkeer 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 (as the case may

---

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

---

- be) of the persons from whom work is received by the homeworker, and with respect to the payments made or to be made for the work ;
- (c) where the officer has reasonable cause to believe that an order under section 14 applies to any employer, at all reasonable times to enter any premises at which that employer carries on his business (including any place used, in connection with that business, for giving out work to homeworkers, 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 homeworkers kept by an employer or person giving out work to homeworkers;
- (e) to examine (either alone or in the presence of any other person, as he thinks fit) with respect to any matters under this Part any person whom he has reasonable cause to believe to be or to have been—
- (i) a worker to whom an order under section 14 applies or applied, or
  - (ii) the employer of any such person, or
  - (iii) a servant or agent of any such 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 paragraph (e) to give any information tending to incriminate that person or, if married, that person's spouse.
- (4) Where an officer acting for the purposes of this Part has reasonable cause to believe that an order under section 14 applies to an employer, he may, for the purpose of, or in connection with, the enforcement of that order, by notice in writing require the employer to furnish him with such information as may be specified or described in the notice; and any such notice—
- (a) may specify the way in which, and the time within which, it is to be complied with; and
  - (b) may be varied or revoked by a subsequent notice under this subsection.
- (5) In England or Wales, an officer acting for the purposes of this Part may institute proceedings for any offence under this Part and may, although not a barrister or solicitor, conduct any such proceedings.
- (6) An officer acting for the purposes of this Part and being authorised in that behalf by general or special directions of the Secretary of State may, if it appears to him that a sum is due from an employer to a worker on account of the payment to the worker of an amount of remuneration less than the statutory minimum remuneration provided for him by an order under section 14, institute on behalf of and in the name of the worker civil proceedings for the recovery of that sum; and in any such proceedings the court may make an order for costs (or, in Scotland, expenses) to be paid by the officer as if he were a party to the proceedings.
- (7) The power conferred by subsection (6) 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.

## **21 Offences in connection with enforcement of Part II**

- (1) Any person who—

- (a) makes, or knowingly either causes or allows to be made, in a record required by this Part to be kept by employers any entry which he knows to be false in a material particular, or
- (b) for purposes connected with the preceding provisions of this Part produces or furnishes, or knowingly either causes or allows to be produced or furnished, any wages sheet, record, list or information which he knows to be false in a material particular,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding the fifth level on the standard scale.

(2) Any person who—

- (a) intentionally obstructs an officer acting for the purposes of this Part of this Act in the exercise of any power conferred by section 20, or
- (b) fails to comply with any requirement of such an officer made in the exercise of any such power,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding the third level on the standard scale ; but it shall be a defence for a person charged under this subsection with failing to comply with a requirement to prove that it was . not reasonably practicable to do so.

- (3) Any person who, in purported compliance with a requirement of a notice under section 20(4), knowingly or recklessly makes any statement which is false in a material particular shall be guilty of an offence and liable on summary conviction to a fine not exceeding the fifth level on the standard scale.

*Miscellaneous and supplemental*

**22 Application of Part II to superior employers: liability of employers and others in respect of offences**

(1) Where—

- (a) the immediate employer of a worker is himself in the employment of some other person; and
- (b) the worker is employed on the premises of that other person,

that other person shall be deemed for the purposes of this Part to be the employer of the worker jointly with the immediate employer.

- (2) Where the commission by any person of an offence under section 16(2) or 19(4) is due to the act or default of some other person, that other person shall be guilty of the offence; and a person may be charged with and convicted of the offence by virtue of this subsection whether or not proceedings are taken against the first-mentioned person.

- (3) In any proceedings for an offence under section 16(2) or 19(4) it shall be a defence for the person charged to prove that he exercised all due diligence and took all reasonable precautions to secure that the provisions of this Part, and of any relevant regulations or order made under it, were complied with by himself and by any person under his control.

### **23 Offences by bodies corporate**

- (1) Where an offence under this Part which has been 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 purporting to act in any such capacity, he as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of the body corporate are managed by its members, subsection (1) shall apply in relation 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.

### **24 Transitory provisions relating to existing wages councils and wages orders**

- (1) As from the date of the passing of this Act
  - (a) a wages council within the meaning of the Wages Councils Act 1979 shall not exercise any functions under that Act; and
  - (b) the following provisions of this section shall apply to any wages order in force on that date under section 14 of that Act (" an existing order ").
- (2) An existing order shall, subject to the following provisions of this section, continue in force until whichever is the later of the following times, namely—
  - (a) the end of the period of six months beginning with the date of the passing of this Act, and
  - (b) the end of the period of twelve months beginning with the date of the coming into force of the order,and shall so continue in force notwithstanding the repeal of that Act by section 12 of this Act.
- (3) If, before the later of those times, there comes into force an order made under section 14 of this Act by the wages council that made the existing order, the existing order shall cease to have effect at that time.
- (4) The Secretary of State may by order—
  - (a) provide for all or any of the provisions of any existing order to cease to have effect;
  - (b) restrict the operation of all or any of the provisions of any such order by reference to any matters or circumstances whatever.
- (5) As from the date of the passing of this Act nothing in any existing order shall apply to workers under the age of 21.

### **25 Regulations and orders made by Secretary of State under Part II**

- (1) The Secretary of State may make regulations for prescribing anything which by this Part is authorised or required to be prescribed.
- (2) Any power to make an order or regulations conferred on the Secretary of State by this Part shall be exercisable by statutory instrument.
- (3) A statutory instrument containing—
  - (a) an order made by the Secretary of State under section 13 (other than an order to which subsection (4) below applies) or under section 24(4), or

---

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

---

- (b) any regulations made by him under this Part,  
shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) No order to which this subsection applies shall be made by the Secretary of State unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.
- (5) Subsection (4) applies to an order under section 13 which—
- (a) abolishes a wages council, and
  - (b) does not direct that all or any of the workers previously within the scope of operation of that wages council shall be brought within the scope of operation of another wages council.
- (6) A draft of such an order which would, apart from the provisions of this subsection, be treated for the purposes of the Standing Orders of either House of Parliament as a hybrid instrument shall proceed in that House as if it were not such an instrument.
- (7) Any power conferred by this Part 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 Part as the date of publication.

## **26 Interpretation of Part II**

- (1) In this Part—

" employer ", in relation to a worker, means the person by whom the worker is (or, where the employment has ceased, was) employed;

" employers' association " means any organisation representing employers and any association of such organisations or of employers and such organisations;

" employment", in relation to a worker, means employment under his contract and " employed ", in relation to a worker, accordingly means employed under his contract;

" homeworker " means an individual who—

- (a) contracts with a person, for the purposes of that person's business, for the execution of work to be done in a place not under the control or management of the person with whom he contracts, and

- (b) does not normally make use of the services of more than two individuals in the carrying out of contracts for the execution of work in relation to which statutory minimum remuneration is provided by any order under section 14 ;

" organisation ", in relation to workers, means a trade union and, in relation to employers, means an employers' association;

" piece rate " means a rate where the amount of a worker's remuneration is to be calculated by reference to the number of items of work executed either by him alone or by a number of workers of whom he is one, and " piece worker " means a worker whose contract provides for the remuneration payable to him in respect of work executed by him to be calculated only by reference to one or more such rates ;

" prescribed " means prescribed by regulations made by the Secretary of State;

---

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

---

" time worker " means a worker other than a piece worker (whether the worker's remuneration is determined by reference to the actual number of hours worked by him or not);

" wages council" (except where the context requires otherwise) means such a wages council as is mentioned in section 12(1)(a);

" week " means—

(a) in relation to a worker whose remuneration is calculated weekly by a week ending with a day other than Saturday, a week ending with that other day; and

(b) in relation to any other worker, a week ending with Saturday;

" worker " means (subject to subsection (2)) an individual who—

(a) has entered into or works under (or, where the employment has ceased, worked under) one of the contracts referred to in section 8(2), or

(b) whether or not he falls within paragraph above, is a homeworker,

and any reference to a worker's contract shall be construed as a reference to any such contract as is referred to in paragraph (a) above or, in the case of a home-worker, to the contract by virtue of which he is a homeworker.

(2) In this Part " worker " does not include an individual who is wholly employed otherwise than for the purposes of the business of the person employing him.

(3) Notwithstanding section 14(3)—

(a) where a worker is employed partly for the purposes of his employer's business and partly not, nothing in any order under section 14 shall apply to the worker in his employment otherwise than for the purposes of that business, and

(b) where a worker is employed for the purposes-of his employer's business both in an employment to which an order under section 14 applies and in one to which that order does not apply, nothing in that order shall apply to the worker in the second of those employments.

(4) References in this Part to the statutory minimum remuneration provided for a worker by an order under section 14 shall—

(a) in relation to a time worker, be construed in accordance with subsection (4) of that section, and

(b) in relation to a piece worker, be construed in accordance with section 15.