

1987 No. 1852

WAGES COUNCILS

The Wages Councils (Notices) (No. 2) Regulations 1987

<i>Made - - - -</i>	<i>23rd October 1987</i>
<i>Laid before Parliament</i>	<i>3rd November 1987</i>
<i>Coming into force</i>	<i>25th November 1987</i>

The Secretary of State, in exercise of the powers conferred on him by sections 19(2) and (3) and 25 of and paragraphs 1 and 2 of Schedule 3 to the Wages Act 1986(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Wages Councils (Notices) (No. 2) Regulations 1987 and shall come into force on 25th November 1987.

(2) The Wages Councils (Notices) Regulations 1987 (b) are hereby revoked.

Interpretation

2. In these Regulations, "the Act" means the Wages Act 1986.

Publication of notices of proposal to make an order

3.—(1) Before making an order under section 14 of the Act a wages council shall publish notice of any rate or limit which the council proposes to fix under subsection (1) of that section, and, subject to paragraph (2) that notice shall be published in the London and Edinburgh Gazettes.

(2) Where the issue of the London or Edinburgh Gazette in which the notice was expected to appear does not contain the notice, or where the council has reason to believe that the issue of the London or Edinburgh Gazette in which it wishes the notice to appear will not be published or will be published late, the council may publish the notice in an English national daily newspaper instead of the London Gazette or, as the case may be, in a Scottish national daily newspaper instead of the Edinburgh Gazette.

(3) The date to be taken for the purposes of the Act as the date of publication of a notice to which paragraph (1) refers shall be the first or only date on which the notice is published in England and Scotland or, if the notice is published on different dates in those countries, the date on which it is first published in the country in which it is published second.

Notice to employers of proposals

4.—(1) A wages council shall send to every employer appearing to the council to be affected by proposals it has made under paragraph 1 of Schedule 3 to the Act a notice fulfilling the requirements of paragraphs (2) and (3) below.

(a) 1986 c.48.
(b) S.I. 1987/863.

- (2) The notice referred to in paragraph (1) shall—
- (a) set out the contents of the notice referred to in regulation 3;
 - (b) state the date from which the council intends its proposals to come into force;
 - (c) state the place where further copies of the proposals may be obtained;
 - (d) state the period, being a period of not less than 28 days beginning with the date of publication of the notice referred to in regulation 3, within which written representations with respect to the proposals may be sent to the council;
 - (e) state that the order will not apply to workers under the age of 21.
- (3) (a) Subject to sub-paragraph (b), the notice referred to in paragraph (1) shall also give short and, so far as practicable having regard to that requirement, legally accurate explanations of—
- (i) the way in which any rate or limit which will have effect (or continue to have effect) if an order implementing the proposals is made, will apply to time workers under section 14(1) and (2) of the Act and, where the council operates in relation to piece workers, to piece workers under sections 14(3) and 15(1) and (2) of the Act;
 - (ii) the effect of section 14(5) of the Act and, where the council operates in relation to piece workers, of section 15(4) of the Act on the way in which any such rate will apply to time to which that section or those sections apply, specifying separately, where the council operates in relation to homeworkers who are time workers, the effect of section 14(5) in relation to those workers and, where the council operates in relation to homeworkers who are piece workers, the effect of section 15(4) in relation to those workers;
 - (iii) the requirement on employers contained in regulation 6(1) to post notices and, where the council operates in relation to homeworkers, the requirement on employers under regulation 6(2) to send notices.
- (b) No explanation as required by sub-paragraph (i) of paragraph (3)(a) shall be given where—
- (i) the council does not operate in relation to any piece workers; and
 - (ii) no limit will have effect if an order implementing the proposals is made.

Notice to employers of orders made under section 14 of the Act.

5. As soon as a wages council has made an order under section 14 of the Act, the council shall send to every employer appearing to the council to be affected thereby a notice which, in addition to stating that the order has been made and describing its contents—

- (a) states that the order does not apply to workers under the age of 21;
- (b) contains explanations of the matters specified in paragraph (3)(a)(i), (ii) and (iii) of regulation 4 being explanations which, in relation to the matters specified in paragraph 3(a)(i), reflect where appropriate the exception in paragraph 3(b) of regulation 4, and which, in relation to the matters specified in paragraph 3(a)(i) and (ii), are framed by reference to the application of any rate or limit which has effect but otherwise comply with the requirements of paragraph 3(a);
- (c) where the order amends or partially revokes a previous order made by the council, contains particulars of the matters previously in force left unaffected by the amendment or revocation and indicates the matters amended or revoked.

Posting and sending of notice by employers.

6.—(1) An employer of any workers who are affected by any proposal under paragraph 1 of Schedule 3 to the Act, or order under section 14 of the Act, shall, on receipt of the notice referred to in regulation 4(1) or the notice referred to in regulation 5, post up and keep posted up at any place of business of his where any such workers work clear copies of the notice in such positions and numbers as will ensure that a copy can easily be seen and read by each such worker.

(2) An employer of any homeworker affected by any proposal under paragraph 1 of Schedule 3 to the Act, or order under section 14 of the Act, shall, on receipt of the notice referred to in regulation 4(1) or the notice referred to in regulation 5, send to each such homeworker at his last known address, a clear copy of that notice.

Signed by order of the Secretary of State.

23rd October 1987

Patrick Nicholls
Parliamentary Under Secretary of State,
Department of Employment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations require a wages council proposing to make an order under the Wages Act 1986 to publish notice of the proposals in the London and Edinburgh Gazettes and to send employers notice of the proposals and notice of the provisions of an order once it is made. The Regulations prescribe matters which must be contained in the notices and require employers to post copies of the notices sent to them at workplaces so that the notices can be read by workers affected and to send copies of the notices to homeworkers affected.

The Regulations revoke the Wages Councils (Notices) Regulations 1987.