

**1973 No. 1840****COUNTER-INFLATION****The Counter-Inflation (Construction Returns)****Order 1973***Made*            -       -       -                    *2nd November 1973**Coming into Operation*                    *7th November 1973*

The Secretary of State in exercise of the powers conferred on him by section 15(2)(a) and (3) of the Counter-Inflation Act 1973(a), and of all other powers enabling him in that behalf, hereby makes the following Order:—

*Citation, commencement and interpretation*

**1.**—(1) This Order may be cited as the Counter-Inflation (Construction Returns) Order 1973 and shall come into operation on 7th November 1973.

(2) In this Order—

(a) “the Act” means the Counter-Inflation Act 1973;

“an agreement for the performance of labour” means any arrangement, not being a contract of service or apprenticeship, made between an employer and any other person or persons whereby the personal services (including any incidental use of tools) of such person or persons, or of any other person or persons, are made available to the employer in the course of his trade or business;

“the Board” means the Pay Board established under section 1 (1) of the Act.

(b) References to the construction of buildings or any works include references to the alteration or extension of, or of a part of, a building or any works, and references to fixed works of construction or civil engineering include references to an airfield, a railway, a road or a tunnel and to all kinds of fixed plant.

(3) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

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(a) 1973 c.9.

(b) 1889 c.63.

*Return in respect of major construction projects*

2.—(1) Subject to the provisions of this Article, this Article applies to any work in the furtherance of a project, being work which is being or is to be carried on in the United Kingdom in the construction of buildings or other fixed works of construction or civil engineering (including any combination of the aforementioned) where the estimated total cost of the work included in the project is £15,000,000 or more.

(2) Subject to paragraph (3) of this Article, any person at whose expense work to which this Article applies is being, or is to be, carried out shall furnish to the Board a return containing the name and address of any person (hereinafter called a “main contractor”) to whom he issues or has issued any instruction to proceed with the execution of the whole or any part of such work, if the estimated total cost of the work undertaken or to be undertaken by the main contractor is £100,000 or more.

(3) The requirements of the preceding paragraph to furnish a return shall not apply to any case where the work undertaken by the main contractor has been completed before 10th December 1973.

(4) In estimating, for the purposes of this Article, the cost of constructing a building or any works, there shall be included among the items to be taken into account the cost of preparing the site for the building or works for the purpose of the construction, including the cost of demolition, and the cost of constructing on that site or on other land any ancillary works required, including works required for the purposes of providing any services, fences and means of access.

(5) Any work the cost of which is to be included among the items to be taken into account under paragraph (4) shall be treated as part of work to which this Article applies.

(6) In estimating, for the purposes of this Article, the cost of constructing a building or any works, there shall be left out of account the cost of the land on which the building or works including ancillary works are, or are to be situated.

(7) The time within which the requirements of this Article to furnish a return are to be complied with shall expire—

- (a) in a case where the relevant instruction was issued before the day on which this Order comes into operation, on 10th December 1973; and
- (b) in any other case on the expiry of the period of seven days from the day on which the relevant instruction was issued or on 10th December 1973 whichever is the later.

*Relevant pay weeks for, and work to which, Articles 4 and 5 apply*

3. For the purposes of Articles 4 and 5—

- (a) the relevant pay weeks are the employer's pay weeks which include 7th January 1974, 1st April 1974, 1st July 1974 and 30th September 1974; and
- (b) work to which the said Articles apply is manual labour (including driving and operating mechanical equipment) performed in the United Kingdom in connection with the construction, demolition, maintenance or repair of a building or of any other fixed works of construction or civil engineering.

*Quarterly general returns*

4.—(1) An employer who, on any day in any relevant pay week, employs 25 or more employees on work to which this Article applies shall, in respect of each such week, furnish to the Board a return containing the estimates and information specified in Schedule 1 to this Order.

(2) The time within which the requirements of this Article to furnish a return are to be complied with shall expire on the expiry of the period of 28 days after the end of the relevant pay week.

*Quarterly site returns*

5.—(1) In addition to any return required under the preceding Article, an employer who, on any day in any relevant pay week, employs 100 or more employees on work to which this Article applies on any site located in the United Kingdom shall in respect of that week furnish to the Board a return containing the estimates and information specified in Schedule 2 to this Order for each such site on which he employs 100 or more employees as aforesaid.

(2) The time within which the requirements of this Article to furnish a return are to be complied with shall expire on the expiry of the period of 28 days after the end of the relevant pay week.

*Manner of furnishing return*

6.—(1) A return required to be furnished under this Order shall be furnished in writing and be signed by, or on behalf of, the person from whom it is required.

(2) A return under this Order shall not be deemed to have been furnished until it is received at the offices of the Board.

Signed by order of the Secretary of State.

2nd November 1973.

*R. Chichester-Clarke*  
Minister of State,  
Department of Employment.

## Article 4

## SCHEDULE 1

## ESTIMATES AND INFORMATION TO BE CONTAINED IN THE RETURN UNDER ARTICLE 4

1. The name and address of the employer by whom or on whose behalf the return is furnished;
2. the relevant pay week in respect of which the return is furnished;
3. (a) the number of employees of each of the following descriptions employed in the relevant pay week—
  - (i) bricklayers,
  - (ii) carpenters or joiners,
  - (iii) electricians,
  - (iv) painters or decorators,
  - (v) plasterers,
  - (vi) plumbers or pipe fitters,
  - (vii) other craftsmen,
  - (viii) mechanical equipment drivers or operators,
  - (ix) scaffolders or staggers,
  - (x) steel erectors,
  - (xi) steel benders or fixers,
  - (xii) other employees (including labourers) employed on work to which Article 4 applies;
- (b) an estimate of the number of persons of each of the above descriptions performing work under agreements for the performance of labour during the relevant pay week;
- (c) the total number of hours worked by employees of each of the above descriptions in the relevant pay week;
- (d) an estimate of the total number of hours worked by persons of each of the above descriptions in the relevant pay week under agreements for the performance of labour;
- (e) the total gross remuneration paid or to be paid by the employer to employees of each of the above descriptions in respect of work performed in the relevant pay week;
- (f) an estimate of the total gross remuneration payable (whether by the employer or otherwise) to persons of each of the above descriptions in respect of work performed in the relevant pay week under agreements for the performance of labour.

## Article 5

## SCHEDULE 2

## ESTIMATES AND INFORMATION TO BE CONTAINED IN THE RETURN UNDER ARTICLE 5

1. The name and address of the employer by whom or on whose behalf the return is furnished;
2. the relevant pay week in respect of which the return is furnished;
3. the address and description of each site in respect of which the return is furnished;
4. in respect of each site:—
  - (a) the number of employees of each of the following descriptions employed in the relevant pay week—
    - (i) bricklayers,
    - (ii) carpenters or joiners,
    - (iii) electricians,
    - (iv) painters or decorators,
    - (v) plasterers,
    - (vi) plumbers or pipe fitters,
    - (vii) other craftsmen,
    - (viii) mechanical equipment drivers or operators,
    - (ix) scaffolders or staggers,
    - (x) steel erectors,
    - (xi) steel benders or fixers,
    - (xii) other employees (including labourers) employed on work to which Article 5 applies;
  - (b) an estimate of the number of persons of each of the above descriptions performing work under agreements for the performance of labour during the relevant pay week;
  - (c) the total number of hours worked by employees of each of the above descriptions in the relevant pay week;
  - (d) an estimate of the total number of hours worked by persons of each of the above descriptions in the relevant pay week under agreements for the performance of labour;
  - (e) the total gross remuneration paid or to be paid by the employer to employees of each of the above descriptions in respect of work performed in the relevant pay week;
  - (f) an estimate of total gross remuneration payable (whether by the employer or otherwise) to persons of each of the above descriptions in respect of work performed in the relevant pay week under agreements for the performance of labour.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order makes provision, under section 15 of the Counter-Inflation Act 1973, for returns to be made to the Pay Board in specified circumstances by persons at whose expense construction work is undertaken and in other specified circumstances by employers in the construction industry. Developers of a project the estimated total cost of which is £15,000,000 or more must make a return giving the name of any contractor to whom they have issued an instruction to proceed with work on the project where the estimated total cost of the work involved is £100,000 or more. Employers of 25 or more employees engaged in manual labour in connection with construction activities must make quarterly returns giving details about the remuneration of those employees and other operatives so engaged and employers who have 100 or more such employees on any site must make an additional quarterly return giving similar details about their employees and other operatives so engaged on each such site.

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