

1973 No. 663

COUNTER-INFLATION

The Counter-Inflation (Returns and Records of Remuneration)

Order 1973

Made - - - 1st April 1973

Coming into Operation 8th April 1973

The Secretary of State in exercise of the powers conferred on him by section 15(2)(a) and (b) 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 (Returns and Records of Remuneration) Order 1973 and shall come into operation on 8th April 1973.

(2) In this Order—

“the Act” means the Counter-Inflation Act 1973;

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

“employee” means an individual who has entered into or works under a contract with an employer, whether the contract be for manual labour, clerical work or otherwise, be expressed or implied, oral or in writing, and whether it be a contract of service or of apprenticeship, and cognate expressions shall be construed accordingly;

“increase in remuneration” includes any improvement in terms or conditions of employment;

“payment”, in relation to an increase in remuneration, includes any method of implementing the increase and “payable” shall be construed accordingly;

“remuneration”, in relation to an employee, includes any benefit, facility or advantage, whether in money or otherwise, provided by the employer or by some other person under arrangements with the employer, whether for the employee or otherwise, by reason of the fact that the employer employs that employee, but excluding any payment which the employer is required to make by or under any enactment.

(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.

(a) 1973 c. 9.

(b) 1889 c. 63.

Returns

2.—(1) An employer of employees whose work is performed wholly or substantially within the United Kingdom or on British ships or aircraft shall, as respects increases in remuneration to which this Article applies, furnish to the Board returns containing the estimates and information specified in Schedule 1 to this Order.

(2) Except as provided in paragraph (3) below, this Article applies to:—

- (a) increases in remuneration of which notice is required to be given to the Board under Article 2 of the Counter-Inflation (Notification of Increases in Remuneration) Order 1973^(a) (obligation to notify increases in remuneration relating to 1000 or more employees); and
- (b) increases in remuneration (not falling within sub-paragraph (a) of this paragraph) in respect of which the first payment which implements the increase has been or is made after 6th November 1972 and which have been determined in relation to 100 or more employees, whether or not all employed by one employer.

(3) This Article shall not apply to increases in remuneration which have been approved by procedures established under Schedule 2 to the Act or which have been determined in relation only to employees whose remuneration has been restricted by an order or notice made or given under section 7 of the Act and which is in force.

(4) The time within which the requirements of this Article to furnish a return as respects any increase in remuneration are to be complied with, shall expire—

- (a) in a case to which paragraph (2)(a) of this Article applies, on the day on which notice of the increase in remuneration is given to the Board under Article 2 of the Counter-Inflation (Notification of Increases in Remuneration) Order 1973; and
- (b) in a case to which paragraph 2(b) of this Article applies—
 - (i) where the first payment which implements the increase has been made before the coming into operation of this Order, on the expiry of the period of seven days from the date on which this Order comes into operation; or
 - (ii) where the first payment which implements the increase is made after the coming into operation of this Order, on the expiry of the period of seven days from the day on which that payment is made.

Manner of furnishing return

3.—(1) A return required to be furnished under Article 2 of this Order shall be furnished by or on behalf of the employer in writing and be signed by him or on his behalf.

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

(3) A return required to be furnished by an employer under Article 2 of this Order may be furnished on his behalf by an organisation of employers and one return may be furnished by such an organisation on behalf of more than one employer in respect of the same increases in remuneration.

(a) S.I. 1973/662 (1973 I, p. 2143).

Records to be kept

4.—(1) This Article applies to any person carrying on a business who employs 10 or more employees at any one time whose work is performed wholly or substantially within the United Kingdom or on British ships or aircraft.

(2) A person to whom this Article applies shall keep records containing the information specified in Schedule 2 to this Order and such records shall be retained by the person who kept them for twelve months.

Signed by order of the Secretary of State.

1st April 1973.

R. Chichester-Clark,
Minister of State,
Department of Employment.

SCHEDULE 1

Article 2

INFORMATION AND ESTIMATES TO BE CONTAINED IN THE RETURN

1. The name and address of the employer or employers by whom or on whose behalf the return is furnished.

2. Where the increase in remuneration counts against the pay limit in accordance with the code, the following particulars as used for the purpose of determining the increase in accordance with the code as respects each group of employees concerned:—

- (a) description of group;
- (b) number in group at date of return;
- (c) operative dates of the last principal increase and any subsequent increases for the group, or each part of the group, being increases which were determined under the same or substantially the same arrangements as the increase which is the subject of the return;
- (d) operative date or dates of the increase which is the subject of the return and the date on which it was determined;
- (e) estimate of the pay limit for the twelve months immediately after the first operative date of the increase which is the subject of the return, and the information and calculations on which it is based;
- (f) estimate of the amount, being an amount to be counted against the pay limit, by which the total remuneration of the group during the said twelve months will be increased as a result of the increase which is the subject of the return, and the information and calculations on which the estimate is based;
- (g) information or estimates (as the case may require) of any other increase for the group, or any part of the group, which are, or are likely, to become operative at any time in the said twelve months and which count against the pay limit;
- (h) estimate of the largest amount by which the total remuneration of any individual in the group will be increased during the said twelve months as a result of the increase which is the subject of the return and any increase under (g) above.

3. Where the increase in remuneration does not count against the pay limit in accordance with the code, the following particulars:—

- (a) classes or descriptions of employees concerned;
- (b) numbers of employees concerned;
- (c) particulars of the increase including the operative date or dates;
- (d) statement of reasons why the increase is considered not to count against the pay limit.

Article 4

SCHEDULE 2

INFORMATION TO BE CONTAINED IN RECORDS

In respect of each employee, his terms and conditions of employment, the amounts and dates of payments of his remuneration and how those amounts were made up.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes provision under section 15 of the Counter-Inflation Act 1973 requiring, in the cases specified in the Order, the furnishing by employers of returns to the Pay Board containing the estimates and information specified in the Order as respects increases in the remuneration of employees. The Order specifies the way in which and the time within which this provision of the Order is to be complied with.

The Order also makes provision under section 15 of the 1973 Act requiring, in the cases specified in the Order, the keeping of records of the terms and conditions of employment and remuneration of employees and the retention of the records.

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