

## SCHEDULES

### SCHEDULE 1

Section 11.

#### ENACTMENTS REPEALED BY SECTION 11

- The [Truck Act 1831 \(c.37\)](#).
- The [Hosiery Manufacture \(Wages\) Act 1874 \(c.48\)](#).
- The [Payment of Wages in Public-houses Prohibition Act 1883 \(c.31\)](#).
- Sections 12 and 13 of the [Stannaries Act 1887 \(c.43\)](#).
- The [Truck Amendment Act 1887 \(c.46\)](#).
- Sections 12 to 14 of the [Coal Mines Regulation Act 1887 \(c.58\)](#).
- The [Coal Mines \(Check Weigher\) Act 1894 \(c.52\)](#).
- The [Truck Act 1896 \(c.44\)](#).
- The [Shop Clubs Act 1902 \(c.21\)](#).
- The [Coal Mines \(Weighing of Minerals\) Act 1905 \(c.9\)](#).
- The [Checkweighing in Various Industries Act 1919 \(c.51\)](#).
- The [Truck Act 1940 \(c.38\)](#).
- Section 51(2) of the [Mines and Quarries Act 1954 \(c.70\)](#).
- The [Payment of Wages Act 1960 \(c.37\)](#).
- Sections 135 and 135A of the [Factories Act 1961 \(c.34\)](#).

### SCHEDULE 2

Section 12(4).

#### CONSTITUTION ETC. OF WAGES COUNCILS

- 1 A wages council shall consist of—
  - (a) such numbers of persons appointed to represent employers and workers respectively as may be specified in relation to the council by the Secretary of State ; and
  - (b) not more than 5 persons appointed by the Secretary of State as being independent persons.
- 2 (1) Subject to sub-paragraph (4), the persons appointed under paragraph 1(a) shall be appointed as follows, namely—
  - (a) those appointed to represent employers shall be appointed by one or more employers' associations for the time being nominated for the purposes of this paragraph by the Secretary of State ; and
  - (b) those appointed to represent workers shall be appointed by one or more trade unions (within the meaning of the Trade Union and Labour Relations Act 1974) for the time being so nominated ;

and in this Schedule references to the nominated body or bodies in relation to any appointment in pursuance of paragraph (a) or (b) above are references to the body or bodies falling within that paragraph.

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- (2) Unless it appears to the Secretary of State to be inappropriate in all the circumstances for this sub-paragraph to apply to the wages council—
- (a) the employers' association nominated by him for the purposes of sub-paragraph (1)(a), or
  - (b) where two or more employers' associations are so nominated, at least one of those associations,
- shall be an employers' association appearing to him to be representative of small businesses within the scope of operation of the wages council.
- (3) On making an appointment in pursuance of sub-paragraph (1)(a) or (b) the nominated body or bodies shall inform the secretary of the wages council in writing of that appointment.
- (4) If for any reason there is a deficiency in the number of persons appointed to a wages council in pursuance of sub-paragraph (1)(a) or (b), the Secretary of State shall, after consulting such persons or organisations as he thinks fit, appoint on behalf of the nominated body or bodies such number of persons to represent employers or (as the case may be) workers as will remedy that deficiency.
- 3       Of the independent persons appointed under paragraph 1(b) one shall be appointed by the Secretary of State to act as chairman, and another may be appointed by the Secretary of State to act as chairman in the absence of the chairman.
- 4       The Secretary of State may appoint a secretary for a wages council and such other officers as he thinks fit.
- 5       The proceedings of a wages council shall not be invalidated by any vacancy among the members or by any defect in the appointment of a member.
- 6       (1) A wages council may delegate any of its functions, other than the power to make orders under section 14, to a committee or sub-committee consisting of such number of members of the council as the council thinks fit.
- (2) On any such committee or sub-committee there shall be an equal number of members representing employers and workers respectively.
- 7       The Secretary of State may make regulations as to the meetings and procedure of a wages council and of any committee or subcommittee of such a council, including regulations as to the quorum and the method of voting; but, subject to the provisions of this Part of this Act and to any regulations under this paragraph, a wages council and any committee or sub-committee of such a council may regulate its procedure in such manner as it thinks fit.
- 8       (1) a member of a wages council shall hold and vacate office in accordance with the terms of his appointment, but a member shall not be appointed to hold office for more than 3 years at a time.
- (2) Where the term of office of any members of a wages council comes to an end before their successors are appointed, then, unless—
- (a) in the case of members appointed in pursuance of paragraph 2(1)(a) or (b), the nominated body or bodies directs or direct otherwise, or
  - (b) in the case of members appointed by the Secretary of State,
- the Secretary of State directs otherwise, those members shall continue in office until the new appointments take effect.
- 9       The Secretary of State may pay—

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- (a) to the members of a wages council appointed by him under paragraph 1(b) such remuneration, and
- (b) to any member of a wages council such travelling and other allowances, as the Secretary of State may determine with the consent of the Treasury.

### SCHEDULE 3

Section 14(9).

#### WAGES ORDERS : SUPPLEMENTARY PROVISIONS

##### *Preliminary inquiries and notices*

- 1 (1) Before making an order under section 14 a wages council shall make such inquiries as it thinks fit and shall—
- (a) publish in the prescribed manner notice of any rate or limit which the council proposes to fix under subsection (1) of that section (whether for the first time or in substitution for any existing rate or limit); and
  - (b) give the prescribed notice for the purpose of informing, so far as practicable, all persons affected by the council's proposals, stating the place where copies of the proposals may be obtained and the period within which written representations with respect to the proposals may be sent to the council, being a period of not less than 28 days beginning with the date of publication of the notice.
- (2) Once the council has considered any written representations made with respect to the proposals within the period referred to in sub-paragraph (1)(b) and made any further inquiries which the council considers necessary, or once that period has ended without any such representations being so made, the council may—
- (a) make an order under section 14 giving effect to the proposals ; or
  - (b) make such an order giving effect to the proposals with such modifications as the council thinks fit having regard to any such representations.
- (3) Sub-paragraph (2)(b) is without prejudice to section 14(6).

##### *Publication of notice of making of order*

- 2 As soon as a wages council has made an order under section 14 it shall publish in the prescribed manner notice of the making and contents of the order and shall then and subsequently so publish notice of such other matters affecting the operation of the order as may be prescribed.

##### *Coming into operation of orders*

- 3 (1) Subject to sub-paragraph (2), any such order shall come into force on such date as may be specified in the order, being a date falling not less than 28 days after the date when it is made. (2) Where
- (a) any such order applies to any worker whose remuneration is paid at intervals not exceeding seven days, and
  - (b) the date specified by virtue of sub-paragraph (1) does not correspond with the beginning of any period for which his remuneration is so paid,

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the order shall have effect in relation to that worker as from the beginning of the next such period following the date so specified.

*Proof of orders*

- 4 A document purporting to be a copy of an order made by a council under section 14 and to be signed by the secretary of the council shall be taken to be a true copy of the order unless the contrary is proved.

SCHEDULE 4

Section 32(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

*COAL MINES REGULATION ACT 1908 (c.57)*

- 1 In section 2 (register of times of descent and ascent), subsection (2) shall be omitted.
- 2 In section 8 (application of Act etc.), for subsection (1) substitute—
- “(1) The mines to which the Act applies are mines of coal, mines of stratified ironstone, mines of shale and mines of fireclay.”

*MINES AND QUARRIES ACT 1954 (c.70)*

- 3 In section 187(2) (application of Part XIV of that Act to certain enactments), for " the said Acts " substitute " the Coal Mines Regulation Act 1908 " .

*ATTACHMENT OF EARNINGS ACT 1971 (c.32)*

- 4 In Part I of Schedule 3 (scheme of deductions), for paragraph 3(c) substitute—
- “(c) amounts deductible under any enactment, or in pursuance of a request in writing by the debtor, for the purposes of a superannuation scheme, namely any enactment, rules, deed or other instrument providing for the payment of annuities or lump sums—
- (i) to the persons with respect to whom the instrument has effect on their retirement at a specified age or on becoming incapacitated at some earlier age, or
- (ii) to the personal representatives or the widows, relatives or dependants of such persons on their death or otherwise, whether with or without any further or other benefits.”

*HOUSE OF COMMONS DISQUALIFICATION ACT 1975 (c.24)*

- 5 In Part III of Schedule 1 (other disqualifying offices), for the first entry beginning " Member of a Wages Council" substitute—
- “Member of a Wages Council appointed under paragraph 1(b) of Schedule 2 to the Wages Act 1986.”

*NORTHERN IRELAND ASSEMBLY DISQUALIFICATION ACT 1975 (c.25)*

- 6 In Part III of Schedule 1 (other disqualifying offices), for the first entry beginning " Member of a Wages Council" substitute—  
 “Member of a Wages Council appointed under paragraph 1(b) of Schedule 2 to the Wages Act 1986.”

*EMPLOYMENT PROTECTION (CONSOLIDATION) ACT 1978 (c.44)*

- 7 In section 18(2) (exemption orders), for paragraph (a) substitute—  
 “(a) section 14 of the Wages Act 1986 ;”.
- 8 In section 108(1)(a) (references etc. to tribunal relating to payments out of Redundancy Fund), after " payment" insert "and the payment is a qualifying payment within the meaning of section 104A ".
- 9 In section 133(1) (general provisions as to conciliation officers) after paragraph (d) insert “; or  
 (e) arising out of a contravention, or alleged contravention, of section 1(1) or (2) or section 2(1) or 3(4) of the Wages Act 1986.”.
- 10 In section 136(1) (appeals to Employment Appeal Tribunal), after paragraph (e) insert—  
 “(f) the Wages Act 1986.”.
- 11 In section 153(1) (interpretation), in the definition of " employer™s payment", for " (a), (b) or (c)" substitute " (a) or (b)".

## SCHEDULE 5

Section 32(2).

**PART I**

REPEALS COMING INTO FORCE IN ACCORDANCE WITH S.33(3)

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
1975 c. 71.	Employment Protection Act 1975.	Section 104. Section 105(4) and (5).
1978 c. 44.	Employment Protection (Consolidation) Act 1978.	In section 104(2), the words " or paragraph (c) ". In section 106(2)(c), the words " or paragraph (c) ". Section 113. In Schedule 6, in paragraph 6, the words " or paragraph (c)", and in paragraph 7(a) the words from " or (as " to " that subsection ".

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<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
1982 c. 2.	Social Security (Contributions) Act 1982.	In Schedule 16, paragraph 23(5). In Schedule 1, paragraph 2(2).

## PART II

REPEALS COMING INTO FORCE TWO MONTHS AFTER ROYAL ASSENT

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
1970 c. 41.	Equal Pay Act 1970.	Section 4.
1975 c. 71.	Employment Protection Act 1975.	In Part IV of Schedule 16, in paragraph 13(2) and (3) the figure " 4 ", and paragraph 13(6) to (11).
1979 c. 12.	Wages Councils Act 1979.	The whole Act.
1982 c. 23.	Oil and Gas (Enterprise) Act 1982.	In Schedule 3, paragraph 41.

## PART III

REPEALS COMING INTO FORCE ON A DAY APPOINTED UNDER S.33(5)

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
1831 c. 37.	Truck Act 1831.	The whole Act.
1874 c. 48.	Hosiery Manufacture (Wages) Act 1874.	The whole Act.
1883 c. 31.	Payment of Wages in Public-houses Prohibition Act 1883.	The whole Act.
1887 c. 43.	Stannaries Act 1887.	Sections 12 and 13.
1887 c. 46.	Truck Amendment Act 1887.	The whole Act.
1887 c. 58.	Coal Mines Regulation Act 1887.	The whole Act.
1894 c. 52.	Coal Mines (Check Weigher) Act 1894.	The whole Act.
1896 c. 44.	Truck Act 1896.	The whole Act.
1902 c. 21.	Shop Clubs Act 1902.	The whole Act.
1905 c. 9.	Coal Mines Weighing of Minerals) Act 1905.	The whole Act.

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<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
1908 c. 57.	Coal Mines Regulation Act 1908.	Section 2(2).
1919 c. 51.	Checkweighing in Various Industries Act 1919.	The whole Act.
1940 c. 38.	Truck Act 1940.	The whole Act.
1951 c. 39.	Common Informers Act 1951.	In the Schedule, the entry-relating to the Hosiery Manufacture Wages) Act 1874.
1954 c. 70.	Mines and Quarries Act 1954.	Section 51(2). Section 185. In section 187(1), the words-from " the Coal Mines Regulation " to ", and of".
1960 c. 37.	Payment of Wages Act 1960.	The whole Act.
1961 c. 34.	Factories Act 1961.	Sections 135 and 135A.
1969 c. 48.	Post Office Act 1969.	In Schedule 4, paragraph 67.
1973 c. 38.	Social Security Act 1973.	Section 70.
1975 c. 20.	District Courts (Scotland) Act 1975.	In Schedule 1, paragraph 6.
1975 c. 21.	Criminal Procedure (Scotland) Act 1975.	In Schedule 7A, paragraph 2.
1977 c. 45.	Criminal Law Act 1977.	In Schedule 1, paragraph 2.
1980 c. 43.	Magistrates' Courts Act 1980.	In Schedule 1, paragraph 17.
1982 c. 24.	Social Security and Housing Benefits Act 1982.	Section 23A(2).

## SCHEDULE 6

Section 32(3).

### TRANSITIONAL PROVISIONS AND SAVINGS

#### *Members and officers of wages councils*

- 1 Any appointment of a member or officer of a wages council made under any provision of Schedule 2 to the Wages Councils Act 1979 (referred to in this Schedule as " the 1979 Act") and in force immediately before the commencement of Part II of this Act shall continue in force as if made under the corresponding provision of Schedule 2 to this Act.

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*Enforcement officers appointed by Secretary of State*

- 2 Any appointment of an officer made under section 22 of the 1979 Act and in force immediately before the commencement of Part II of this Act shall continue in force as if made under section 20 of this Act.

*Anticipatory exercise of powers relating to making of orders*

- 3 Without prejudice to section 13 of the Interpretation Act 1978 (anticipatory exercise of powers), any of the steps required by paragraph 1 of Schedule 3 to this Act to be taken before the making of an order under section 14 of this Act may be taken by a wages council (within the meaning of the 1979 Act) at any time before the commencement of Part II of this Act, as if Part II were then in force in relation to that council.

*Failure to pay minimum remuneration occurring before commencement of Part II*

- 4 (1) Where at any time during the period of two years ending with the date of an offence under section 16(2) of this Act an order under section 14 of the 1979 Act applied to the worker in relation to whom the offence was committed, or to any other worker employed by that worker's employer, section 16 of this Act shall have effect in relation to any such time as if—
- (a) in subsections (3) and (6), any reference to any other failure on the part of the employer to pay an amount of remuneration equal to, or exceeding, the statutory minimum remuneration provided for a worker by an order under section 14 of this Act were a reference to any failure on the part of the employer to pay an amount of remuneration equal to, or exceeding, the remuneration for the time being fixed in relation to a worker by an order under section 14 of the 1979 Act or by a permit under section 16(1) of that Act;
  - (b) in subsection (4), the reference to the statutory minimum remuneration so provided were a reference to the remuneration so fixed ; and
  - (c) subsection (5) were omitted.
- (2) For the purposes of subsections (3) and (4) of section 16 of this Act, as they have effect in accordance with sub-paragraph (1), the following matters, namely—
- (a) the question whether an employer has failed to pay an amount of remuneration equal to, or exceeding, that fixed by any such order or permit under the 1979 Act as is mentioned in that sub-paragraph, and
  - (b) the amount referred to in subsection (4)(b).
- shall be determined in accordance with sections 17 and 18 of the 1979 Act, and not in accordance with sections 17 and 18 of this Act.

*General saving for accrued rights and related provisions of 1979 Act*

- 5 (1) The repeal of the 1979 Act by this Act shall not affect
- (a) any right of a worker arising out of the payment to him of an amount of remuneration less than that fixed by any such order or permit under the 1979 Act as is mentioned in paragraph 4(1) and accruing before the commencement of Part II of this Act, or
  - (b) any liability of an employer or other person in respect of any offence under that Act committed before that commencement,



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and, subject to sub-paragraph (3), the provisions of that Act relating to the enforcement of any such right or to any such offence shall continue to have effect as if this Act had not been passed.

- (2) Where at any time after that commencement any order made under section 14 of the 1979 Act continues in force by virtue of section 24(2) of this Act, then, notwithstanding the repeal of that Act by this Act—
- (a) that Act, and
  - (b) anything having effect under that Act in relation to the order,
- shall (subject to sub-paragraph (3)) continue to have effect in relation to the order, as for the time being in force in accordance with section 24(4) and (5), as if that repeal had not come into force.
- (3) Where the 1979 Act continues to have effect in accordance with sub-paragraph (1) or (2) it shall, in relation to any time after the commencement of Part II of this Act, have effect as if references to an officer acting for the purposes of Parts III and IV of that Act were references to an officer acting for the purposes of Part II of this Act.
- (4) Nothing in section 24(5) of this Act, or in any order made under section 24(4), shall affect—
- (a) any such right of a worker as is mentioned in sub-paragraph (1), or
  - (b) any right of a worker to any annual holidays or to any holiday remuneration in respect of those holidays,
- which accrued before the commencement of section 24(5) or (as the case may be) before the commencement of any such order.

#### *Power to preserve accrued rights under wages orders*

- 6 (1) In the case of any provision contained in an order under section 14 of the 1979 Act and ceasing to have effect (whether wholly or in part) at any time in accordance with section 24 of this Act, the Secretary of State may by order provide, for the purpose of, or in connection with, preserving the effect of rights accruing under that provision before that time, for that provision to continue in force as from that time subject to such modifications and transitional provisions as may be specified in the order.
- (2) Without prejudice to the generality of sub-paragraph (1), an order under this paragraph may make provision in connection with preserving the effect of rights to which paragraph 5(4)(b) above applies.
- (3) A provision contained in an order under this paragraph may be made with retrospective effect as from the date on which this Act is passed or any later date.
- (4) Any order under this paragraph shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### *Exemption orders*

- 7 Paragraph 7 of Schedule 4 shall not affect the operation of section 18 of the Employment Protection (Consolidation) Act 1978 in relation to any such order as is referred to in paragraph 5(2) above.

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*References to trade boards*

- 8 Any reference to a trade board in any enactment or document made before 28th March 1945 (the date of the passing of the Wages Councils Act 1945), other than an enactment repealed by that Act, shall be construed as including a reference to a wages council within the meaning of Part II of this Act.

*Redundancy rebates*

- 9 (1) In subsection (1) of section 104 of the Employment Protection (Consolidation) Act 1978, as substituted by section 27 of this Act, the requirement that a payment falling within paragraph (a) or (b) of that subsection should be a qualifying payment within the meaning of section 104A of that Act shall not apply to—
- (a) any payment falling within either of those paragraphs in respect of which a claim for a redundancy rebate has been made in accordance with regulations under section 104(5) before the commencement of section 27 of this Act, or
  - (b) any other payment so falling in relation to which the relevant date (as defined in sub-paragraph (2)) falls before that commencement.
- (2) In sub-paragraph (1)(b) " the relevant date "—
- (a) in the case of a payment falling within subsection (1)(a) of section 104, means the date which for the purposes of section 81(4) of that Act is the relevant date in relation to that payment by virtue of any provision of section 90 of that Act, and
  - (b) in the case of a payment falling within subsection (1)(b) of section 104, means the date on which the termination of the employee's contract of employment is treated as having taken effect for the purposes of the agreement referred to in that provision.

*Payments equivalent to redundancy rebates*

- 10 (1) Section 28 of this Act shall not affect the operation of provisions of section 111 of the Employment Protection (Consolidation) Act 1978 for purposes other than those of the making by the Secretary of State of payments under section 111(2).
- (2) The repeals made by this Act shall not affect the operation of section 113 of that Act in relation to any termination of employment occurring before the commencement of section 28 of this Act.