

## SCHEDULES

### SCHEDULE 6

Article 27(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 1982 Order and in force immediately before the commencement date shall continue in force as if made under the corresponding provision of Schedule 2 to this Order.

##### *Enforcement officers appointed by Department*

2. Any appointment of an officer made under Article 17 of the 1982 Order and in force immediately before the commencement date shall continue in force as if made under Article 21 of this Order.

##### *Wages orders in force on commencement date*

3.—(1) The following provisions of this paragraph shall apply to any order in force on the commencement date under Article 10 of the 1982 Order (“an existing order”).

(2) An existing order shall, subject to the following provisions of this paragraph, 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 commencement date, and
- (b) the end of the period of twelve months beginning with the date of the coming into force of the existing order, and shall so continue in force notwithstanding the repeal of the 1982 Order by this Order.

(3) If, before the later of those times, there comes into force an order made under Article 15 by the wages council that made the existing order, the existing order shall cease to have effect at that time.

(4) The Department may by order subject to negative resolution—

- (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) Nothing in any existing order shall apply to workers under the age of 21.

##### *Anticipatory exercise of powers relating to making of orders*

4. Without prejudice to section 16 of the Interpretation Act (Northern Ireland) 1954 (anticipatory exercise of powers), any of the steps required by paragraph 1 of Schedule 3 to this Order to be taken before the making of an order under Article 15 of this Order may be taken by a wages council (the meaning of the 1982 Order) at any time before the commencement date as if part III of this Order were then in force in relation to that council.

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*Failure to pay minimum remuneration occurring before the commencement date*

5.—(1) Where at any time during the period of two years ending with the date of an offence under Article 17(2) of this Order an order under Article 10 of the 1982 Order applied to the worker in relation to whom the offence was committed, or to any other worker employed by that worker's employer, Article 17 of this Order shall have effect in relation to any such time as if—

- (a) in paragraphs (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 Article 15 of this Order 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 Article 10 of the 1982 Order or by a permit under Article 12(1) of that Order;
- (b) in paragraph (4), the reference to the statutory minimum remuneration so provided were a reference to the remuneration so fixed; and
- (c) paragraph (5) were omitted.

(2) For the purposes of paragraphs (3) and (4) of Article 17 of this Order 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 1982 Order as is mentioned in that sub-paragraph, and
- (b) the amount referred to in paragraph (4)(b), shall be determined in accordance with Article 13 of the 1982 Order and not in accordance with Articles 18 and 19 of this Order.

*General saving for accrued rights and related provisions of 1982 Order*

6.—(1) The repeal of the 1982 Order by this Order 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 order under Article 10 of the 1982 Order or any permit under Article 12(1) of that Order;
- (b) any right of a worker to any holidays or to any holiday remuneration in respect of those holidays, which accrued before the commencement date.

(2) Nothing in paragraph 3(5) shall affect any such right of a worker as is mentioned in sub-paragraph (1)(a) or (b) which accrued before the commencement date.

(3) The repeal of the 1982 Order by this Order shall not affect any liability of an employer or other person in respect of any offence under the 1982 Order committed before the commencement date.

(4) The fact that an order under Article 10 of the 1982 Order has ceased to have effect under paragraph 3(2), (3) or (4) shall not affect any such right of a worker as is mentioned in sub-paragraph (1)(a) or (b) which accrued before the date on which that order ceased to have effect.

(5) Subject to sub-paragraph (7), the provisions of the 1982 Order relating to the enforcement of any right referred to in sub-paragraph (1), (2) or (4) or to any offence referred to in sub-paragraph (3) shall continue to have effect as if this Order had not been made.

(6) Where at any time after the commencement date any order made under Article 10 of the 1982 Order continues in force by virtue of paragraph 3(2), then, notwithstanding the repeal of that Order by this Order—

- (a) that Order, and

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(b) anything having effect under that Order in relation to the order, shall, subject to sub-paragraph (7), continue to have effect in relation to the order, as for the time being in force in accordance with paragraph 3(4) and (5), as if that repeal had not come into operation.

(7) Where the 1982 Order continues to have effect in accordance with sub-paragraph (5) or (6) it shall, in relation to any time after the commencement date, have effect as if references to an officer acting for the purposes of parts III and IV of that Order were references to an officer acting for the purposes of part III of this Order.

#### *Exemption orders*

7. Paragraph 7 of Schedule 4 shall not affect the operation of Article 8 of the Industrial Relations (No. 2) (Northern Ireland) Order 1976 in relation to any such order as is referred to in paragraph 3

#### *References to trade boards*

8. Any reference to a trade board in any statutory provision or document made before 13th December 1945 (the date of the passing of the Wages Councils Act (Northern Ireland) 1945), other than a statutory provision repealed by that Act, shall be construed as including a reference to a wages council within the meaning of Part III of this Order.

#### *Interpretation*

9. In this Schedule—

“the commencement date” means the date on which part III of this Order comes into operation;

“the 1982 Order” means the Wages Councils (Northern Ireland) Order 1982