



Counter-Inflation Act 1973

1973 CHAPTER 9

PART I

THE AGENCIES

1 Establishment of two Agencies: the Price Commission and the Pay Board

- (1) There shall be established two Agencies to be called respectively the Price Commission and the Pay Board.
- (2) Each Agency shall, subject to subsection (5) below, consist of not less than five and not more than twelve members appointed by the Secretary of State and the Minister of Agriculture, Fisheries and Food (acting jointly), in the case of the Price Commission and by the Secretary of State, in the case of the Pay Board.
- (3) Her Majesty may, by Order in Council, provide for the amalgamation of the Price Commission and the Pay Board into a single Agency, to be known by such name as may be specified in the Order.
- (4) An Order in Council under subsection (3) above—
 - (a) shall be subject to annulment in pursuance of a resolution of either House of Parliament;
 - (b) may contain supplemental and incidental provisions; and
 - (c) may make consequential amendments in any enactment, including this Act.
- (5) The Secretary of State may, by an order contained in a statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament—
 - (a) direct that the minimum or maximum number of members of each Agency shall be a number greater or less than that specified in subsection (2) above;
 - (b) vary or revoke any previous order made by virtue of this subsection;and an order made by virtue of this subsection may provide for the composition of the two Agencies to differ.

Status: This is the original version (as it was originally enacted).

- (6) The provisions of Schedule 1 to this Act shall have effect in relation to the advisory role of the Agencies and incidental matters relating to each of the Agencies, their members, officers, servants and proceedings.

2 Code for guidance of Agencies

- (1) The Treasury shall prepare a code for the purposes of this Act, and it shall be the duty of the Agencies to have regard to that code in performing their functions under this Act.

The Treasury shall from time to time make such changes in the code as appear to them to be required.

- (2) The code may include practical guidance for those concerned in decisions on levels of prices and pay.
- (3) The code, and any change in the code, shall be contained in an order made by statutory instrument, and may be varied or revoked by a subsequent order so made.
- (4) Before making an order under this section the Treasury shall consult—
- (a) such representatives of consumers, persons experienced in the supply of goods or services, employers and employees and other persons as they think appropriate, and
 - (b) except in the case of the first order made under this section, the Agencies.
- (5) An order made under this section shall cease to have effect at the expiration of a period of one month beginning with the date on which it was made unless, before the expiration of that period of one month, the order has been approved by a resolution of each House of Parliament.

In reckoning the said period of one month no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

- (6) An order under this section may provide for different parts of the code to come into force on different dates.

PART II

PRICES, PAY, DIVIDENDS AND RENTS

3 Commencement of Part II

- (1) This Part of this Act shall come into force on the date on which the first order under section 2 of this Act is made.
- (2) Subject to the following provisions of this section, the period for which section 2 of the Counter-Inflation (Temporary Provisions) Act 1972 has effect in accordance with section 1 of that Act shall terminate on the date when this Part of this Act first comes into force.
- (3) No order or notice under section 6 of this Act shall apply where the relevant transaction (as defined by the order or notice) is effected before 29th April 1973, and for the purposes of subsection (1) of the said section 2 (prices and charges) and of the other

provisions of the said section 2 as they relate to subsection (1), the period for which section 2 has effect shall terminate on 29th April 1973.

- (4) No order under section 11 of this Act shall apply to increases of rent (as defined in the order) taking place before 29th April 1973, or to new lettings (as so defined) taking place before that date, and for the purposes of subsection (4) of the said section 2 (rents) the period for which the said section 2 has effect shall terminate on 29th April 1973.
- (5) Nothing in this section shall be taken as extending the period for which the said section 2 would have effect apart from this section.

4 Duration and reactivation of Part II

- (1) Subject to the provisions of this section, this Part of this Act shall cease to have effect at the expiration of a period of three years beginning with the date on which it first comes into force.
- (2) The period for which this Part of this Act is in force may at any time be terminated by Her Majesty by Order in Council.
- (3) If an Order is made under subsection (2) above, Her Majesty may by Order in Council again bring this Part of this Act into force for a period ending not later than 31st March 1976.
- (4) An Order under subsection (3) above shall not be made unless a draft of the Order has been approved by resolution of each House of Parliament.

Prices and pay

5 Notification of price and pay increases, and approvals and consents

- (1) The Minister may, in such cases as appear to him appropriate, by order make provision to ensure that the Agencies receive notice of increases in any prices, charges or remuneration in time to consider whether the increases conform with the relevant provisions of the code, and whether the Agencies should exercise the powers conferred by the following provisions of this Act in order to prevent those increases.
- (2) The order may provide that, until the end of the period given for consideration of the proposed increase by the Agency, any implementation of the increase constitutes a contravention of the order.
- (3) The length of notice required by an order under this section shall not exceed eight weeks.
- (4) Schedule 2 to this Act shall have effect as respects—
 - (a) procedures for obtaining the Agencies' approval for increases, and
 - (b) procedures for giving consents overriding the Agencies' orders and notices about prices, charges and remuneration.
- (5) An order under this section or under the said Schedule 2 may be made to come into force before the time when this Part of this Act is in force, and may require notices to be given before that time.

Status: This is the original version (as it was originally enacted).

- (6) An order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

6 Powers of Price Commission

- (1) The Price Commission shall exercise the powers conferred by this section in such ways as appear to them appropriate for the purpose of ensuring that the provisions of the code which concern prices and charges are implemented.
- (2) For the said purpose the Price Commission may restrict any prices or charges for the sale of goods or the performance of services in the course of business, where the relevant transaction is effected at a time when this Part of this Act is in force.
- (3) The powers conferred by subsection (2) above shall be exercisable by order, or by notice given to the person, or each of the persons, selling the goods or performing the services subject to the restriction.
- (4) Before making or giving an order or notice under this section (other than one which only removes or lessens a restriction), the Price Commission shall give 14 days notice to the persons selling the goods or performing the services which would be subject to the restriction, and shall afford to those persons an opportunity of making written representations to the Price Commission.
- (5) If, in the case of an order under this section, it appears to the Price Commission to be impracticable to give notice under subsection (4) above to all the persons selling the goods or performing the services, they may instead publish 14 days notice of their intention to make the order in the Gazette and in such other ways as may be prescribed, and shall afford to all those persons an opportunity of making written representations to the Price Commission.
- (6) Where an order or notice under this section is contravened, the liability for the contravention attaches to the person selling the goods or performing the services.
- (7) This section has effect subject to section 3(3) of this Act.

7 Powers of Pay Board

- (1) The Pay Board shall exercise the powers conferred by this section in such ways as appear to them appropriate for the purpose of ensuring that the provisions of the code which concern remuneration are implemented.
- (2) For the said purpose the Pay Board may restrict any kind of remuneration for a period when this Part of this Act is in force.
- (3) The powers conferred by subsection (2) above shall be exercisable by order, or by notice given to the person, or each of the persons, paying the remuneration subject to the restriction.
- (4) Before making or giving an order or notice under this section (other than one which only removes or lessens a restriction), the Pay Board shall give 14 days notice—
- (a) to the person or persons paying the remuneration which would be subject to the restriction, and
 - (b) to any organisation or organisations of workers which appear to the Pay Board to be concerned,

and shall afford to those persons an opportunity of making written representations to the Pay Board.

- (5) If it appears to the Pay Board—
- (a) in the case of an order, that it is impracticable to give notice under subsection (4) above to all the persons paying the remuneration, or
 - (b) in any case, that a substantial number of those receiving the remuneration are not represented by any organisation of workers, the Pay Board shall publish 14 days notice of their intention to make the order, or to give the notice, in the Gazette and in such other ways as may be prescribed.
- (6) Where an order or notice under this section makes it illegal to pay remuneration of any amount, it shall also be illegal to enter into any agreement or arrangement whereby the employer makes to, or for the benefit of, the employee some payment, whether called remuneration or not, to compensate for the remuneration which it is illegal to pay; and an employer who enters into any such agreement or arrangement, or makes any payment pursuant to any such agreement or arrangement, contravenes the provisions of the order or notice.

8 Power to modify Acts about prices and pay

- (1) The Minister may by order direct that—
- (a) any provision of any Act, whether passed before this Act or later, which relates to prices, charges or to remuneration or other terms or conditions of employment, or
 - (b) any provision having effect under any Act within paragraph (a) above, shall, while this Part of this Act is in force, have effect subject to such exceptions, modifications or adaptations as may be specified in the order.
- (2) An order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

9 Restrictions on insurance premiums

- (1) The Secretary of State shall have power to restrict insurance premiums, where the relevant transaction is effected at a time when this Part of this Act is in force.
- (2) The powers conferred by subsection (1) above shall be exercisable by order, or by notice given to the insurer, or each of the insurers, affected by the notice.
- (3) An order or notice under this section may make provision for the giving of consents by the Secretary of State to the doing of anything otherwise prohibited by the order or notice.
- (4) Before making or giving an order or notice under this section (other than one which only removes or lessens a restriction), the Secretary of State shall give 14 days notice to the insurers who would be affected by the order or notice, and shall afford to them an opportunity of making written representations to the Secretary of State.
- (5) If, in the case of an order under this section, it appears to the Secretary of State to be impracticable to give notice under subsection (4) above to all the said persons, the Secretary of State may instead publish 14 days notice of his intention to make the order in the Gazette and in such other ways as may be prescribed, and shall afford to all those persons an opportunity of making written representations to the Secretary of State.

Status: This is the original version (as it was originally enacted).

- (6) Where an order or notice under this section is contravened, the liability for the contravention attaches to the insurer who charges the insurance premium.
- (7) An order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Dividends and rent

10 Restrictions on dividends

- (1) The Treasury shall have power to restrict the declaration or payment of ordinary dividends by companies at any time when this Part of this Act is in force.
- (2) The powers conferred by subsection (1) above shall be exercisable by order, or by notice given to the company, or each of the companies, affected by the notice.
- (3) Without prejudice to the generality of subsection (1) above, an order or notice under this section may—
 - (a) provide for the basis on which any comparison is to be made with the declaration or payment of any earlier dividends by the companies concerned ;
 - (b) prohibit any company to which it applies from making any such distribution as may be specified in the order or notice;
 - (c) prohibit any such company from assuming any obligation, whether conditional or otherwise, to make any such distribution as may be so specified; and
 - (d) make provision for the giving of consents, whether by the Treasury or by one of the Agencies, to the doing of anything otherwise prohibited by the order or notice.
- (4) This section shall apply to every company incorporated under the law of any part of the United Kingdom; but nothing in this section shall apply to companies not so incorporated.
- (5) An order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

11 Orders about rent

- (1) The Minister may by order provide for restricting or preventing increases of rent which take place, or would take place, while this Part of this Act is in force, or for restricting rent payable on new lettings which take place while this Part of this Act is in force.
- (2) The supplemental and incidental provisions that may be made by an order under this section may include provisions excluding, adapting or modifying any provision contained in, or

having effect under, any Act (whether passed before this Act or later) which relates to rent, and in the exercise of any power to make regulations or other instruments under any such Act regard may be had to matters connected with the operation of this section.
- (3) An order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) This section has effect subject to section 3(4) of this Act.

PART III

PRICE CONTROL RELATED TO VALUE ADDED TAX

12 Introduction of value added tax: temporary power to control prices and charges

- (1) Subject to subsection (2) below, the powers conferred on the Minister by this section shall be exercisable, as respects relevant transactions effected on or after 1st April 1973, where he considers it expedient for the purpose of ensuring that prices and charges correctly reflect—
 - (a) the introduction of value added tax and car tax, and the abolition of purchase tax and selective employment tax, by the Finance Act 1972;
 - (b) alterations in the rates of customs and excise duties payable in respect of spirits, beer, wine, British wine, tobacco, matches and mechanical lighters, being alterations first having statutory effect by virtue of Resolutions of the House of Commons made in March 1973 under the Provisional Collection of Taxes Act 1968.
- (2) The Minister shall not exercise the powers conferred on him under this section except so far as appears to him to be necessary to prevent or offset excess prices or charges in relevant transactions effected on or before 30th June 1973.
- (3) For the said purpose the Minister may, as respects relevant transactions, restrict any prices or charges for the sale of goods or the performance of services in the course of business.
- (4) The powers conferred by subsection (3) above shall be exercisable by order contained in a statutory instrument, or by notice given to the person, or each of the persons, selling the goods or performing the services subject to the restriction.
- (5) No order or notice shall be made or given under this section to take effect after 30th June 1973 ; but any such order or notice may be expressed to have effect for any period not exceeding three months, notwithstanding that the period ends after that date.
- (6) An order or notice made or given under this section—
 - (a) may be framed in any way whatsoever ;
 - (b) may define " relevant transaction " both for the purposes of the order or notice and for the purposes of any provision of this section in relation to the order or notice;
 - (c) may be varied or revoked by a subsequent order or notice so made or given ; but the variation or revocation of an order or notice under this section shall not affect liability for any offence committed before the variation or revocation takes effect.
- (7) Any person who is designated in accordance with paragraph 2 of Schedule 4 to this Act may perform the Minister's functions of restricting prices and charges by means of the giving of notices under this section.
- (8) A transaction shall not be invalid because it involves a price or charge which exceeds the limit imposed in relation to that transaction by an order or notice under this section; but the person paying the price or charge shall be entitled to recover the amount representing the excess unless he is a person who is himself liable to punishment by reason of his having aided, abetted, counselled or procured the offence committed under this Act by the other party to the transaction.

- (9) Where an order or notice under this section is contravened, the liability for the contravention attaches to the person selling the goods or performing the services.
- (10) There is no contravention of an order or notice under this section if what has been done is authorised by the consent in writing of the Minister; and, in the case of a notice given by a person designated as mentioned in subsection (7) above, the consent in writing of any such person shall have the same effect for the purposes of this subsection as if it had been given by the Minister.

PART IV

MISCELLANEOUS

13 Power to modify subordinate legislation about prices and charges

- (1) The Minister may, not later than 30th April 1973, by order direct that any order, regulation, byelaw or other instrument—
- (a) which has effect under any Act passed before this Act, and
 - (b) which relates to prices or charges,
- shall have effect subject to such exceptions, modifications or adaptations as appear to the Minister to be expedient for the purpose of ensuring that prices and charges correctly or sufficiently reflect the introduction of value added tax and car tax, and the abolition of purchase tax and selective employment tax, by the Finance Act 1972.
- (2) An order under this section relating to a byelaw made by a local authority may authorise the local authority having power to amend the byelaw, or a committee of the authority, to amend it by resolution.
- (3) Any amendment of an instrument made in pursuance of this section shall have effect as if made under the same power as that under which the instrument was made, and accordingly may be amended by a subsequent instrument made in exercise of that power.
- (4) An order under this section shall be contained in a statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

14 Protected tenancies

- (1) For paragraph (a) of section 1(1) of the Rent Act 1968 (protected tenancies) there shall be substituted the following paragraphs:—
- “(a) where the appropriate day in relation to the dwelling-house fell before the date of the passing of the Counter-Inflation Act 1973—
 - (i) the dwelling-house on the said appropriate day had a rateable value exceeding, if it is in Greater London, £400 or, if it is elsewhere, £200, and
 - (ii) the dwelling-house on the date of the passing of the said Act of 1973 had a rateable value exceeding if it is in Greater London, £600, or, if it is elsewhere, £300, and
 - (iii) the dwelling-house on 1st April 1973 has a rateable value exceeding, if it is in Greater London, £1,500 or, if it is elsewhere, £750, or

- (aa) where the appropriate day in relation to the dwelling-house falls on or after the date of the passing of the said Act of 1973, but before 1st April 1973—
 - (i) the dwelling-house on the said appropriate day had a rateable value exceeding, if it is in Greater London, £600, or, if it is elsewhere, £300, and
 - (ii) the dwelling-house on 1st April 1973 has a rateable value exceeding, if it is in Greater London, £1,500, or, if it is elsewhere, £750, or
 - (aaa) where the appropriate day in relation to the dwelling-house falls on or after 1st April 1973, the dwelling-house on the said appropriate day has or had a rateable value exceeding, if it is in Greater London, £1,500 or, if it is elsewhere, £750, or.”
- (2) In section 1(3) of the Rent Act 1968 (questions on limits of rateable value) for the words " subsection (1)(a) " there shall be substituted the words " subsection (1) ".
 - (3) So much of section 89 of the Housing Finance Act 1972 as relates to the said section 1 of the Rent Act 1968 (being provisions superseded by subsection (1) above) shall cease to have effect.
 - (4) Schedule 5 to this Act shall have effect for supplementing this section, and in that Schedule this section is referred to as " the principal section ".
 - (5) References to this Act in sections 15 to 21 of this Act, and in Schedules 1 to 4 to this Act, shall not include references to this section.

PART V

SUPPLEMENTAL

15 Power to obtain information

- (1) The Minister, or either Agency, may for the purposes of this Act by notice require any person—
 - (a) to furnish, whether by periodical returns or by other means, such estimates or other information as may be specified or described in the notice, or
 - (b) to produce to an officer of the Minister, or of either Agency, being an officer duly authorised for the purpose, any documents so specified or described.
- (2) The Minister may for the purposes of this Act by order—
 - (a) require any class or description of persons specified in the order to furnish to the Minister, or to either Agency, such periodical or other returns containing estimates or other information as may be so specified or described, or
 - (b) require any person carrying on a business, or any class or description of persons who carry on a business, to keep such records as may be so specified or described.
- (3) A notice or order under this section may specify the way in which, and the time within which, it is to be complied with and, in the case of a notice requiring the production of documents, the facilities to be afforded for making extracts from, or taking copies of, the documents.

Status: This is the original version (as it was originally enacted).

- (4) Nothing in this section shall be taken to require a person who has acted as counsel or solicitor for any person to disclose any privileged communication made to him in that capacity.
- (5) A notice or order given or made under this section may be varied or revoked by a subsequent notice or order so given or made, and an order under this section shall be contained in a statutory instrument.
- (6) This section shall have effect only during any period in which Part II of this Act is in force; but the power conferred by subsection (1) above shall continue to be exercisable, at any time when Part II has ceased to be in force, for the purpose of acquiring information or documents in relation to the bringing of proceedings for an offence under Part II or the doing of anything preparatory, or with a view, to the bringing of such proceedings.

16 Power to obtain information about rates from rating and other authorities

- (1) The Secretary of State may by order made before 1st April 1974 require any rating or other authority to which this section applies to furnish to him such information as the order may specify in relation to—
 - (a) any rate made, or precept or requisition issued, by the authority for the financial year 1973-74 or any part of that year, or
 - (b) any rate, precept or requisition which they propose to make or issue for the financial year 1973-74 or 1974-75 or any part of either of those years.
- (2) Without prejudice to the generality of subsection (1) above, any such order may require an authority to which it applies to furnish information as to—
 - (a) the authority's estimated future expenditure and income,
 - (b) the amount of their proposed rate, precept or requisition,
 - (c) the estimated product of a penny rate in their area,
 - (d) the amount of, and the estimates made in relation to, the authority's expenditure and income in any previous year, and
 - (e) the assumptions about inflation, population changes, rate support grant, and other relevant matters on which the authority's proposals are based,and may require the authority to furnish any information called for by the order before such time as may be specified in the order.
- (3) The authorities to which this section applies are—
 - (a) in England and Wales, rating authorities within the meaning of section 1 of the General Rate Act 1967 and authorities having power to issue a precept to a rating authority,
 - (b) in Scotland, local authorities, joint boards and joint committees within the meaning of the Local Government (Scotland) Act 1947 and regional water boards and water development boards within the meaning of the Water (Scotland) Act 1967, and
 - (c) in Northern Ireland, district councils established under the Local Government Act (Northern Ireland) 1972.
- (4) Where an authority to which subsection (6) of section 12 of the General Rate Act 1967 applies (precept to be issued, or information to be given, not less than twenty-one days before the beginning of the year or half year in which the rate concerned is to be levied) propose to issue a precept, the Secretary of State may, if he considers that

the requirement in the said subsection (6) is inappropriate in all the circumstances of the case, direct that in place of that requirement there shall be substituted such other requirement as to the giving of notice to the rating authority affected as the Secretary of State considers appropriate; and the said subsection (6) shall not have effect in a case where the Secretary of State has given such a direction.

- (5) Where by any enactment a date is prescribed by which any one of the bodies mentioned in subsection (3)(b) above must cause any requisition to be sent to a local authority, the Secretary of State may in any particular case, if he considers that in all the circumstances of that case a later date should be substituted for the date so prescribed, direct that such later date as he considers appropriate be substituted for that date; and in relation to that case the said enactment shall have effect subject to that direction.
- (6) Where at any time an authority to which this section applies have—
 - (a) made a rate for the financial year 1973-74 or 1974-75 or any part of either of those years, or
 - (b) issued a precept or requisition in respect of any such period,and subsequently it appears to them that the amount of that rate, precept or requisition, as the case may be, exceeds the amount which they require in respect of that period they may, by way of substitution for that rate, precept or requisition, make a new rate or issue a new precept or requisition, as the case may be.
- (7) Where, by virtue of subsection (6) above, an authority have substituted a lower rate for a rate made earlier, section 5 of the General Rate Act 1967 and section 237 of the said Act of 1947 shall not apply to the substituted rate, but the authority shall take such steps as they consider appropriate—
 - (a) to draw to the attention of any person on whom a rate demand has been served under either of those sections details of the consequential alteration in the amount due from that person, and
 - (b) to ensure that any resulting overpayment made to the authority is refunded.
- (8) If the Secretary of State is satisfied that an authority have failed to discharge any duty imposed on them by an order under this section, he may make a further order declaring the authority to be in default in respect of that duty, and giving such directions for the purpose of enforcing the execution of that duty as appear to him to be expedient.
- (9) Any directions given in an order under subsection (8) above shall be enforceable, on an application made on behalf of the Secretary of State, by mandamus ; and, in Scotland, shall be enforceable by order of the Court of Session on an application by the Lord Advocate under section 91 of the Court of Session Act 1868.
- (10) An order or direction under this section may vary or revoke any previous order or direction thereunder.
- (11) In this section as it applies in Scotland " financial year " has the same meaning as in section 174 of the said Act of 1947.

17 Offences

- (1) If a person contravenes any of the provisions of Part II or Part III of this Act, or of any order or notice under Part II or Part III of this Act, he shall be liable—
 - (a) on summary conviction to a fine not exceeding £400, and
 - (b) on conviction on indictment to a fine.

Status: This is the original version (as it was originally enacted).

- (2) If an organisation of workers, or any other organisation or other person, by taking any action described in subsection (3) below, exercises any pressure on an employer to contravene section 5 or 7 of this Act, that person shall be liable—
- (a) on summary conviction to a fine not exceeding £400, and
 - (b) on conviction on indictment to a fine.
- (3) The action referred to in subsection (2) above is—
- (a) calling, organising, procuring or financing a strike, or threatening to do so, or
 - (b) organising, procuring or financing any irregular industrial action short of a strike, or threatening to do so.
- (4) Where, under subsection (4) of section 7 of this Act, the Pay Board have given notice of their intention to make or give an order or notice under that section then, for the purposes of subsection (2) above, the giving of the notice under the said subsection (4) shall be treated as if it constituted the making or giving of the order or notice to which it relates.
- (5) A person who—
- (a) refuses or wilfully neglects to comply with an order or notice under section 15 of this Act, or
 - (b) in furnishing any estimate or other information in compliance with such an order or notice, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, or
 - (c) with intent to deceive, produces in compliance with such an order or notice a document which is false in a material particular, or
 - (d) in keeping any records in compliance with an order under section 15 of this Act makes an entry which he knows to be false in a material particular, or recklessly makes any entry which is false in a material particular, or
 - (e) in furnishing information in connection with an application for approval under Schedule 2 to this Act, or for consent under any provision of this Act, makes any statement, or produces or makes use of any document, which to his knowledge is or may be misleading, false or deceptive in a material particular,
- shall be liable on summary conviction to a fine not exceeding £400.
- (6) Subject to subsection (7) below, where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.
- (7) In proceedings for an offence under subsection (2) or paragraph (a) of subsection (5) above against an official of a trade union in respect of action taken by him in his capacity as such an official it shall be a defence to show that he was acting within the scope of his authority on behalf of the trade union.

This subsection shall have effect in relation to an organisation which is for the time being entered in the special register under section 84 of the Industrial Relations Act 1971 as it has effect in relation to a trade union.

- (8) Nothing contained in or having effect under this Act, and nothing made illegal by this section, shall give rise to any criminal or tortious liability for conspiracy, or to any

other liability in tort; and nothing which is made illegal by this Act shall constitute an unfair industrial practice within the meaning of the Industrial Relations Act 1971.

(9) Proceedings for an offence under this Act shall not be instituted in England or Wales except by or with the consent of the Attorney General, or in Northern Ireland except by or with the consent of the Attorney General for Northern Ireland.

(10) In this section—

- (a) "irregular industrial action short of a strike" has the meaning given by section 33(4) of the Industrial Relations Act 1971,
- (b) "strike" has the meaning given by section 167(1) of that Act, and
- (c) "within the scope of his authority" shall be construed in accordance with section 167(9) of that Act.

18 Offences by unincorporated bodies

(1) This section has effect as respects any organisation of workers or organisation of employers, or any other organisation, where the organisation of workers or employers or other organisation is an unincorporated body.

(2) If anything which is made illegal by or under any provision of this Act, or which would be illegal but for the provisions of subsection (3) below, is done by a person within the scope of his authority on behalf of such an unincorporated body, that body shall be guilty of an offence under that provision, and shall be liable to be proceeded against and punished as if the illegal action had been taken by that body.

(3) In proceedings for an offence under subsection (2), or paragraph (a) of subsection (5), of section 17 of this Act against an official of an unincorporated organisation of workers in respect of action taken by him in his capacity as such an official it shall be a defence to show that he was acting within the scope of his authority on behalf of the unincorporated organisation of workers.

(4) Where an offence is alleged to have been committed under this Act by an unincorporated body within subsection (1) above—

- (a) proceedings for the offence shall be brought in the name of that body (and not in that of any of its members),
- (b) for the purpose of any such proceedings any rules of court relating to the service of documents shall have effect as if that body were a corporation, and
- (c) any fine imposed on conviction shall be enforceable, by way of execution, diligence or otherwise, against the funds of that body.

(5) Where an offence mentioned in subsection (4) above is an offence punishable on conviction on indictment, section 33 of the Criminal Justice Act 1925 and Schedule 2 to the Magistrates' Courts Act 1952 shall have effect as if the said body were a corporation.

(6) In subsection (2) above the expression "within the scope of his authority" shall be construed in accordance with section 167(9) of the Industrial Relations Act 1971.

19 Application to Scotland

(1) The provisions of this section shall have effect for the application of this Act to Scotland.

Status: This is the original version (as it was originally enacted).

- (2) (a) Where an offence mentioned in section 18(4) of this Act is an offence punishable on conviction on indictment section 40 of the Criminal Justice (Scotland) Act 1949 (proceedings on indictment against bodies corporate) shall have effect as if the said body were a body corporate.
- (b) Section 17(8) of this Act shall not apply but nothing contained in, or having effect under, this Act or made illegal by that section shall be relevant for the purposes of any proceedings in reparation; and nothing which is made illegal by this Act shall constitute an unfair industrial practice within the meaning of the Industrial Relations Act 1971.

20 Application to Northern Ireland

- (1) The provisions of this section shall have effect for the application of this Act to Northern Ireland.
- (2) A Minister of Northern Ireland may in relation to an Act of the Parliament of Northern Ireland exercise the power of making an order which is conferred by section 8 of this Act; and subsection (2) of that section and paragraph 1(8) of Schedule 3 to this Act shall not apply to an order so made but such an order shall be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if it were a statutory instrument within the meaning of that Act.
- (3) In section 16(7) of this Act—
 - (a) the reference to section 5 of the General Rate Act 1967 and section 237 of the Local Government (Scotland) Act 1947 shall be construed as a reference to Article 9(4) and (5) and Article 32(4) of the Rates (Northern Ireland) Order 1972;
 - (b) the reference to either of those sections shall be construed as a reference to the said Article 9(4); and
 - (c) any reference to an authority, except the first such reference, shall be construed as a reference to the Ministry of Finance for Northern Ireland.
- (4) Where an offence mentioned in section 18(4) of this Act is an offence punishable on conviction on indictment, section 18 of the Criminal Justice Act (Northern Ireland) 1945 and Schedule 5 to the Magistrates' Court Act (Northern Ireland) 1964 (procedure on charge of an offence against a corporation) shall have effect as if the body there mentioned were a corporation.
- (5) It shall be the duty of the Ministry of Commerce for Northern Ireland to enforce in Northern Ireland the provisions of—
 - (a) any order or notice under section 6 of this Act; and
 - (b) any order or notice under section 12 of this Act;
 and Schedule 4 to this Act shall apply as if—
 - (i) for references to a local weights and measures authority and to an inspector or chief inspector appointed under the Weights and Measures Act 1963 there were substituted respectively references to the Ministry of Commerce for Northern Ireland and any of its officers;
 - (ii) paragraphs 1(3) and 5 were omitted; and
 - (iii) references in paragraph 4 to a Minister of the Crown included references to a Minister of Northern Ireland and to a department of the Government of Northern Ireland.

- (6) The Secretary of State shall for each financial year pay into the Exchequer of Northern Ireland such sum as the Secretary of State and the Ministry of Commerce for Northern Ireland may agree to be appropriate as representing the expenses incurred by that Ministry under this Act.
- (7) The Parliament of Northern Ireland shall have the same power to pass Acts with respect to any matter as they would have had if this Act had not been passed ; and, in the event of any inconsistency between any Act of the Parliament of Northern Ireland passed after the passing of this Act and any provision of this Act or any order or other instrument having effect by virtue of this Act, the Act of the Parliament of Northern Ireland shall, in Northern Ireland, prevail.
- (8) Any expression defined for the purposes of this Act by reference to an Act which does not extend to Northern Ireland shall, unless the context otherwise requires, apply, subject to any necessary modifications, in relation to Northern Ireland as so defined.

21 Interpretation

- (1) In this Act, unless the context otherwise requires—
 - " the Minister " means the Minister for the Civil Service, the Treasury, the Secretary of State, the Minister of Agriculture, Fisheries and Food or the Minister of Posts and Telecommunications;
 - " Act " and " enactment " include respectively an Act and enactment of the Parliament of Northern Ireland;
 - " business " includes any trade, profession or vocation, and the expression " in the course of business " shall be construed accordingly;
 - " charge " includes a charge for the performance of services, including any charge for the application of any process to goods;
 - " the code " means the code for the time being contained in an order under section 2 of this Act;
 - " goods " includes ships and aircraft, minerals, substances and animals (including fish);
 - " official " has the meaning given by section 167(1) of the Industrial Relations Act 1971;
 - " organisation of workers " and " organisation of employers " have the meanings given by sections 61(1) and 62(1) of the Industrial Relations Act 1971;
 - " prescribed ", in relation to publication by the Agencies or by a Minister, means a manner of publication prescribed under paragraph 5(2) of Schedule 3 to this Act;
 - " price " means any price or charge for the sale of goods ;
 - " trade union " has the meaning given by section 61(3) of the Industrial Relations Act 1971.
- (2) Any reference in this Act to anything contravening this Act, or any provision of this Act, shall include a reference to a failure to comply with the provision in question.
- (3) Any reference in this Act to an offence under this Act, or under any provision of this Act, includes a reference to an offence under an order or notice made or given under this Act, or under that provision, and any reference in this Act to anything

Status: This is the original version (as it was originally enacted).

contravening, or made illegal by, this Act or any provision of this Act shall be construed accordingly.

(4) Any reference in this Act to any other enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended or applied by or under any other enactment, including this Act.

(5) This Act shall apply in relation to—

- (a) a conditional sale agreement, and
- (b) a hire-purchase agreement,

as if the agreement were a sale of the goods to which the agreement relates for an amount equal to the total purchase price or hire-purchase price, with a fair reduction where the consideration for receipt of that price includes the installation, maintenance or repair of the goods or the performance of other services apart from the giving of credit.

This subsection shall be construed in accordance with the Hire-Purchase Act 1965, the Hire-Purchase (Scotland) Act 1965 or the Hire Purchase Act (Northern Ireland) 1966, as the case may be.

(6) In this Act " Gazette " means, in relation to a matter relating exclusively to England and Wales, or exclusively to Scotland, or exclusively to Northern Ireland, the London Gazette, the Edinburgh Gazette and the Belfast Gazette respectively, similarly for matters to be published or notified in any two of those Gazettes, and, subject to that, all three of those Gazettes.

22 Expenses

There shall be paid out of money provided by Parliament—

- (a) any administrative expenses incurred by a Government department in consequence of the provisions of this Act, and
- (b) any increase in the sums so payable under any other Act which is attributable to this Act.

23 Short title, supplemental provisions and repeals

- (1) This Act may be cited as the Counter-Inflation Act 1973.
- (2) Schedules 3 and 4 to this Act (provisions about orders and notices, and about enforcement) shall have effect for supplementing this Act.
- (3) The Acts and instruments specified in Schedule 6 to this Act shall be repealed to the extent set out in the third column of that Schedule.