

## SCHEDULES

### SCHEDULE 3

#### SUPPLEMENTAL PROVISIONS

##### PART I

###### ORDERS AND NOTICES UNDER THIS ACT

- 1 (1) An order or notice under Part II of this Act may be framed in any way whatsoever, and may define any expression used in the provisions under which it is made or given (other than an expression defined by section 21(1) of this Act) both for the purposes of the order or notice, and for the purposes of the said provision as it applies in relation to the order or notice.
- (2) An order or notice under Part II of this Act may prescribe any method of comparing prices, charges, rates of remuneration or rents.
- (3) Any such order or notice concerning remuneration may take account of any terms or conditions of employment, and may determine, whether remuneration becoming payable after the period for which it is payable is to be taken into account in making any comparison.
- (4) An order made by a Minister under Part II of this Act may contain any kind of supplemental or incidental provisions, including, in the case of an order concerning rents, provisions for the recovery of rent overpaid.
- (5) Any provisions made in pursuance of sub-paragraph (4) above shall, if the order so provides, continue in force after Part II of this Act ceases to have effect.
- (6) Any order or notice under any provision of Part II of this Act may be varied or revoked by a subsequent order or notice under the same provision.
- (7) The variation or revocation of an order or notice under Part II of this Act shall not affect liability for any offence committed before the variation or revocation takes effect.
- (8) An order made by a Minister under Part II of this Act shall be contained in a statutory instrument.
- (9) An order made by an Agency under Part II of this Act shall be published in the Gazette, and in such other ways as may be prescribed.
- (10) Where a notice is given by an Agency or a Minister under any of the following provisions of this Act, that is—
  - section 6(3),
  - section 7(3),
  - section 9(2),
  - section 10, or

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*Status: This is the original version (as it was originally enacted).*

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section 12,  
particulars of the notice shall be published in the Gazette, and in such other ways as may be prescribed.

*Identification of two or more different persons*

- 2 (1) For the purposes of sections 5 to 7 of this Act, and of any provision made under those sections, the following shall be treated as one person, that is—
- (a) all the persons who successively carry on any business ;
  - (b) the person having control of any company, and all the companies controlled by that person;
  - (c) where any companies are amalgamated or reconstructed, the companies wound up in the course of the amalgamation or reconstruction, and the companies resulting from the amalgamation or reconstruction.
- (2) An order or notice under sections 5 to 7 of this Act may exclude any of the provisions of sub-paragraph (1) above as they apply to, or in relation to, the order or notice.

*Validity of transactions*

- 3 (1) The Minister may by order made at any time during a period when Part II of this Act is in force prescribe the degree to which anything made illegal by any order or notice made or given under Part II during that period, or anything otherwise affected by any such provision, is to be valid or invalid either during that period or later.
- (2) In the case of an order or notice restricting any price or charge, an order under this paragraph may make the excess of any price or charge over the restriction recoverable by the person paying the price or charge.
- (3) Where in accordance with an order under this paragraph a contract to pay any remuneration remains invalid (in whole or in part) after the date when section 7 of this Act ceases to be in force, the order may further provide that the provisions of sections 17 and 18 of this Act (offences) shall continue to apply in relation to the implementation of the contract as if section 7 of this Act was still in force.
- (4) An order made under this paragraph—
- (a) may be varied or revoked by a subsequent order so made, and
  - (b) shall be contained in a statutory instrument.

*Application of provisions of the Interpretation Act 1889*

- 4 On the expiration of Part II of this Act (whether on the first or any subsequent occasion), section 38(2) of the Interpretation Act 1889 (effect of repeals) shall apply as if Part II of this Act had been repealed by another Act.

*Notices and orders*

- 5 (1) The Minister may by regulations prescribe the manner in which any notice is to be given under this Act, and the evidence which is to be sufficient evidence of its having been given, and of its contents and authenticity.
- (2) The Minister may by regulations—

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- (a) prescribe the manner in which any order, notice or consent under this Act is to be published, or the manner in which particulars of any such order, notice or consent are to be published, and
  - (b) in the case of an order made under this Act by either Agency, prescribe the evidence which is to be sufficient evidence of its having been published, and of its contents and authenticity.
- (3) In any proceedings against any person for an offence consisting of a contravention of an order made by either Agency under this Act, it shall be a defence to prove that the order had not been published at the date of the alleged contravention, unless it is proved that at that date reasonable steps had been taken for the purpose of bringing the purport of the order to the notice of the public, or of persons likely to be affected by it, or of the person charged.
- (4) The power of making regulations under this paragraph shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

*Crown servants*

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- (1) Although this Act does not bind the Crown an order or notice may be made or given under section 7 of this Act, or under this Schedule, so as, without imposing any obligation on the Crown as an employer or otherwise, to apply (either expressly or impliedly) to persons employed by or under the Crown, and section 17(2) of this Act shall apply accordingly.
  - (2) For the purposes of this Act employment by any such body as is specified in Schedule 3 to the Redundancy Payments Act 1965 (national health service employers) and corresponding employments in Northern Ireland shall (if they would not otherwise be so regarded) be regarded as employment by or under the Crown.
  - (3) In the application of this paragraph to Northern Ireland references to the Crown include references to the Crown in right of the Government of Northern Ireland.

*Consultations by Ministers before the passing of this Act*

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- A provision of this Act which imposes on a Minister a duty to consult any person shall not be taken as implying that further consultation is required by the provision where the Minister is satisfied that there was consultation before the passing of this Act which in his opinion was sufficient for the purpose.