



# Employment Protection Act 1975

## 1975 CHAPTER 71

### PART III

#### REGULATION OF TERMS AND CONDITIONS OF EMPLOYMENT

##### *Wages councils and statutory joint industrial councils*

#### **89 Amendments of Wages Councils Act 1959**

- (1) The Service shall perform those functions under the Wages Councils Act 1959 which immediately before the commencement of this section were performed by a commission of inquiry, and accordingly for any reference in that Act to a commission of inquiry there shall be substituted a reference to the Service.
- (2) For the following provisions of that Act, that is to say—
  - (a) section 11 (power to fix remuneration and holidays);
  - (b) section 12 (effect and enforcement of wages regulation orders);
  - (c) Schedule 2 (constitution, etc., of wages councils and central co-ordinating committees);there shall be respectively substituted the sections and Schedule set out in Parts I, II and III of Schedule 7 to this Act (which reproduce those provisions with the amendments broadly described in the note at the beginning of each Part).
- (3) The other provisions of that Act shall have effect subject to the amendments set out in Part IV of that Schedule, being minor amendments and amendments consequential on subsections (1) and (2) above.

#### **90 Conversion of wages councils to statutory joint industrial councils**

- (1) The Secretary of State may by order made in accordance with the following provisions of this section provide that a wages council shall become a statutory joint industrial council having the functions conferred by section 91 below.

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*Status: This is the original version (as it was originally enacted).*

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- (2) The Secretary of State may make an order under this section with respect to a wages council—
  - (a) on an application made to him by the employers' association or trade union nominated in relation to the council or by that association and union jointly; or
  - (b) without an application under paragraph (a) above, but after consultation with the employers' association and trade union so nominated.
- (3) An order under this section shall not be made on an application by an employers' association or trade union alone unless the Secretary of State has consulted every employer's association and trade union nominated in relation to the wages council in question and (whether so nominated or not) all organisations of employers and workers which in his opinion represent a substantial proportion of employers and workers respectively in relation to whom that council operates.
- (4) The Secretary of State shall before making an order under this section refer the question whether he should do so to the Service, and the Service shall inquire into it and report on that question.
- (5) Part I of Schedule 8 to this Act shall have effect with respect to the constitution, officers and proceedings of statutory joint industrial councils and Part II of that Schedule shall have effect with respect to the transition of a wages council to a statutory joint industrial council.

## **91 Functions of statutory joint industrial councils**

A statutory joint industrial council shall have in relation to the workers and employers within its field of operation the functions which a wages council has under Part II of the Wages Councils Act 1959 in relation to the workers and employers within its field of operation, and that Part shall apply to a statutory joint industrial council and the workers and employers within its field of operation as it applies to a wages council and the workers and employers within its field of operation.

## **92 Disputes between employers' and workers' representatives**

- (1) If in the opinion of either the persons appointed to represent employers or the persons appointed to represent workers on a statutory joint industrial council, a dispute has arisen on any question and cannot be settled by the members of the council, those persons may request the Service to attempt to bring about a settlement of the dispute and the Service shall attempt to do so accordingly.
- (2) If the Service are unable to bring about a settlement of any such dispute, the Service shall refer the dispute for settlement to the arbitration of—
  - (a) one or more persons appointed by the Service for that purpose (not being an officer or servant of the Service); or
  - (b) the Committee.
- (3) Where more than one arbitrator is appointed under subsection (2)(a) above, the Service shall appoint one of the arbitrators to act as chairman.
- (4) Any determination of the arbitrator, arbitrators or Committee on a dispute referred to him, them or it under this section shall be final and binding on the statutory joint industrial council and its members, and the council shall make an order under

section 11 of the Wages Councils Act 1959 or take any other steps which may be necessary to give effect to the determination.

- (5) Part I of the Arbitration Act 1950 shall not apply to an arbitration under this section.
- (6) In the application of this section to Scotland, references to an arbitrator shall be construed as references to an arbiter.

### **93 Abolition of statutory joint industrial councils**

- (1) If the Secretary of State is of the opinion that, in the event of the abolition of a statutory joint industrial council, adequate machinery would be established for the effective regulation of the remuneration and other terms and conditions of employment of the workers within the council's field of operation and is likely thereafter to be maintained, he may by order abolish the council.
- (2) An order under this section may be made on the application of the statutory joint industrial council concerned or without such an application, but shall not be made without such an application unless the Secretary of State has consulted the council.
- (3) The Secretary of State shall before making an order under this section refer the question whether he should do so to the Service, and the Service shall inquire into it and report on that question.
- (4) Where an order under this section abolishes a statutory joint industrial council, then, save as is otherwise provided by the order, anything done by the council shall, except as respects things previously done or omitted to be done, cease to have effect.

### **94 Supplementary**

- (1) In sections 90 to 93 above "nominated", in relation to an employers' association or trade union, means, an association or union for the time being nominated under paragraph 1(2) of Schedule 2 to the Wages Councils Act 1959 to appoint persons to represent employers or workers on the wages council in question.
- (2) Schedule 1 to the Wages Councils Act 1959 (as amended by this Act) shall apply in relation to an order under section 90 above providing that a wages council shall become a statutory joint industrial council and in relation to an order under section 93 above abolishing a statutory joint industrial council as it applies in relation to an order establishing or abolishing a wages council.

### **95 Power to obtain information**

- (1) The Secretary of State may, for the purpose of, or in connection with the enforcement of, an order under section 11 of the Wages Councils Act 1959, by notice in writing require an employer within the field of operation of a council making such an order to furnish such information as may be specified or described in the notice.
- (2) A notice under this section may specify the way in which, and the time within which, it is to be complied with.
- (3) A notice given under this section may be varied or revoked by a subsequent notice so given.

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- (4) If a person refuses or wilfully neglects to furnish any information which he has been required to furnish by a notice under subsection (1) above, he shall be liable on summary conviction to a fine not exceeding £100.
- (5) If a person, in purporting to comply with a requirement of a notice under subsection (1) above, knowingly or recklessly makes any false statement he shall be liable on summary conviction to a fine not exceeding £400.

**96 Duty of the Service to report on machinery for regulating remuneration and terms and conditions of employment**

The Service shall, if requested to do so by the Secretary of State—

- (a) inquire into and report on the development by agreement of machinery for the regulation of the remuneration and terms and conditions of employment of workers within the field of operation of a wages council or statutory joint industrial council and the question whether, in order to maintain a reasonable standard of remuneration and terms and conditions of employment of those workers, it is necessary to regulate their remuneration and other terms and conditions of employment by means of orders under section 11 of the Wages Councils Act 1959 ;
- (b) inquire into and report on the operation generally of that Act and the provisions of this Act relating to wages councils and statutory joint industrial councils;
- (c) publish a report made under paragraph (a) or (b) above.

*Powers of Agricultural Wages Boards*

**97 Amendments of Agricultural Wages Acts**

- (1) For section 3 of the Agricultural Wages Act 1948 (power to fix remuneration and holidays) there shall be substituted the section set out in Part I of Schedule 9 to this Act (which reproduces section 3 with amendments enabling the Agricultural Wages Board to fix other terms and conditions of employment as well as remuneration and holidays and to specify the date from which remuneration fixed by them is to be payable).
- (2) The other provisions of that Act shall have effect subject to the amendments set out in Part II of Schedule 9 to this Act, being minor and consequential amendments.
- (3) For section 3 of the Agricultural Wages (Scotland) Act 1949 (power to fix remuneration and holidays) there shall be substituted the section set out in Part I of Schedule 10 to this Act (which reproduces section 3 with amendments enabling the Scottish Agricultural Wages Board to fix other terms and conditions of employment as well as remuneration and holidays and to specify the date from which remuneration fixed by them is to be payable).
- (4) The other provisions of the said Act of 1949 shall have effect subject to the amendments set out in Part II of Schedule 10 to this Act, being minor and consequential amendments.

*Extension of terms and conditions*

**98 Extension of terms and conditions**

The provisions of Schedule 11 to this Act shall have effect in place of section 8 of the Terms and Conditions of Employment Act 1959 and that Act is hereby repealed.