STATUTORY INSTRUMENTS

1973 No. 662

COUNTER-INFLATION

The Counter-Inflation (Notification of Increases in Remuneration) Order 1973

Made - - - -	1*st April* 1973
Laid before Parliament	2*nd April* 1973
Coming into Operation	8*th April* 1973

The Secretary of State in exercise of the powers conferred on him by section 5 of and paragraphs 1(1) and (2) and 3 of Schedule 2 and paragraph 1 of Schedule 3 to the Counter-Inflation Act 1973**(a)**, and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Counter-Inflation (Notification of Increases in Remuneration) Order 1973 and shall come into operation on 8th April 1973.

(2) In this Order and in the provisions of the Act under which it is made as they apply in relation to this Order—

"the Act" means the Counter-Inflation Act 1973;

"the Board" means the Pay Board established under section 1(1) of the Act;

"employee" means an individual who has entered into or works under a contract with an employer, whether the contract be for manual labour, clerical work or otherwise, be expressed or implied, oral or in writing, and whether it be a contract of service or of apprenticeship, and cognate expressions shall be construed accordingly;

"increase in remuneration" includes any improvement in terms or conditions of employment;

"payment", in relation to an increase in remuneration, includes any method of implementing the increase and "payable" shall be construed accordingly;

"remuneration", in relation to an employee, includes any benefit, facility or advantage, whether in money or otherwise, provided by the employer or by some other person under arrangements with the employer, whether for the employee or otherwise, by reason of the fact that the employer employs that employee, but excluding any payment which the employer is required to make by or under any enactment.

(3) The Interpretation Act 1889**(b)** shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(a) 1973 c. 9.

(b) 1889 c. 63.

Notification of proposed increases in remuneration

2.—(1) An employer of employees whose work is performed wholly or substantially within the United Kingdom or on British ships or aircraft shall give notice to the Board as provided by Article 3 of this Order before making any payment which implements an increase in the remuneration of any of those employees being an increase to which this Article applies, and thereafter the proposed increase shall be dealt with in accordance with the provisions of this Order.

(2) Until the end of the period given under Article 5 of this Order for consideration by the Board of a proposed increase in remuneration notified to them under this Article, any implementation of the increase constitutes a contravention of this Order.

(3) Except as provided in paragraph (4) below, this Article applies to proposed increases in remuneration which either:—

(*a*) are determined after the coming into operation of this Order; or

(*b*) are payable from a single date which is, or from more than one date all of which are, after the coming into operation of this Order,

and which have been or are determined in relation to 1,000 or more employees whether or not all employed by one employer.

(4) This Article shall not apply to proposed increases in the remuneration of employees where before the proposal has been notified to the Board—

(*a*) the proposal has been approved by procedures established under Schedule 2 to the Act; or

(*b*) the remuneration of the said employees has been restricted by an order or notice made or given under section 7 of the Act and which is in force.

Form of notification

3.—(1) A notice under Article 2 of this Order shall:—

(*a*) be given in writing and be signed by or on behalf of the employer or employers concerned;

(*b*) give the name and address of the employer or the names and addresses of the employers concerned;

(*c*) give particulars of the proposed increases in remuneration including the proposed date or dates from which the increases are to be payable and the proposed date or dates of implementation of the increases.

(2) A notice required to be given by an employer under Article 2 of this Order may be given on his behalf by an organisation of employers and one notice may be given by such an organisation on behalf of more than one employer in respect of the same proposed increases in remuneration.

Application for approval of proposed increases in remuneration

4.—(1) A notice under Article 2 of this Order shall be treated as an application to the Board, made when the notice is given, for their approval of the proposed increases in remuneration.

(2) Where there is such an application for approval the Board shall, subject to the provisions of this Article, give their decision whether or not to approve the proposal as soon as practicable and in any event within eight weeks of the application being made.

(3) Subject to paragraph (5) of this Article, on the expiry of four weeks after an application is made the Board shall be deemed to have given their approval of a proposal if they have not given notice to the applicant that the application is still under consideration.

(4) Subject to paragraph (5) of this Article, the Board shall be deemed to have given their approval of a proposal for the purposes of the provisions of Schedule 2 to the Act on the expiry of the said period of eight weeks.

(5) The Board shall not be deemed to have given their approval under paragraph (3) or (4) of this Article if before the expiry of the period of four weeks or eight weeks (as the case may be) the Board have, with respect to the proposed increases in the remuneration of employees:—

(*a*) duly notified the applicant of their decision; or

(*b*) given or published notice under section 7(4) or (5) of the Act (notice of the intention of the Board to restrict remuneration by order or notice).

Consideration by Board of notification

5. Where a notice is given to the Board under Article 2 of this Order the period given to the Board thereafter to consider whether the increases conform with the relevant provisions of the code, and whether the Board should exercise the powers conferred by provisions of the Act in order to prevent those increases, shall end on whichever of the following dates shall first occur:—

(*a*) where approval of the proposals is given or deemed to have been given under Article 4 of this Order, the date of the approval;

(*b*) where an order or notice is made or given under section 7 of the Act restricting the remuneration of the employees to whose remuneration the notice given under Article 2 of the Order relates, the date of the commencement of the restriction;

(*c*) the date of expiry of a period of eight weeks after the notice is given.

Signed by order of the Secretary of State.

1st April 1973.

R. Chichester-Clark,
Minister of State,
Department of Employment.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes provision under section 5 of the Counter-Inflation Act 1973 to ensure that the Pay Board shall receive notice of proposed increases in remuneration in the cases specified in the Order. It also specifies the form of notice to be given by employers and the period given for consideration of the proposed increases by the Pay Board. The Order makes it an offence to implement notified proposed increases before the expiry of the time given to the Pay Board for their consideration.

The Order also provides that a notice given under the Order is to be treated as an application for the approval of the notified proposed increases in remuneration by the Pay Board and makes provision for the giving of the Pay Board's decision whether or not to approve the proposal.

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