STATUTORY INSTRUMENTS

1973 No. 1789

COUNTER-INFLATION

The Counter-Inflation (Returns and Records of Remuneration) (Amendment) Order 1973

Made - - - -	*26th October* 1973
Coming into Operation	*7th November* 1973

The Secretary of State in exercise of the powers conferred on him by section 15(2)(*a*) and (*b*), (3) and (5) of 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 (Returns and Records of Remuneration) (Amendment) Order 1973 and shall come into operation on 7th November 1973.

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

Amendment of Principal Order

2. The Counter-Inflation (Returns and Records of Remuneration) Order 1973**(c)** (the "Principal Order") shall have effect subject to the amendments specified in the Schedule to this Order.

26th October 1973.

Maurice MacMillan,
Secretary of State for Employment.

Article 2

SCHEDULE

AMENDMENTS TO THE PRINCIPAL ORDER

1. In Article 1(2) after the definition of "the Board" there shall be inserted the following definition—

"the code" means the code set out in the Schedule to the Counter-Inflation (Price and Pay Code) (No. 2) Order 1973**(d)**.

(a) 1973 c.9.

(b) 1889 c. 63.

(c) S.I. 1973/663 (1973 I, p.2147).

(d) S.I. 1973/1785 (1973 III, p. 5445).

2. In Article 1 after paragraph (2) there shall be inserted the following paragraph—

(2A) For the purposes of this Order the relevant provisions of the code relating to efficiency payments schemes (including payment by results and restructuring schemes) are paragraphs [171 and 172], that relating to pension and death benefit schemes is paragraph [156] and that relating to threshold arrangements is paragraph [176].

3. For sub-paragraph (*a*) of paragraph (2) of Article 2 there shall be substituted the following sub-paragraph—

(*a*) increases in remuneration of which notice is required to be given to the Board under Article 2 of the Counter-Inflation (Notification of Increases in Remuneration) Order 1973**(a)**, as amended by the Counter-Inflation (Notification of Increases in Remuneration) (Amendment) Order 1973**(b)**, (obligation to notify increases in remuneration in respect of anomalies, efficiency payments schemes and those relating to 1,000 or more employees).

4. For paragraph (3) of Article 2 there shall be substituted the following paragraph—

(3) This Article shall not apply to increases in remuneration—

(*a*) which consist only of new or improved benefits under occupational pension or death benefit schemes to which the relevant provision of the code applies; or

(*b*) which are attributable only to the operation in relation to employees of a threshold arrangement which is in conformity with the relevant provisions of the code relating to such arrangements; or

(*c*) which have been approved by procedures established under Schedule 2 to the Act or which have been determined in relation only to employees whose remuneration has been restricted by an order or notice made or given under section 7 of the Act and which is in force; or

(*d*) which are attributable only to a determination of remuneration payable for work to which Article 2A applies.

5.—After Article 2 there shall be inserted the following articles—

Returns in respect of new work

2A.—(1) An employer who after the date of the coming into operation of this Order determines (whether by agreement or otherwise) the remuneration payable for work to which this Article applies to 100 or more employees engaged or proposed to be engaged by him in the performance of such work wholly or substantially within the United Kingdom or on British ships or aircraft shall furnish to the Board a return containing the estimates and information specified in Schedule 1A to this Order.

(2) This Article applies to work which is to be performed wholly or mainly by new employees at a place where the employer has not undertaken work of the same or substantially the same description during the preceding 12 months; and the requirements of this Article shall apply whether or not payments which implement the determination will constitute an increase in remuneration for all or any of the employees to whom that remuneration is payable.

(3) References in the preceding paragraph to "a place where the employer has not undertaken work of the same or substantially the same description" shall include new premises and any extension to existing premises.

(4) The time within which the requirements of this Article to furnish a return are to be complied with shall expire on the expiry of the period of seven days from the day on which the determination is made.

(a) S.I. 1973/662 (1973 I, p.2143). **(b)** S.I. 1973/1788 (1973 III, p. 5510).

Returns in respect of new efficiency payments schemes

2B.—(1) An employer who, after the date of the coming into operation of this Order, determines (whether by agreement or otherwise) a scheme to which this Article applies in relation to work which is to be performed by any employees wholly or substantially within the United Kingdom or on British ships or aircraft shall furnish to the Board a return containing the information and estimates specified in Schedule 1B to this Order.

(2) This Article applies to any scheme the terms of which have been determined by reference to the relevant provisions of the code relating to new efficiency payments schemes (including payment by results and restructuring schemes).

(3) The time within which the requirements of this Article to furnish a return are to be complied with shall expire on the expiry of the period of seven days from the day on which the determination is made.

6. In paragraph (1) of Article 3 for the expression "Article 2" there shall be substituted the expression "Article 2, 2A or 2B".

7. In Schedule 1 after the word "RETURN" in the heading there shall be inserted the words "UNDER ARTICLE 2".

8. In paragraph 2 of Schedule 1 at the end there shall be inserted—
(i) in respect of employees any part of whose remuneration comprises earnings from a payment by results scheme, the numbers, the total remuneration and total hours worked in each of two representative weeks one selected from the beginning and one from the end of the twelve month period preceding the date of the increase.

9. After Schedule 1 there shall be inserted the following Schedules—

Article 2A

SCHEDULE 1A

INFORMATION AND ESTIMATES TO BE CONTAINED IN THE RETURN UNDER ARTICLE 2A

1. The name and address of the employer by whom or on whose behalf the return is furnished;

2. description and address of the place at which work is to be performed;

3. number of employees engaged or proposed to be engaged, showing number of new employees separately;

4. description of work on which employees are engaged or proposed to be engaged;

5. details of remuneration payable;

6. details of any remuneration currently paid by the employer to any other employees for the same kind of work or the most nearly similar kind of work;

7. estimates of any remuneration currently paid by other employers for the same kind of work or the most nearly similar kind of work in the same or the nearest other area;

8. the date on which the determination was made.

Article 2B

SCHEDULE 1B

INFORMATION AND ESTIMATES TO BE CONTAINED IN THE RETURN UNDER ARTICLE 2B

1. The name and address of the employer by whom or on whose behalf the return is furnished;

2. description of the scheme;

3. date for the introduction of the scheme;

4. descriptions of employees engaged or to be engaged in work to which the scheme applies and number of each description of employees;

5. descriptions of other employees who may benefit in consequence of the scheme and an estimate of the number of each description;

6. estimated costs of installing and maintaining the scheme;

7. estimated increases in remuneration which would become payable to each description of employees if implemented;

8. estimated net savings arising from the scheme;

9. estimated effect on unit total costs and unit labour costs compared with the costs in the representative earlier period selected for the purposes of the code;

10. an estimate of the pay limit for employees engaged or to be engaged in work to which the scheme applies and for any others who may benefit in consequence of the scheme and the information and calculations on which the estimates are based;

11. details of any methods of work measurement or means of determining indices of performance to be used for the purposes of the scheme;

12. details of provisions for keeping the operation of the scheme under review and for making any necessary modifications or adjustments in accordance with the code.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Counter-Inflation (Returns and Records of Remuneration) Order 1973 by making further provision, under section 15 of the Counter-Inflation Act 1973, requiring in cases specified in the Order, the furnishing of returns containing estimates and information specified in the Order. The Order adds to the requirements of the principal Order to furnish returns as respects certain increases in remuneration, requirements to furnish returns as respects determinations of remuneration for new work, and as respects determination of efficiency payments schemes. The Order specifies the time within which the new requirements are to be complied with. The Order also removes the obligation to notify increases which consist of new or improved benefits under occupational pension or death benefit schemes which do not count against the pay limit and increases which are attributable to the operation of thresholds in conformity with the relevant provisions of the code.

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