The Jewellery and Silverware Development Council Order, 1948*

1948 No. 2801

Made - - - - 21*st December*, 1948
Coming into Operation 1*st January*, 1949

The Board of Trade in pursuance of the powers conferred upon them by the Industrial Organisation and Development Act, 1947(a), hereby order as follows:—

Establishment of Development Council.

1.—(1) There is hereby established for the industry consisting of the activities specified in the First Schedule hereto (hereinafter referred to as "the industry") a Development Council to be known as the Jewellery and Silverware Council (hereinafter referred to as "the Council") to which are assigned the functions specified in the Second Schedule hereto.

(2) The Council shall exercise their functions in such manner as appears to them to increase efficiency and productivity in the industry as much as possible, to improve and develop the service that it renders to the community and to enable it to render that service more economically.

(3) Before undertaking any work in the exercise of their functions, the Council shall consult any body which in their opinion may be concerned and shall have regard to the work of that body in order to avoid duplication.

(4) The Council may enter into such agreements, acquire such property and do such things, as may in the opinion of the Council be necessary or desirable for the exercise of any of their functions, and may dispose as they think fit of any property acquired by them.

Constitution of Development Council.

2. The Council shall consist of the following members appointed by the Board of Trade, that is to say—

(1) four persons capable of representing the interests of persons carrying on business in the industry comprising—

(*a*) one person capable of representing the interests of persons carrying on business as goldsmiths and silversmiths,

(*b*) one person capable of representing the interests of persons carrying on business as manufacturers of electro-plated goods,

(*c*) one person capable of representing the interests of persons carrying on business as fine jewellers, and

(*d*) one person capable of representing the interests of persons carrying on business as manufacturers of imitation jewellery;

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* In accordance with subsection (6) of section 1 of the Industrial Organisation and Development Act, 1947, this order has been approved by a Resolution of each House of Parliament. The Resolution of the House of Lords was passed on the 14th December, 1948, and that of the House of Commons on the 8th December, 1948.

(a) 10 & 11 Geo. 6. c. 40.

(2) four persons capable of representing the interests of persons employed in the industry;

(3) three persons as to whom the Board of Trade are satisfied that they have no such financial or industrial interest as is likely to affect them in the discharge of their functions as members of the Council (hereinafter referred to as " independent members "), and

(4) one person having special knowledge of matters relating to the marketing or distribution of products of the industry.

Matters relating to membership and proceedings.

3. The provisions of the Third Schedule hereto shall have effect in relation to the membership and proceedings of the Council.

Registration of persons carrying on business in the industry.

4.—(1) Every person who on the 1st day of January, 1949, is carrying on business in the industry shall within one month thereof apply in writing to the Council to be registered and every person who after the said date commences to carry on business in the industry shall so apply within one month of so commencing.

(2) The Council shall enter in a register to be kept by them—

(*a*) the name of every person who has made an application to be registered as aforesaid,

(*b*) the business name (if any) under which he carries on business in the industry,

(*c*) each place where he carries on such business, and

(*d*) a description of such business.

(3) Any person required by paragraph (1) hereof to make an application to be registered shall, if so required by the Council, within such time and in such form as they may specify furnish such information as the Council may require to make or complete the entry in the register relating to him, as the case may be.

(4) Any person whose name is entered in the register shall notify the Council forthwith of any matter rendering the entry in the register relating to him inaccurate or incomplete.

(5) The Council shall, on receipt of any such notification as is referred to in paragraph (4) hereof, amend the register in accordance therewith.

(6) The Council may, if they have reasonable cause to believe that any person whose name is entered in the register no longer carries on business in the industry, by notice in writing inform that person of their intention to remove his name from the register unless within a period of one month from the date of the notice he gives notice in writing to the Council that he is a person so carrying on business, and if no such notice is received by the Council within the said period the Council may, on the expiration of that period, remove his name from the register.

(7) Any person who fails to comply with any of the requirements of paragraphs (1), (3) or (4) hereof shall, unless he proves that he had reasonable cause for the failure, be liable on summary conviction to a fine not exceeding five pounds in respect of each day during which the failure continues.

(8) The register shall be kept at the office of the Council and any person shall, on payment of a fee of one shilling, be entitled to inspect the said register during normal business hours and to take, or be supplied with, a copy of any one entry therein.

Levies.

5.—(1) For the purpose of enabling the Council to meet their expenses in the exercise of their functions and their administrative expenses the Council may, with the approval of the Board of Trade, impose, on persons carrying on business in the industry, a charge calculated in relation to each such person by reference to the value of the products supplied by him during such period as may be specified by the Council, being the products of the activities comprised in the industry carried on by him.

In this paragraph " value " means the aggregate of the prices paid or payable for such products, before any deduction by way of discount, commission or allowance but excluding delivery charges payable by the buyer and excluding any sum in respect of Purchase Tax.

(2) As soon as may be after the Board of Trade have approved the imposition of any charge under paragraph (1) hereof, the Council shall, by notice given in such manner as they think best adapted for informing the persons affected, specify—

(*a*) the period in respect of which the charge is payable;

(*b*) the period in relation to which the charge is to be calculated;

(*c*) the rate at which the charge is to be calculated; and

(*d*) the date on which the charge accrues due.

(3) Any charge imposed by the Council under paragraph (1) hereof shall be computed so as to yield, as nearly as possible, an equal sum in each year, but not so as to yield more than £75,000 in any period of three years.

(4) The Council may, by notice in writing, require any person carrying on business in the industry—

(*a*) to furnish such returns and other information relating to such business;

(*b*) to keep such records relating to such business;

(*c*) to produce for examination on behalf of the Council such books and other documents and records in his custody or under his control relating to such business,

as appear to the Council necessary to show the amount from time to time payable by him under this Article.

(5) Any two or more persons jointly carrying on business in the industry shall, in so far as it is material for the purposes of this Article to ascertain the amount of any charge payable by them to the Council, be treated as constituting together a single person.

(6) The amount of any charge due and payable under this Order shall be recoverable by the Council as a debt.

Borrowing powers.

6.—(1) The Council may for the purpose of defraying any of their expenses borrow money temporarily from bankers or otherwise:

provided that the aggregate of the amounts outstanding in respect of sums so borrowed shall not at any time, except after consultation with the prescribed organisations and with the approval of the Board of Trade, exceed £5,000.

(2) In this Article the expression " prescribed organisations " means such organisations representative of persons carrying on business in the industry and such organisations representative of persons employed in the industry as the Board of Trade may prescribe.

Returns and information and production of books.

7.—(1) Any person carrying on a business in the industry who is required by notice in writing by the Council under the foregoing provisions of this Order to furnish returns or other information relating to such business, to keep records or to produce for examination books or other documents or records relating to such business, shall furnish in such form and manner and within such time such returns or other information relating to such business as may be specified in the notice, or, as the case may be, keep such records or produce at such time such books or other documents or records in his custody or under his control relating to such business as may be so specified; provided that a person who uses in his business what he claims to be a secret process that ought not to be disclosed on the ground of risk of prejudice to his business shall not be required by anything in this Article to disclose particulars relating to that process unless the requirement and the form thereof have been approved by the Board of Trade after consideration of his claim.

(2) Where a requirement is imposed by the Council under the provisions of this Order to furnish returns or other information relating to an individual business or to produce for examination books or other documents or records, the Council shall ensure that the returns or other information shall be furnished to, or the examination done by, independent members of the Council designated by the Board of Trade or to or by officers of the Council specially authorised in that behalf by the Council.

Penalties.

8.—(1) If any person required under Article 5 of this Order to furnish returns or other information, to keep records or to produce for examination books or other documents or records fails to furnish, keep or produce them in accordance with the requirement he shall, unless he proves that he had reasonable excuse for the failure, be liable on summary conviction to a fine not exceeding fifty pounds.

(2) If the failure in respect of which a person is convicted under the last foregoing paragraph is continued after the conviction he shall be guilty of a further and continuing offence and liable on summary conviction to a fine not exceeding five pounds in respect of each day during which the failure continues.

(3) If any person in purporting to fulfil any requirement imposed by the Council under the provisions of this Order to furnish returns or information knowingly or recklessly makes any statement which is false in a material particular he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding one hundred pounds or, in either case, to both such imprisonment and such fine.

Interpretation, short title and commencement.

9.—(1) The Interpretation Act, 1889(a), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(2) This Order may be cited as the Jewellery and Silverware Development Council Order, 1948, and shall come into operation on the 1st day of January, 1949.

Dated this 21st day of December, 1948.

Harold Wilson,
President of the Board of Trade.

(a) 52 & 53 Vict. c. 63.

FIRST SCHEDULE

Definition of the Industry

1. The industry shall consist of the following activities:—

(*a*) carrying out any of the processes specified in paragraph 2 hereof in the manufacture of fine jewellery, imitation jewellery and other goldsmiths' and silversmiths' wares of whatever material and whether plated or not (including spoons and forks but excluding clock and watch movements);

(*b*) procuring the carrying out of any such process in the manufacture of any such jewellery or wares on commission by another person if the person procuring the performance of the service owns the materials from which such jewellery or wares are manufactured.

2. The processes referred to in paragraph 1 hereof are the following processes:—

the manufacture of jewellers' and silversmiths' findings, stamping, shaping, pressing, casting, moulding, assembling, spinning, soldering, mounting, sand-polishing, hand-raising, flat-hammering, grease mopping, electro-plating, inlaying, filigree work, engraving, chasing, saw-piercing, engine-turning, burnishing, finishing, enamelling, lacquering, lapidary work (other than the cutting of diamonds), setting, drilling, stringing, polishing and the manufacture of artificial pearls.

3. In this Schedule—

" jewellery " includes any article of personal adornment (whether or not containing stones);

" manufacture of artificial pearls " means the manufacture of pearl bases and pearl essence, dipping, spraying and finishing;

" shaping " means sawing, cutting, filing, bending, soldering and riveting.

SECOND SCHEDULE

Functions of the Council in relation to the Industry

1. Promoting or undertaking scientific research.

2. Promoting or undertaking inquiry as to materials and equipment and as to methods of production, management and labour utilisation, including the discovery and development of new materials, equipment and methods and of improvements in those already in use and the assessment of the advantages of different alternatives.

3. Promoting or undertaking research into matters affecting industrial psychology.

4. Promoting or undertaking measures for the improvement of design, including promoting or undertaking the establishment and operation of design centres.

5. Promoting the production and marketing of products of standard quality.

6. Promoting the better definition of trade descriptions and consistency in the use thereof.

7. Undertaking the certification of products, the registration of certification trade marks, and the functions of proprietors of such marks.

8. Promoting the training of persons engaged or proposing engagement in the industry, and their education in technical or artistic subjects relevant thereto.

9. Promoting the adoption of measures for securing safer and better working conditions, and the provision and improvement of amenities for persons employed, and promoting or undertaking inquiry as to such measures.

10. Promoting or undertaking research into the incidence, prevention and cure of industrial diseases.

11. Promoting or undertaking arrangements for encouraging the entry of persons into the industry.

12. Promoting or undertaking research for improving arrangements for marketing and distributing products.

13. Promoting or undertaking research into matters relating to the consumption or use of goods and services supplied by the industry.

14. Promoting arrangements for co-operative organisations for supplying materials and equipment, for co-ordinating production, and for marketing and distributing products.

15. Promoting the development of export trade, including promoting or undertaking arrangements for publicity overseas.

16. Promoting or undertaking arrangements for better acquainting the public in the United Kingdom with the goods and services supplied by the industry and methods of using them.

17. Promoting the improvement of accounting and costing practices and uniformity therein, including in particular the formulation of standard costings.

18. Promoting or undertaking the collection and formulation of statistics.

19. Advising on any matters relating to the industry (other than remuneration or conditions of employment) as to which the Board of Trade may request the Council to advise, and undertaking inquiry for the purpose of enabling the Council so to advise.

20. Undertaking arrangements for making available information obtained, and for advising, on matters with which the Council are concerned, in the exercise of any of their functions.

THIRD SCHEDULE

Membership and Proceedings

1. The appointment of a member of the Council shall be for such period, not exceeding three years, as the Board of Trade may determine and, subject to the provisions of this Schedule, a member shall hold and vacate office in accordance with the terms of the instrument appointing him to be a member, as varied with his consent at any time thereafter.

2. A member of the Council on vacating his office on the expiration of the term thereof shall be eligible for re-appointment.

3. A person shall be disqualified for being appointed, or being a member of the Council so long as he is a member of the Commons House of Parliament.

4. If a member appointed as an independent member—

(*a*) commences or resumes carrying on business in the industry or acts in the management of any undertaking the owner of which as such carries on business in the industry, or

(*b*) refuses to sell or dispose of any interest or security held directly or indirectly for his benefit and the retention of which he has been informed by the Board of Trade to be in their opinion likely to affect him in the discharge of his functions or fails to sell or dispose of any such interest or security within one month after having been requested by the Board of Trade to do so, the Board may declare the office of such a member to be vacant.

5. There shall be paid by the Council to the Chairman of the Council such remuneration by way of salary and to all or any of the other members such remuneration calculated by reference to loss of wages or other earnings resulting from the performance of their duties as members of the Council as may be determined by the Board of Trade. There shall also be paid by the Council to all members of the Council such allowances for expenses as may be so determined.

6. The validity of any proceedings of the Council shall not be affected by any vacancy amongst the members thereof.

7. At least one independent member, two members appointed as capable of representing the interests of persons carrying on business in the industry and two members appointed as capable of representing the interests of persons employed in the industry shall be present at every meeting of the Council.

8. If at any meeting of the Council the votes are equally divided on any question, the person acting as Chairman of the meeting shall have a second or casting vote.

9. Minutes shall be kept of the proceedings of the Council and any such minutes shall, if signed by any person purporting to have acted as Chairman of the meeting or at a meeting at which they were read be evidence of the proceedings of the first mentioned meeting, and a meeting to which any such minutes relate shall, unless the contrary is proved, be taken to have been regularly convened and constituted.

10. The Council shall have an office at which communications and notices will at all times be received and shall notify to the Board of Trade the address of that office and any change of that address.

Execution and Issue of Instruments

11. The seal of the Council shall be authenticated by the signature of the Chairman of the Council or some other member of the Council authorised by the Council to act in that behalf and of the Secretary or some other person authorised by the Council so to act.

12. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed on behalf of the Council by any person generally or specially authorised by them for the purpose.

13. Every document purporting to be a document duly executed or issued either under the seal of the Council authenticated in the manner provided by this Schedule or on behalf of the Council, or purporting to be signed by the Secretary or any person authorised to act in that behalf, shall, until the contrary is proved, be deemed to be a document so executed or issued or so signed as the case may be.

EXPLANATORY NOTE

(*This Note is not part of the Order, but is intended to indicate its general purport.*)

This Order, which is made under the Industrial Organisation and Development Act, 1947, sets up for the jewellery and silverware industry a development council to be known as the Jewellery and Silverware Council.

The Order specifies the constitution of the Council, sets out the functions which are assigned to them and contains a definition of the industry to which the Order relates. Provision is made for the maintenance of a register of persons carrying on business in the industry, and for the imposition of a levy to meet the expenses incurred by the Council in the exercise of their functions.