STATUTORY INSTRUMENTS

1974 No. 1887

TERMS AND CONDITIONS OF EMPLOYMENT

The Truck Acts 1831 to 1896 (Enforcement) Regulations 1974

Made - - - -	12th *November* 1974
Laid before Parliament	21*st November* 1974
Coming into Operation	1*st January* 1975

The Secretary of State in exercise of the powers conferred on him by sections 80(1) and (3) of the Health and Safety at Work etc. Act 1974**(a)** and of all other powers enabling him in that behalf, and after consultation with such bodies as appeared to him to be appropriate, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Truck Acts 1831 to 1896 (Enforcement) Regulations 1974 and shall come into operation on 1st January 1975.

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

Enforcement of Truck Acts 1831 *to* 1896

2. The Truck Act 1896**(c)** shall as respects Great Britain have effect as if for section 10 there were substituted the following section:—

"10.—(1) The Secretary of State, with the approval of the Minister for the Civil Service as to numbers and salaries, may appoint such officers as he thinks necessary for the purpose of enforcing the provisions of this Act and of the Truck Acts 1831 and 1887**(d)** and the persons so appointed shall for that purpose have the powers conferred on them by subsection (3) of this section.

(2) Every appointment under the preceding subsection shall be made by an instrument in writing and an officer appointed thereunder shall, if so required when exercising or seeking to exercise any power conferred on him by subsection (3) of this section, produce his instrument of appointment or a duly authenticated copy thereof.

(a) 1974 c. 37.
(b) 1889 c. 63.
(c) 1896 c. 44.
(d) 1831 c. 37; 1887 c. 46.

(3) An officer appointed under subsection (1) of this section may, for the purpose there mentioned, exercise any of the following powers:—

(*a*) at any reasonable time to enter any premises where any person is or has been employed whom he has reason to believe is a workman to whom the said Acts apply or applied and, at any reasonable time, to enter any premises from which work in connection with the business carried on at those premises is given out to outworkers to whom he has reason to believe the said Acts apply;

(*b*) to require the production of, inspect, and take copies of or of any entry in any wage sheets or other records of wages kept by an employer, and records of payments made to outworkers by persons giving out work;

(*c*) to require any person giving out work and any outworker to give any information which it is in his power to give with respect to the names and addresses of the persons to whom the work is given out or from whom the work is received, as the case may be, and with respect to the payments to be made for the work;

(*d*) to inspect and copy the whole or any material part of any list of outworkers kept by an employer or person giving out work to outworkers;

(*e*) to require any person whom he has reasonable cause to believe to be able to give any information relevant to his investigation under the said Acts to answer (in the absence of persons other than a person nominated by him to be present and any persons whom the officer may allow to be present) such questions as the officer thinks fit to ask and to sign a declaration of the truth of his answers, so however that no one shall be required under this provision to answer any question tending to criminate himself or, in the case of a person who is married, his or her wife or husband.

(4) In England and Wales, an officer appointed under subsection (1) of this section, if authorised in that behalf by the Secretary of State may, although not of counsel or a solicitor, prosecute before a magistrates' court proceedings for an offence under any of the said Acts.

(5) If any person in purported compliance with a requirement imposed under this section—

(*a*) produces or furnishes or causes or knowingly allows to be produced or furnished any wages sheet, record, list or other document which he knows to be false in a material particular; or

(*b*) makes any statement which he knows to be false in a material particular or recklessly makes a statement which is so false,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100 or to imprisonment for a term not exeeding three months or to both such fine and such imprisonment.

(6) If any person intentionally obstructs an officer appointed under subsection (1) of this section in the exercise or performance of his powers or duties or fails to comply with any requirement imposed by such an officer in the exercise of his powers, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £20."

Consequential amendments and repeals

3.—(1) In the Truck Amendment Act 1887, as it applies to Great Britain—

(*a*) in section 12(2), for the words "an inspector of factories or mines" and "the inspector" there shall be substituted respectively the words "an officer appointed by the Secretary of State to enforce the provisions of the principal Act or this Act" and "the officer";

(*b*) section 13(2) shall cease to have effect; and

(*c*) in section 13(4), paragraph (*a*) shall have effect as if the words from "this Act" to the end of the paragraph were omitted.

(2) In section 6(1) and (3) of the Truck Act 1896, as it applies to Great Britain, the references to Her Majesty's inspectors of factories and of mines shall have effect as if they were references to officers appointed under that Act as amended by regulation 2 of these Regulations.

Signed by order of the Secretary of State.

12t . November 1974.

Harold Walker,
Joint Parliamentary Under Secretary of State,
Department of Employment.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

The Truck Acts 1831 to 1896 are enforced in factories and in mines and quarries by inspectors of factories and inspectors of mines respectively. On the establishment on 1st January 1975 of the Health and Safety Executive the Truck Acts will as respects Great Britain cease to be so enforced. The function of enforcing them will not be within the functions of the said Executive under the Health and Safety at Work etc. Act 1974. These Regulations make provision in connection with these changes for the enforcement in Great Britain from the said date of the Truck Acts 1831 to 1896 in all cases to which they apply by officers appointed by the Secretary of State.

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