CHAPTER 7.

An Act to repeal Part I of the Road Haulage Wages Act, 1938, and, so far as it relates to the Central Board established under the said Part I, the Holidays with Pay Act, 1938, to convert the said Central Board and any order in force under the said enactments (so far as repealed) into a wages council and a wages regulation order under the Wages Councils Act, 1945, to amend the last-mentioned Act in certain respects, and for purposes connected with the matters aforesaid.

[16th December 1948.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Certain road haulage workers to be brought under Wages Councils Act, 1945.

1.—(1) Subject to the provisions of this section—

(*a*) the Road Haulage Central Wages Board established under Part I of the Road Haulage Wages Act, 1938, shall, by virtue of this Act and without more, be deemed to be a wages council established, under the name of " the Road Haulage Wages Council ", under Part I of the Wages Councils Act, 1945, by a wages council order and operating, until other provision is made under the last-mentioned Act, in relation to all workers of the descriptions specified in subsection (2) of this section and their employers ; 1 & 2 Geo. 6. c. 44. 8 & 9 Geo. 6. c. 17.

(*b*) any order made under section three of the Road Haulage Wages Act, 1938, the Holidays with Pay Act, 1938, and the Trade Boards and Road Haulage Wages (Emergency Provisions) Act, 1940, being an order which gives effect to proposals or directions of the said Board and is in force immediately before the passing of this Act, shall, as from the passing of this Act, have effect as if it were a wages regulation order giving effect to wages regulation proposals submitted by the Road Haulage Wages Council under the Wages Councils Act, 1945 ; 1 & 2 Geo. 6. c. 70. 3 & 4 Geo. 6. c. 7.

(*c*) Part I of the Road Haulage Wages Act, 1938, and so much of the Holidays with Pay Act, 1938, as relates to the Road Haulage Central Wages Board shall cease to have effect, and Parts II and III of the Road Haulage Wages Act, 1938, shall have effect subject to the consequential modifications specified in the First Schedule to this Act.

(2) The descriptions of workers referred to in paragraph (*a*) of subsection (1) of this section are the descriptions of workers whose remuneration was the subject of an order under section three of the Road Haulage Wages Act, 1938, immediately before the passing of this Act, and any other descriptions of workers whose remuneration could, under the law then in force, have then been the subject of such an order.

(3) The provisions of the Second Schedule to this Act shall have effect in relation to the transition from Part I of the Road Haulage Wages Act, 1938, and the Holidays with Pay Act, 1938, to the Wages Councils Act, 1945, effected by the preceding provisions of this section.

Amendments to Wages Councils Act, 1945, consequential on preceding section.

23 & 24 Geo. 5. c. 53.

2.—(1) The powers conferred by subsection (3) of section seventeen of the Wages Councils Act, 1945, on any officer acting for the purposes of Part II of that Act shall include power, for the performance of his duties, to require the production of any licence or certificate granted under the Road and Rail Traffic Act, 1933, or any defence permit, and of any records kept in pursuance of section sixteen of the Road and Rail Traffic Act, 1933, or in pursuance of the Road Haulage Wages Act, 1938, and to examine any such licence, certificate, permit or records and copy it or them or any material part thereof, and all the provisions of the Wages Councils Act, 1945, shall have effect accordingly.

(2) If any person is convicted under Part I of the Road and Rail Traffic Act, 1933, of using a goods vehicle for a purpose for which an A licence or a B licence is required, otherwise than under such a licence, any work performed by a worker in connection with the vehicle while it was so used shall, for the purposes of any wages regulation order the operation whereof depends on whether or not a vehicle is specified in or authorised to be used by an A licence or a B licence, be deemed to have been work performed in connection with a vehicle specified in an A licence or a B licence granted under that Act, as the case may be.

(3) In this section, the expression " defence permit " means a defence permit issued under the Emergency Powers (Defence) Road Vehicles and Drivers Order, 1943, as amended by subsequent orders.

Extension of powers as to establishment of wages councils and central co-ordinating committees.

3.—(1) An order under section six of the Wages Councils Act, 1945, abolishing or varying the field of operation of one or more wages councils may include provision for the establishment of one or more wages councils operating in relation to all or any of the workers in relation to whom the first-mentioned council or councils would have operated but for the order, and such other workers, if any, as may be specified in the order.

(2) The provisions of section five of the said Act (which relates to the making of wages council orders) shall apply in relation to every order under the said section six which includes any such

provision as is mentioned in subsection (1) of this section as they apply in relation to wages council orders, and accordingly, in paragraph (*b*) of the proviso to subsection (1) of the said section six, after the words " another wages council " there shall be inserted the words " already in existence ".

(3) Where a commission of inquiry embodies two or more wages council recommendations in the same report, it may include in that report a recommendation for the establishment of a central co-ordinating committee in relation to all or any of the councils to which those recommendations relate, and accordingly, in paragraph (*a*) of subsection (2) of section eight of the said Act, after the words " and any other wages council " there shall be inserted the words " (including a council proposed to be established by another wages council recommendation embodied in the same report) ".

Power of joint industrial councils, etc., to apply for abolition of wages council.

4. An application for the abolition of a wages council may be made under subsection (2) of section six of the Wages Councils Act, 1945, by a joint industrial council, conciliation board or other similar body constituted by organisations of workers and organisations of employers which represent respectively substantial proportions of the workers and employers with respect to whom that wages council operates, and accordingly, in the said subsection (2), for the words " may be made to the Minister jointly by organisations of workers and organisations of employers which represent respectively substantial proportions of the workers and employers with respect to whom that council operates, on the ground that those organisations jointly provide machinery " there shall be substituted the words " may be made to the Minister either—

(*a*) by a joint industrial council, conciliation board or other similar body constituted by organisations of workers and organisations of employers which represent respectively substantial proportions of the workers and employers with respect to whom that wages council operates ; or

(*b*) jointly by organisations of workers and organisations of employers which represent respectively substantial proportions of the workers and employers aforesaid,

on the ground that the council, board or body provides, or, as the case may be, that those organisations jointly provide, machinery ".

Amendments as to procedure under Part I of Wages Councils Act, 1945.

5.—(1) The Minister shall publish every report made to him under Part I of the Wages Councils Act, 1945, by a commission of inquiry :

Provided that where the Minister refers a report back to the commission, he shall not be bound to publish it until he publishes the further report of the commission.

(2) Where—

(*a*) any objection is made to the Minister under section five of the said Act with respect to a draft wages council order or a draft order under section six of the said Act (which section provides for the abolition of wages councils and the variation of their fields of operation); and

(*b*) the Minister, under paragraph (*b*) of subsection (4) of the said section five, refers the draft order to a commission of inquiry for inquiry and report,

he shall notify to the commission the objections which he wishes the commission to take into account, and the questions which it is the duty of the commission to consider and report on by virtue of the reference shall be all questions affecting the draft order which arise on or in connection with the objections so notified:

Provided that the Minister shall include in the objections which he notifies to the commission all the objections which, under subsection (2) of the said section five, he is himself required to consider, other than any objections which he thinks fit to exclude, in the case of an order in pursuance of a wages council recommendation, on the ground that, in his opinion, they were made to the commission of inquiry which made the recommendation and were expressly dealt with in the report embodying that recommendation, or, in any case, on the ground that they are in his opinion frivolous.

(3) Subsection (5) of section five, and sub-paragraph (iii) of paragraph (*b*) of the proviso to subsection (1) of section six, of the said Act (which require the Minister to publish wages council orders and orders under the said section six) shall cease to have effect, and any such order as aforesaid shall come into operation on the date on which it is first issued by His Majesty's Stationery Office or on such later date as is specified in the order.

Amendments as to procedure for making, and notices in connection with, wages regulation orders.

6.—(1) In subsection (3) of section ten of the Wages Councils Act, 1945 (which, amongst other things, requires wages councils to publish notice of wages regulation proposals which they propose to submit to the Minister) after the words "shall publish, in the prescribed manner, notice of the proposals" there shall be inserted the words "and shall give such notice thereof as may be prescribed for the purpose of informing, so far as practicable, all persons affected thereby".

(2) The period which must be allowed for the sending of written representations with respect to wages regulation proposals to the wages council concerned shall, as well before as after the expiration of the Trade Boards and Road Haulage Wages (Emergency Provisions) Act, 1940, be not less than fourteen

days from the date of the publication of the notice of the proposals, and accordingly, in the said subsection (3), for the words " (which, until the date declared by His Majesty in Council under section four of the Trade Boards and Road Haulage Wages (Emergency Provisions) Act, 1940, to be the date on which the emergency that was the occasion of the passing of that Act came to an end, shall not be less than fourteen days, and thereafter shall not be less than twenty-one days, from the date of the publication of the notice) " there shall be substituted the words " (which shall not be less than fourteen days from the date of publication of the notice) ".

(3) In subsection (5) of the said section ten (which, amongst other things, requires wages councils to give the prescribed notice of wages regulation orders) after the words " shall give such notice of the order and the contents thereof " there shall be inserted the words " and shall then and subsequently give such notice of any other prescribed matters affecting the operation thereof ".

Term of office of members of wages councils and central co-ordinating committees.

7. Where the term for which the members of a wages council or central co-ordinating committee were appointed comes to an end before the Minister has appointed the persons who are to serve as members of the council or committee after the expiration of that term, they shall, except so far as the Minister otherwise directs, continue in office until the new appointments take effect.

Short title, citation, construction, interpretation, extent and repeal.

8.—(1) This Act may be cited as the Wages Councils Act, 1948, and shall be construed as one with the Wages Councils Act, 1945, and this Act and that Act may be cited together as the Wages Councils Acts, 1945 to 1948.

(2) This Act shall not extend to Northern Ireland.

(3) References in this Act to any other enactment shall, except so far as the context otherwise requires, be construed as references to that enactment as amended by or under any subsequent enactment, including this Act.

(4) The enactments specified in the second column of the Third Schedule to this Act are hereby repealed to the extent specified in the third column to that Schedule.

SCHEDULES.

Section 1.

FIRST SCHEDULE.

CONSEQUENTIAL MODIFICATIONS OF PARTS II AND III OF THE ROAD HAULAGE WAGES ACT, 1938.

Section 4.

In paragraph (*a*) of subsection (3), for the words " payable under any road haulage wages order in respect of that work if the work had been work to which Part I of this Act applies " there shall be substituted the words " payable under any wages regulation order made under the Wages Councils Act, 1945, to workers employed on similar work ".

Section 6.

In subsection (3), after the word " deemed " there shall be inserted the words " for the purposes of this Act ".

Section 15.

At the end of subsection (2), for the words " neither Part I nor Part II of this Act applies " there shall be substituted the words " Part II of this Act does not apply ".

Section 1.

SECOND SCHEDULE.

TRANSITIONAL PROVISIONS.

1. The persons who, immediately before the passing of this Act, were members of the Road Haulage Central Wages Board (other than substitute members) shall be deemed to have been appointed members of the Road Haulage Wages Council, as being independent persons or as representing employers or as representing workers, as the case may be, and to have been so appointed for periods expiring when their appointments under the Road Haulage Wages Act, 1938, would have expired.

2. Where, before the passing of this Act, the said Board have, under the Second Schedule to the Road Haulage Wages Act, 1938, given the prescribed notice of any proposals or directions under the said Act or the Holidays with Pay Act, 1938, but have not submitted the proposals or directions to the Minister, the notice so given shall be deemed to be a notice of wages regulation proposals published under subsection (3) of section ten of the Wages Councils Act, 1945, and any objection made before the passing of this Act under the said Second Schedule and any report by an area board made before the passing of this Act under the said Schedule with respect to the proposals shall be deemed to be a representation under the said subsection (3), and the said subsection (3) shall have effect accordingly.

3. Any proposals or directions of the said Board submitted to the Minister under the Road Haulage Wages Act, 1938, or the Holidays with Pay Act, 1938, before the passing of this Act, including any

2ND SCH. —*cont.*

proposals or directions which have been re-submitted to the Minister but not including any proposals or directions to which effect has been given by the Minister under the said Acts, shall be deemed to be wages regulation proposals submitted by the Road Haulage Wages Council, and any such proposals or directions as aforesaid which, before the passing of this Act, were referred back to the Board by the Minister, shall be deemed to have been referred back to the Council under the Wages Councils Act, 1945.

4. Where proceedings are brought under subsection (2) of section eleven of the Wages Councils Act, 1945, in respect of an offence consisting of a failure after the passing of this Act to pay remuneration not less than the statutory remuneration required to be paid by an order giving effect to proposals submitted by the said Board or Council, a contravention of any such order may be treated for the purposes of subsection (3) of that section as a like contravention notwithstanding that it took place before the passing of this Act, and the reference in paragraph (*b*) of the said subsection (3) to the provisions of Part II of that Act shall be deemed to include a reference to the corresponding provisions of the Road Haulage Wages Act, 1938, and the Holidays with Pay Act, 1938.

5. For the avoidance of doubt, it is hereby declared that the power conferred on officers by subsection (6) of section seven of the Road Haulage Wages Act, 1938, to institute proceedings on behalf or in the name of a worker for the recovery of certain sums may be exercised after the passing of this Act in relation to sums due in respect of periods before the passing of this Act notwithstanding the repeal by this Act of certain provisions of that Act, and the said subsection (6) shall continue to have effect accordingly.

6. The references in section seventeen of the Wages Councils Act, 1945 (which relates to officers and the powers and duties thereof) to Part II of that Act shall be deemed to include references to the provisions of the Road Haulage Wages Act, 1938, and the Holidays with Pay Act, 1938, repealed by this Act; and officers appointed under that section—

(*a*) may proceed thereunder in relation to things done or omitted to be done before the passing of this Act accordingly; and

(*b*) may also exercise the powers conferred on officers appointed under the Road Haulage Wages Act, 1938, so far as those powers continue to be exercisable, as if they had been appointed under the last mentioned Act.

7. The records and notices which employers were required by and under section ten of the Road Haulage Wages Act, 1938, to keep, retain and post shall be deemed as from the passing of this Act to be records and notices required to be kept, retained and posted by and under section fifteen of the Wages Councils Act, 1945, and the said section fifteen shall have effect accordingly, but nothing in this paragraph shall be construed as exempting employers from complying with any obligations imposed by or under the said section fifteen in relation to orders or directions in force at the passing of this Act over and above the obligations imposed by and under the said section ten.

Section 8.

THIRD SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
1 & 2 Geo. 6. c. 44.	The Road Haulage Wages Act, 1938.	Sections one to three; in section ten, in subsection (2), from the words "and requiring" to the end of the subsection, and, in subsection (4), from the words "in the case of" (where those words first occur) to the word "applies" (in the second place where that word occurs); in subsection (2) of section thirteen, the words "and any expenses authorised by the Minister with the consent of the Treasury to be incurred by the Central Board or any area board"; in section fifteen, the definition of "Railway Trade Unions"; subsections (1) and (2) of section sixteen; the First and Second Schedules; and in paragraph 3 of the Third Schedule, the words "with the Central Board and".
1 & 2 Geo. 6. c. 70.	The Holidays with Pay Act, 1938.	Subsection (6) of section one; in subsection (2) of section two, the words "(whether fixed as aforesaid or fixed by the Road Haulage Central Wages Board)"; paragraph (*c*) of subsection (1) of section three; and in section five, the words "in relation to the Road Haulage Wages Act, 1938, the Minister of Labour," the words "or holiday remuneration fixed under the Road Haulage Wages Act, 1938, as the case may be" and the words "or the Road Haulage Central Wages Board, as the case may be".
3 & 4 Geo. 6. c. 7.	The Trade Boards and Road Haulage Wages (Emergency Provisions) Act, 1940.	In section two, in subsection (1) the words "with the Central Board and", the words "the proviso to subsection (2) of section one of the said Act (which excludes certain work from the operation of Part I thereof) or" and the words "except upon a proposal of the Central Board", and the whole of subsection (3).
8 & 9 Geo. 6. c. 17.	The Wages Councils Act, 1945.	Subsection (5) of section five, and sub-paragraph (iii) of paragraph (*b*) of the proviso to subsection (1) of section six.