



Wages Act 1986

1986 CHAPTER 48

PART II

WAGES COUNCILS

Enforcement

19 **Obligation to keep records etc.**

- (1) The employer of any workers to whom an order under section 14 applies shall keep such records as are necessary to show—
 - (a) whether or not the provisions of this Part are being complied with in relation to the payment of remuneration to those workers, and
 - (b) the amount of any deductions or payments made in the case of those workers in respect of the provision of living accommodation by the employer;and the records shall be retained by the employer for a period of 3 years beginning with the date of the payments or deductions in question.
- (2) The employer of any such workers shall post in the prescribed manner such notices as may be prescribed for the purpose of informing the workers—
 - (a) of any order under section 14, or proposal under paragraph 1 of Schedule 3, that affects them ; or
 - (b) of such other matters (if any) as may be prescribed.
- (3) Where any such workers are homeworkers, the employer shall notify them in the prescribed manner of the matters mentioned in subsection (2).
- (4) An employer who fails to comply with any of the requirements of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding the third level on the standard scale.

Status: This is the original version (as it was originally enacted).

20 Officers

- (1) The Secretary of State, with the approval of the Treasury as to numbers and salaries, may appoint officers to act for the purposes of this Part, and may, instead of or in addition to appointing any officers under this section, arrange with any government department that officers of that department shall act for those purposes.
- (2) When acting for the purposes of this Part any such officer shall, if so required, produce some duly authenticated document showing his authority so to act; and if it appears to any such officer that any person with whom he is dealing while so acting does not know that he is an officer acting for the purposes of this Part he shall identify himself as such to that person.
- (3) An officer acting for the purposes of this Part shall have power for the performance of his duties—
 - (a) to require the production of—
 - (i) wages sheets or other records of remuneration kept by an employer, or
 - (ii) records of payments made to homeworkers by persons giving out work, or
 - (iii) any other records such as are required by this Part to be kept by employers,

and to inspect and examine those sheets or records and to copy any material part of them;
 - (b) to require any person giving out work and any homemaker 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 (as the case may be) of the persons from whom work is received by the homemaker, and with respect to the payments made or to be made for the work ;
 - (c) where the officer has reasonable cause to believe that an order under section 14 applies to any employer, at all reasonable times to enter any premises at which that employer carries on his business (including any place used, in connection with that business, for giving out work to homeworkers, and any premises which the officer has reasonable cause to believe to be used by, or by arrangement with, the employer to provide living accommodation for workers);
 - (d) to inspect and copy any material part of any list of homeworkers kept by an employer or person giving out work to homeworkers;
 - (e) to examine (either alone or in the presence of any other person, as he thinks fit) with respect to any matters under this Part any person whom he has reasonable cause to believe to be or to have been—
 - (i) a worker to whom an order under section 14 applies or applied, or
 - (ii) the employer of any such person, or
 - (iii) a servant or agent of any such employer employed in the employer's business,

and to require every such person to be so examined, and to sign a declaration of the truth of the matters in respect of which he is so examined ;

but no person shall be required under paragraph (e) to give any information tending to incriminate that person or, if married, that person's spouse.
- (4) Where an officer acting for the purposes of this Part has reasonable cause to believe that an order under section 14 applies to an employer, he may, for the purpose of, or in connection with, the enforcement of that order, by notice in writing require the

employer to furnish him with such information as may be specified or described in the notice; and any such notice—

- (a) may specify the way in which, and the time within which, it is to be complied with; and
 - (b) may be varied or revoked by a subsequent notice under this subsection.
- (5) In England or Wales, an officer acting for the purposes of this Part may institute proceedings for any offence under this Part and may, although not a barrister or solicitor, conduct any such proceedings.
- (6) An officer acting for the purposes of this Part and being authorised in that behalf by general or special directions of the Secretary of State may, if it appears to him that a sum is due from an employer to a worker on account of the payment to the worker of an amount of remuneration less than the statutory minimum remuneration provided for him by an order under section 14, institute on behalf of and in the name of the worker civil proceedings for the recovery of that sum; and in any such proceedings the court may make an order for costs (or, in Scotland, expenses) to be paid by the officer as if he were a party to the proceedings.
- (7) The power conferred by subsection (6) for the recovery of sums due from an employer to a worker shall not be in derogation of any right of the worker to recover such sums by civil proceedings.

21 Offences in connection with enforcement of Part II

- (1) Any person who—
- (a) makes, or knowingly either causes or allows to be made, in a record required by this Part to be kept by employers any entry which he knows to be false in a material particular, or
 - (b) for purposes connected with the preceding provisions of this Part produces or furnishes, or knowingly either causes or allows to be produced or furnished, any wages sheet, record, list or information which he knows to be false in a material particular,
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding the fifth level on the standard scale.
- (2) Any person who—
- (a) intentionally obstructs an officer acting for the purposes of this Part of this Act in the exercise of any power conferred by section 20, or
 - (b) fails to comply with any requirement of such an officer made in the exercise of any such power,
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding the third level on the standard scale ; but it shall be a defence for a person charged under this subsection with failing to comply with a requirement to prove that it was . not reasonably practicable to do so.
- (3) Any person who, in purported compliance with a requirement of a notice under section 20(4), knowingly or recklessly makes any statement which is false in a material particular shall be guilty of an offence and liable on summary conviction to a fine not exceeding the fifth level on the standard scale.