

SCHEDULES

SCHEDULE 1

Article 12.

STATUTORY PROVISIONS REPEALED BY ARTICLE 12

- The Truck Act 1831 (c. 37).
- The Hosiery Manufacture (Wages) Act 1874 (c. 48).
- The Truck Amendment Act 1887 (c. 46).
- Sections 12 to 14 of the Coal Mines Regulation Act 1887 (c. 58).
- The Coal Mines (Check Weigher) Act 1894 (c. 52).
- The Truck Act 1896 (c. 44).
- The Shop Clubs Act 1902 (c. 21).
- The Coal Mines (Weighing of Minerals) Act 1905 (c. 9).
- The Checkweighing in Various Industries Act 1919 (c. 51).
- The Truck Act (Northern Ireland) 1940 (c. 21 (N.I.)).
- Sections 135 and 135A of the Factories Act (Northern Ireland) 1965 (c. 20 (N.I.)).
- Section 51(2) of the Mines Act (Northern Ireland) 1969 (c. 6 (N.I.)).
- The Payment of Wages Act (Northern Ireland) 1970 (c. 12 (N.I.)).

SCHEDULE 2

Article 13(4).

CONSTITUTION, ETC. OF WAGES COUNCILS

1. A wages council shall consist of—
 - (a) such numbers of persons appointed to represent employers and workers respectively as may be specified in relation to the council by the Department; and
 - (b) not more than 5 persons appointed by the Department as being independent persons.
- 2.—(1) Subject to sub-paragraphs (4) and (5), the persons appointed under paragraph 1(a) shall be appointed as follows, namely—
 - (a) those appointed to represent employers shall be appointed by one or more employers' associations for the time being nominated for the purposes of this paragraph by the Department; and
 - (b) those appointed to represent workers shall be appointed by one or more trade unions (within the meaning of the Industrial Relations (Northern Ireland) Order 1976) for the time being so and in this Schedule references to the nominated body or bodies in relation to any appointment in pursuance of paragraph (a) or (b) are references to the body or bodies falling within that paragraph.
- (2) Unless it appears to the Department to be inappropriate in all the circumstances for this sub-paragraph to apply to the wages council—

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- (a) the employers' association nominated by it for the purposes of sub-paragraph (1)(a), or
- (b) where two or more employers' associations are so nominated, at least one of those associations, shall be an employers' association appearing to it to be representative of small businesses within the scope of operation of the wages council.

(3) On making an appointment in pursuance of sub-paragraph (1)(a) or (b) the nominated body or bodies shall inform the secretary of the wages council in writing of that appointment.

(4) If for any reason there is a deficiency in the number of persons appointed to a wages council in pursuance of sub-paragraph (1)(a) or (b), the Department shall, after consulting such persons or organisations as it thinks fit, appoint on behalf of the nominated body or bodies such number of persons to represent employers or (as the case may be) workers as will remedy that deficiency.

(4) If it appears to the Department that there does not exist any employers' association which could appropriately be nominated by it for the purposes of this paragraph, the Department shall, after consulting such

employers as it thinks fit, appoint such number of persons to represent employers as is specified under paragraph 1(a).

3. Of the independent persons appointed under paragraph 1(b) one shall be appointed by the Department to act as chairman, and another may be appointed by the Department to act as chairman in the absence of the chairman.

4. The Department may appoint a secretary for a wages council and such other officers as it thinks fit.

5. The proceedings of a wages council shall not be invalidated by any vacancy among the members or by any defect in the appointment of a member.

6.—(1) A wages council may delegate any of its functions, other than the power to make orders under Article 15, to a committee or sub-committee consisting of such number of members of the council as the council thinks fit.

(2) On any such committee or sub-committee there shall be an equal number of members representing employers and workers respectively.

7. The Department may make regulations as to the meetings and procedure of a wages council and of any committee or sub-committee of such a council, including regulations as to the quorum and the method of voting; but, subject to the provisions of part III of this Order and to any regulations under this paragraph, a wages council and any committee or sub-committee of such a council may regulate its procedure in such manner as it thinks fit.

8.—(1) A member of a wages council shall hold and vacate office in accordance with the terms of his appointment, but a member shall not be appointed to hold office for more than 3 years at a time.

(2) Where the term of office of any members of a wages council comes to an end before their successors are appointed, then, unless—

- (a) in the case of members appointed in pursuance of paragraph 2(1)(a) or (b), the nominated body or bodies directs or direct otherwise, or
- (b) in the case of members appointed by the Department, the Department directs otherwise, those members shall continue in office until the new appointments take effect.

9. The Department may pay—

- (a) to the members of a wages council appointed by it under paragraph 1(b) such remuneration, and

- (b) to any member of a wages council such travelling and other allowances, as the Department may determine with the consent of the Department of Finance and Personnel.

SCHEDULE 3

Article 15(9).

WAGES ORDERS: SUPPLEMENTARY PROVISIONS

Preliminary inquiries and notices

1.—(1) Before making an order under Article 15 a wages council shall make such inquiries as it thinks fit and shall—

- (a) publish in the prescribed manner notice of any rate or limit which the council proposes to fix under paragraph (1) of that Article (whether for the first time or in substitution for any existing rate or limit); and
- (b) give the prescribed notice for the purpose of informing, so far as practicable, all persons affected by the council's proposals, stating the place where copies of the proposals may be obtained and the period within which written representations with respect to the proposals may be sent to the council, being a period of not less than 28 days beginning with the date of publication of the notice.

(2) Once the council has considered any written representations made with respect to the proposals within the period referred to in sub-paragraph (1)(b) and made any further inquiries which the council considers necessary, or once that period has ended without any such representations being so made, the council may—

- (a) make an order under Article 15 giving effect to the proposals; or
- (b) make such an order giving effect to the proposals with such modifications as the council thinks fit having regard to any such representations.

(3) Sub-paragraph (2)(b) is without prejudice to Article 15(6).

Publication of notice of making of order

2. As soon as a wages council has made an order under Article 15 it shall publish in the prescribed manner notice of the making and contents of the order and shall then and subsequently so publish notice of such other matters affecting the operation of the order as may be prescribed.

Coming into operation of orders

3.—(1) Subject to sub-paragraph (2), any such order shall come into force on such date as may be specified in the order, being a date falling not less than 28 days after the date when it is made.

(2) Where—

- (a) any such order applies to any worker whose remuneration is paid at intervals not exceeding seven days, and
- (b) the date specified by virtue of sub-paragraph (1) does not correspond with the beginning of any period for which his remuneration is so paid, the order shall have effect in relation to that worker as from the beginning of the next such period following the date so specified.

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Proof of orders

4. A document purporting to be a copy of an order made by a council under Article 15 and to be signed by the secretary of the council shall be taken to be a true copy of the order unless the contrary is proved.

SCHEDULE 4

Article 27(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

The Coal Mines Regulation Act 1908 (c. 57)

1. In section 2 (register of times of descent and ascent), subsection (2) shall be omitted.
2. In section 8 (application of Act, etc.), for subsection (1) substitute—
“(1) The mines to which the Act applies are mines of coal, mines of stratified ironstone, mines of shale and mines of fireclay.”.

The Post Office Act 1969 (c. 48)

3. In section 81(1) for “the Wages Councils (Northern Ireland) Order 1982” substitute “Part III of the Wages (Northern Ireland) Order 1988”.

The Mines Act (Northern Ireland) 1969 (c. 6 (N.I.))

4. In section 161(2) (application of that Act to certain statutory provisions) for “the said Acts” substitute “the Coal Mines Regulation Act 1908”.

The Northern Ireland Assembly Disqualification Act 1975 (c. 25)

5. In part III of Schedule 1 (other disqualifying offices), for the second entry beginning “Member of a Wages Council” substitute— “Member of a Wages Council appointed under paragraph 1(b) of Schedule 2 to the Wages (Northern Ireland) Order 1988”.

The Industrial Relations (Northern Ireland) Order 1976 (NI 16)

6. In Article 62(1) (general provisions as to conciliation) after subparagraph (aa) insert
“; or
(ab) arising out of a contravention, or alleged contravention, of Article 3(1) or (2) or Article 4(1) or 5(4) of the Wages (Northern Ireland) Order 1988,”.

The Industrial Relations (No. 2) (Northern Ireland) Order 1976 (NI 28)

7. In Article 8(2) (exemption orders), for sub-paragraph (a) substitute—
“(a) Article 15 of the Wages (Northern Ireland) Order 1988;”.

The Judgments Enforcement (Northern Ireland) Order 1981 (NI 6)

8. In part I of Schedule 1 (deductions under attachment of earnings order) for paragraph 3(c) substitute—

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- “(c) amounts deductible under any statutory provision, or in pursuance of a request in writing by the debtor, for the purposes of a superannuation scheme, namely any statutory provision, rules, deed or other instrument providing for the payment of annuities or lump sums—
- (i) to the persons with respect to whom the instrument has effect on their retirement at a specified age or on becoming incapacitated at some earlier age, or
 - (ii) to the personal representatives or the widows, relatives or dependants of such persons on their death or otherwise, whether with or without any further or other benefits.”.

The Magistrates' Courts (Northern Ireland) Order 1981 (NI 26)

9. In Article 102(10) (deductions under attachment of earnings order) for “the Wages Councils Act (Northern Ireland) 1945” substitute “paragraph 3(c) of Schedule 1 to the Judgments Enforcement (Northern Ireland) Order 1981”.

SCHEDULE 5

Article 27(2).

REPEALS

PART I

REPEALS COMING INTO OPERATION TWO MONTHS AFTER MAKING

Chapter or Number	Short Title	Extent of Repeal
1970 c. 32 (N.I.).	The Equal Pay Act (Northern Ireland) 1970.	Section 4.
1982 NI 8.	The Industrial Relations (Northern Ireland) Order 1982.	Schedule 2 in so far as it amends the Equal Pay Act (Northern Ireland) 1970.
1982 NI 23.	The Wages Councils (Northern Ireland) Order 1982.	The whole Order.

PART II

REPEALS COMING INTO FORCE ON A DAY APPOINTED UNDER ARTICLE 1(3)

Chapter or Number	Short Title	Extent of Repeal
1831 c. 37. The Truck Act 1831. The whole Act.		
1874 c. 48.	The Hosiery Manufacture (Wages) Act 1874.	The whole Act.

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Chapter or Number	Short Title	Extent of Repeal
1887 c. 46.	The Truck Amendment Act 1887.	The whole Act.
1887 c. 58.	The Coal Mines Regulation Act 1887.	The whole Act.
1894 c. 52.	The Coal Mines (Check Weigher) Act 1894.	The whole Act.
1896 c. 44.	The Truck Act 1896.	The whole Act.
1902 c. 21.	The Shop Clubs Act 1902.	The whole Act.
1905 c. 9.	The Coal Mines (Weighing of Minerals) Act 1905.	The whole Act.
1908 c. 57.	The Coal Mines Regulation Act 1908.	Section 2(2).
1919 c. 51.	The Checkweighing in Various Industries Act 1919.	The whole Act.
1940 c. 21 (N.I.).	The Truck Act (Northern Ireland) 1940.	The whole Act.
1954 c. 11 (N.I.).	The Common Informers Act (Northern Ireland) 1954. In the Schedule, the entry relating to the Hosiery Manufacture (Wages) Act 1874.	
1965 c. 20 (N.I.).	The Factories Act (Northern Ireland) 1965.	Sections 135 and 135A.
1969 c. 6 (N.I.).	The Mines Act (Northern Ireland) 1969.	Section 51(2). In section 161(1), the words from “the Coal Mines Regulation Act 1887” to “, and of”.
1970 c. 12 (N.I.).	The Payment of Wages Act (Northern Ireland) 1970.	The whole Act.
1975 NI 15.	The Social Security Pensions (Northern Ireland) Order 1975.	Article 66.
1976 NI 28.	The Industrial Relations (No. 2) (Northern Ireland) Order 1976.	In Schedule 4, paragraph 1.
1981 NI 26.	The Magistrates' Courts (Northern Ireland) Order 1981.	In Schedule 2, paragraph 12.
1982 NI 16.	The Social Security (Northern Ireland) Order 1982.	Article 25A(2).
1986 c. 53.	The Building Societies Act 1986.	In Schedule 18, paragraph 21.

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Chapter or Number	Short Title	Extent of Repeal
1986 NI 15.	The Criminal Justice (Northern Ireland) Order 1986.	In Schedule 1, paragraph 8. In Schedule 3, paragraph 1.

SCHEDULE 6

Article 27(3).

TRANSITIONAL PROVISIONS AND SAVINGS

Members and officers of wages councils

1. Any appointment of a member or officer of a wages council made under any provision of Schedule 2 to the 1982 Order and in force immediately before the commencement date shall continue in force as if made under the corresponding provision of Schedule 2 to this Order.

Enforcement officers appointed by Department

2. Any appointment of an officer made under Article 17 of the 1982 Order and in force immediately before the commencement date shall continue in force as if made under Article 21 of this Order.

Wages orders in force on commencement date

3.—(1) The following provisions of this paragraph shall apply to any order in force on the commencement date under Article 10 of the 1982 Order (“an existing order”).

(2) An existing order shall, subject to the following provisions of this paragraph, continue in force until whichever is the later of the following times, namely—

- (a) the end of the period of six months beginning with the commencement date, and
- (b) the end of the period of twelve months beginning with the date of the coming into force of the existing order, and shall so continue in force notwithstanding the repeal of the 1982 Order by this Order.

(3) If, before the later of those times, there comes into force an order made under Article 15 by the wages council that made the existing order, the existing order shall cease to have effect at that time.

(4) The Department may by order subject to negative resolution—

- (a) provide for all or any of the provisions of any existing order to cease to have effect;
- (b) restrict the operation of all or any of the provisions of any such order by reference to any matters or circumstances whatever.

(5) Nothing in any existing order shall apply to workers under the age of 21.

Anticipatory exercise of powers relating to making of orders

4. Without prejudice to section 16 of the Interpretation Act (Northern Ireland) 1954 (anticipatory exercise of powers), any of the steps required by paragraph 1 of Schedule 3 to this Order to be taken before the making of an order under Article 15 of this Order may be taken by a wages council (the meaning of the 1982 Order) at any time before the commencement date as if part III of this Order were then in force in relation to that council.

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Failure to pay minimum remuneration occurring before the commencement date

5.—(1) Where at any time during the period of two years ending with the date of an offence under Article 17(2) of this Order an order under Article 10 of the 1982 Order applied to the worker in relation to whom the offence was committed, or to any other worker employed by that worker's employer, Article 17 of this Order shall have effect in relation to any such time as if—

- (a) in paragraphs (3) and (6), any reference to any other failure on the part of the employer to pay an amount of remuneration equal to, or exceeding, the statutory minimum remuneration provided for a worker by an order under Article 15 of this Order were a reference to any failure on the part of the employer to pay an amount of remuneration equal to, or exceeding, the remuneration for the time being fixed in relation to a worker by an order under Article 10 of the 1982 Order or by a permit under Article 12(1) of that Order;
- (b) in paragraph (4), the reference to the statutory minimum remuneration so provided were a reference to the remuneration so fixed; and
- (c) paragraph (5) were omitted.

(2) For the purposes of paragraphs (3) and (4) of Article 17 of this Order as they have effect in accordance with sub-paragraph (1), the following matters, namely—

- (a) the question whether an employer has failed to pay an amount of remuneration equal to, or exceeding, that fixed by any such order or permit under the 1982 Order as is mentioned in that sub-paragraph, and
- (b) the amount referred to in paragraph (4)(b), shall be determined in accordance with Article 13 of the 1982 Order and not in accordance with Articles 18 and 19 of this Order.

General saving for accrued rights and related provisions of 1982 Order

6.—(1) The repeal of the 1982 Order by this Order shall not affect—

- (a) any right of a worker arising out of the payment to him of an amount of remuneration less than that fixed by any order under Article 10 of the 1982 Order or any permit under Article 12(1) of that Order;
- (b) any right of a worker to any holidays or to any holiday remuneration in respect of those holidays, which accrued before the commencement date.

(2) Nothing in paragraph 3(5) shall affect any such right of a worker as is mentioned in sub-paragraph (1)(a) or (b) which accrued before the commencement date.

(3) The repeal of the 1982 Order by this Order shall not affect any liability of an employer or other person in respect of any offence under the 1982 Order committed before the commencement date.

(4) The fact that an order under Article 10 of the 1982 Order has ceased to have effect under paragraph 3(2), (3) or (4) shall not affect any such right of a worker as is mentioned in sub-paragraph (1)(a) or (b) which accrued before the date on which that order ceased to have effect.

(5) Subject to sub-paragraph (7), the provisions of the 1982 Order relating to the enforcement of any right referred to in sub-paragraph (1), (2) or (4) or to any offence referred to in sub-paragraph (3) shall continue to have effect as if this Order had not been made.

(6) Where at any time after the commencement date any order made under Article 10 of the 1982 Order continues in force by virtue of paragraph 3(2), then, notwithstanding the repeal of that Order by this Order—

- (a) that Order, and

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(b) anything having effect under that Order in relation to the order, shall, subject to sub-paragraph (7), continue to have effect in relation to the order, as for the time being in force in accordance with paragraph 3(4) and (5), as if that repeal had not come into operation.

(7) Where the 1982 Order continues to have effect in accordance with sub-paragraph (5) or (6) it shall, in relation to any time after the commencement date, have effect as if references to an officer acting for the purposes of parts III and IV of that Order were references to an officer acting for the purposes of part III of this Order.

Exemption orders

7. Paragraph 7 of Schedule 4 shall not affect the operation of Article 8 of the Industrial Relations (No. 2) (Northern Ireland) Order 1976 in relation to any such order as is referred to in paragraph 3

References to trade boards

8. Any reference to a trade board in any statutory provision or document made before 13th December 1945 (the date of the passing of the Wages Councils Act (Northern Ireland) 1945), other than a statutory provision repealed by that Act, shall be construed as including a reference to a wages council within the meaning of Part III of this Order.

Interpretation

9. In this Schedule—

“the commencement date” means the date on which part III of this Order comes into operation;

“the 1982 Order” means the Wages Councils (Northern Ireland) Order 1982