



# Counter - Inflation Act 1973

## 1973 CHAPTER 9

An Act to establish a Price Commission and a Pay Board; to authorise the formulation of the principles to be applied by those bodies; to afford powers of control over prices, pay, dividends and rents; to provide for the furnishing of information about rates ; and for connected purposes. [22nd March, 1973]

BE IT ENACTED by the Queen'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:—

### PART I

#### THE AGENCIES

#### **1 Establishment of two Agencies: the Price Commission and the Pay Board**

- (1) There shall be established two Agencies to be called respectively the Price Commission and the Pay Board.
- (2) Each Agency shall, subject to subsection (5) below, consist of not less than five and not more than twelve members appointed by the Secretary of State and the Minister of Agriculture, Fisheries and Food (acting jointly), in the case of the Price Commission and by the Secretary of State, in the case of the Pay Board.
- (3) Her Majesty may, by Order in Council, provide for the amalgamation of the Price Commission and the Pay Board into a single Agency, to be known by such name as may be specified in the Order.
- (4) An Order in Council under subsection (3) above—
  - (a) shall be subject to annulment in pursuance of a resolution of either House of Parliament;
  - (b) may contain supplemental and incidental provisions; and

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- (c) may make consequential amendments in any enactment, including this Act.
- (5) The Secretary of State may, by an order contained in a statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament—
  - (a) direct that the minimum or maximum number of members of each Agency shall be a number greater or less than that specified in subsection (2) above;
  - (b) vary or revoke any previous order made by virtue of this subsection;and an order made by virtue of this subsection may provide for the composition of the two Agencies to differ.
- (6) The provisions of Schedule 1 to this Act shall have effect in relation to the advisory role of the Agencies and incidental matters relating to each of the Agencies, their members, officers, servants and proceedings.

## **2 Code for guidance of Agencies**

- (1) The Treasury shall prepare a code for the purposes of this Act, and it shall be the duty of the Agencies to have regard to that code in performing their functions under this Act.

The Treasury shall from time to time make such changes in the code as appear to them to be required.
- (2) The code may include practical guidance for those concerned in decisions on levels of prices and pay.
- (3) The code, and any change in the code, shall be contained in an order made by statutory instrument, and may be varied or revoked by a subsequent order so made.
- (4) Before making an order under this section the Treasury shall consult—
  - (a) such representatives of consumers, persons experienced in the supply of goods or services, employers and employees and other persons as they think appropriate, and
  - (b) except in the case of the first order made under this section, the Agencies.
- (5) An order made under this section shall cease to have effect at the expiration of a period of one month beginning with the date on which it was made unless, before the expiration of that period of one month, the order has been approved by a resolution of each House of Parliament.

In reckoning the said period of one month no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- (6) An order under this section may provide for different parts of the code to come into force on different dates.

## PART II

### PRICES, PAY, DIVIDENDS AND RENTS

#### 3 Commencement of Part II

- (1) This Part of this Act shall come into force on the date on which the first order under section 2 of this Act is made.
- (2) Subject to the following provisions of this section, the period for which section 2 of the Counter-Inflation (Temporary Provisions) Act 1972 has effect in accordance with section 1 of that Act shall terminate on the date when this Part of this Act first comes into force.
- (3) No order or notice under section 6 of this Act shall apply where the relevant transaction (as defined by the order or notice) is effected before 29th April 1973, and for the purposes of subsection (1) of the said section 2 (prices and charges) and of the other provisions of the said section 2 as they relate to subsection (1), the period for which section 2 has effect shall terminate on 29th April 1973.
- (4) No order under section 11 of this Act shall apply to increases of rent (as defined in the order) taking place before 29th April 1973, or to new lettings (as so defined) taking place before that date, and for the purposes of subsection (4) of the said section 2 (rents) the period for which the said section 2 has effect shall terminate on 29th April 1973.
- (5) Nothing in this section shall be taken as extending the period for which the said section 2 would have effect apart from this section.

#### 4 Duration and reactivation of Part II

- (1) Subject to the provisions of this section, this Part of this Act shall cease to have effect at the expiration of a period of three years beginning with the date on which it first comes into force.
- (2) The period for which this Part of this Act is in force may at any time be terminated by Her Majesty by Order in Council.
- (3) If an Order is made under subsection (2) above, Her Majesty may by Order in Council again bring this Part of this Act into force for a period ending not later than 31st March 1976.
- (4) An Order under subsection (3) above shall not be made unless a draft of the Order has been approved by resolution of each House of Parliament.

### *Prices and pay*

#### 5 Notification of price and pay increases, and approvals and consents

- (1) The Minister may, in such cases as appear to him appropriate, by order make provision to ensure that the Agencies receive notice of increases in any prices, charges or remuneration in time to consider whether the increases conform with the relevant provisions of the code, and whether the Agencies should exercise the powers conferred by the following provisions of this Act in order to prevent those increases.

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- (2) The order may provide that, until the end of the period given for consideration of the proposed increase by the Agency, any implementation of the increase constitutes a contravention of the order.
- (3) The length of notice required by an order under this section shall not exceed eight weeks.
- (4) Schedule 2 to this Act shall have effect as respects—
  - (a) procedures for obtaining the Agencies' approval for increases, and
  - (b) procedures for giving consents overriding the Agencies' orders and notices about prices, charges and remuneration.
- (5) An order under this section or under the said Schedule 2 may be made to come into force before the time when this Part of this Act is in force, and may require notices to be given before that time.
- (6) An order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## **6 Powers of Price Commission**

- (1) The Price Commission shall exercise the powers conferred by this section in such ways as appear to them appropriate for the purpose of ensuring that the provisions of the code which concern prices and charges are implemented.
- (2) For the said purpose the Price Commission may restrict any prices or charges for the sale of goods or the performance of services in the course of business, where the relevant transaction is effected at a time when this Part of this Act is in force.
- (3) The powers conferred by subsection (2) above shall be exercisable by order, or by notice given to the person, or each of the persons, selling the goods or performing the services subject to the restriction.
- (4) Before making or giving an order or notice under this section (other than one which only removes or lessens a restriction), the Price Commission shall give 14 days notice to the persons selling the goods or performing the services which would be subject to the restriction, and shall afford to those persons an opportunity of making written representations to the Price Commission.
- (5) If, in the case of an order under this section, it appears to the Price Commission to be impracticable to give notice under subsection (4) above to all the persons selling the goods or performing the services, they may instead publish 14 days notice of their intention to make the order in the Gazette and in such other ways as may be prescribed, and shall afford to all those persons an opportunity of making written representations to the Price Commission.
- (6) Where an order or notice under this section is contravened, the liability for the contravention attaches to the person selling the goods or performing the services.
- (7) This section has effect subject to section 3(3) of this Act.

## **7 Powers of Pay Board**

- (1) The Pay Board shall exercise the powers conferred by this section in such ways as appear to them appropriate for the purpose of ensuring that the provisions of the code which concern remuneration are implemented.
- (2) For the said purpose the Pay Board may restrict any kind of remuneration for a period when this Part of this Act is in force.
- (3) The powers conferred by subsection (2) above shall be exercisable by order, or by notice given to the person, or each of the persons, paying the remuneration subject to the restriction.
- (4) Before making or giving an order or notice under this section (other than one which only removes or lessens a restriction), the Pay Board shall give 14 days notice—
  - (a) to the person or persons paying the remuneration which would be subject to the restriction, and
  - (b) to any organisation or organisations of workers which appear to the Pay Board to be concerned,and shall afford to those persons an opportunity of making written representations to the Pay Board.
- (5) If it appears to the Pay Board—
  - (a) in the case of an order, that it is impracticable to give notice under subsection (4) above to all the persons paying the remuneration, or
  - (b) in any case, that a substantial number of those receiving the remuneration are not represented by any organisation of workers, the Pay Board shall publish 14 days notice of their intention to make the order, or to give the notice, in the Gazette and in such other ways as may be prescribed.
- (6) Where an order or notice under this section makes it illegal to pay remuneration of any amount, it shall also be illegal to enter into any agreement or arrangement whereby the employer makes to, or for the benefit of, the employee some payment, whether called remuneration or not, to compensate for the remuneration which it is illegal to pay; and an employer who enters into any such agreement or arrangement, or makes any payment pursuant to any such agreement or arrangement, contravenes the provisions of the order or notice.

## **8 Power to modify Acts about prices and pay**

- (1) The Minister may by order direct that—
  - (a) any provision of any Act, whether passed before this Act or later, which relates to prices, charges or to remuneration or other terms or conditions of employment, or
  - (b) any provision having effect under any Act within paragraph (a) above,shall, while this Part of this Act is in force, have effect subject to such exceptions, modifications or adaptations as may be specified in the order.
- (2) An order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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## **9 Restrictions on insurance premiums**

- (1) The Secretary of State shall have power to restrict insurance premiums, where the relevant transaction is effected at a time when this Part of this Act is in force.
- (2) The powers conferred by subsection (1) above shall be exercisable by order, or by notice given to the insurer, or each of the insurers, affected by the notice.
- (3) An order or notice under this section may make provision for the giving of consents by the Secretary of State to title doing of anything otherwise prohibited by the order or notice.
- (4) Before making or giving an order or notice under this section (other than one which only removes or lessens a restriction), the Secretary of State shall give 14 days notice to the insurers who would be affected by the order or notice, and shall afford to them an opportunity of making written representations to the Secretary of State.
- (5) If, in the case of an order under this section, it appears to the Secretary of State to be impracticable to give notice under subsection (4) above to all the said persons, the Secretary of State may instead publish 14 days notice of his intention to make the order in the Gazette and in such other ways as may be prescribed, and shall afford to all those persons an opportunity of making written representations to the Secretary of State.
- (6) Where an order or notice under this section is contravened, the liability for the contravention attaches to the insurer who charges the insurance premium.
- (7) An order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### *Dividends and rent*

## **10 Restrictions on dividends**

- (1) The Treasury shall have power to restrict the declaration or payment of ordinary dividends by companies at any time when this Part of this Act is in force.
- (2) The powers conferred by subsection (1) above shall be exercisable by order, or by notice given to the company, or each of the companies, affected by the notice.
- (3) Without prejudice to the generality of subsection (1) above, an order or notice under this section may—
  - (a) provide for the basis on which any comparison is to be made with the declaration or payment of any earlier dividends by the companies concerned ;
  - (b) prohibit any company to which it applies from making any such distribution as may be specified in the order or notice;
  - (c) prohibit any such company from assuming any obligation, whether conditional or otherwise, to make any such distribution as may be so specified; and
  - (d) make provision for the giving of consents, whether by the Treasury or by one of the Agencies, to the doing of anything otherwise prohibited by the order or notice.
- (4) This section shall apply to every company incorporated under the law of any part of the United Kingdom; but nothing in this section shall apply to companies not so incorporated.

- (5) An order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## **11 Orders about rent**

- (1) The Minister may by order provide for restricting or preventing increases of rent which take place, or would take place, while this Part of this Act is in force, or for restricting rent payable on new lettings which take place while this Part of this Act is in force.
- (2) The supplemental and incidental provisions that may be made by an order under this section may include provisions excluding, adapting or modifying any provision contained in, or
- having effect under, any Act (whether passed before this Act or later) which relates to rent, and in the exercise of any power to make regulations or other instruments under any such Act regard may be had to matters connected with the operation of this section.
- (3) An order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) This section has effect subject to section 3(4) of this Act.

## **PART III**

### **PRICE CONTROL RELATED TO VALUE ADDED TAX**

## **12 Introduction of value added tax: temporary power to control prices and charges**

- (1) Subject to subsection (2) below, the powers conferred on the Minister by this section shall be exercisable, as respects relevant transactions effected on or after 1st April 1973, where he considers it expedient for the purpose of ensuring that prices and charges correctly reflect—
- (a) the introduction of value added tax and car tax, and the abolition of purchase tax and selective employment tax, by the Finance Act 1972;
- (b) alterations in the rates of customs and excise duties payable in respect of spirits, beer, wine, British wine, tobacco, matches and mechanical lighters, being alterations first having statutory effect by virtue of Resolutions of the House of Commons made in March 1973 under the Provisional Collection of Taxes Act 1968.
- (2) The Minister shall not exercise the powers conferred on him under this section except so far as appears to him to be necessary to prevent or offset excess prices or charges in relevant transactions effected on or before 30th June 1973.
- (3) For the said purpose the Minister may, as respects relevant transactions, restrict any prices or charges for the sale of goods or the performance of services in the course of business.
- (4) The powers conferred by subsection (3) above shall be exercisable by order contained in a statutory instrument, or by notice given to the person, or each of the persons, selling the goods or performing the services subject to the restriction.

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- (5) No order or notice shall be made or given under this section to take effect after 30th June 1973 ; but any such order or notice may be expressed to have effect for any period not exceeding three months, notwithstanding that the period ends after that date.
- (6) An order or notice made or given under this section—
  - (a) may be framed in any way whatsoever ;
  - (b) may define " relevant transaction " both for the purposes of the order or notice and for the purposes of any provision of this section in relation to the order or notice;
  - (c) may be varied or revoked by a subsequent order or notice so made or given ; but the variation or revocation of an order or notice under this section shall not affect liability for any offence committed before the variation or revocation takes effect.
- (7) Any person who is designated in accordance with paragraph 2 of Schedule 4 to this Act may perform the Minister's functions of restricting prices and charges by means of the giving of notices under this section.
- (8) A transaction shall not be invalid because it involves a price or charge which exceeds the limit imposed in relation to that transaction by an order or notice under this section; but the person paying the price or charge shall be entitled to recover the amount representing the excess unless he is a person who is himself liable to punishment by reason of his having aided, abetted, counselled or procured the offence committed under this Act by the other party to the transaction.
- (9) Where an order or notice under this section is contravened, the liability for the contravention attaches to the person selling the goods or performing the services.
- (10) There is no contravention of an order or notice under this section if what has been done is authorised by the consent in writing of the Minister; and, in the case of a notice given by a person designated as mentioned in subsection (7) above, the consent in writing of any such person shall have the same effect for the purposes of this subsection as if it had been given by the Minister.

## PART IV

### MISCELLANEOUS

#### **13 Power to modify subordinate legislation about prices and charges**

- (1) The Minister may, not later than 30th April 1973, by order direct that any order, regulation, byelaw or other instrument—
  - (a) which has effect under any Act passed before this Act, and
  - (b) which relates to prices or charges,shall have effect subject to such exceptions, modifications or adaptations as appear to the Minister to be expedient for the purpose of ensuring that prices and charges correctly or sufficiently reflect the introduction of value added tax and car tax, and the abolition of purchase tax and selective employment tax, by the Finance Act 1972.
- (2) An order under this section relating to a byelaw made by a local authority may authorise the local authority having power to amend the byelaw, or a committee of the authority, to amend it by resolution.



- (3) Any amendment of an instrument made in pursuance of this section shall have effect as if made under the same power as that under which the instrument was made, and accordingly may be amended by a subsequent instrument made in exercise of that power.
- (4) An order under this section shall be contained in a statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

## 14 Protected tenancies

- (1) For paragraph (a) of section 1(1) of the Rent Act 1968 (protected tenancies) there shall be substituted the following paragraphs:—
  - “(a) where the appropriate day in relation to the dwelling-house fell before the date of the passing of the Counter-Inflation Act 1973—
    - (i) the dwelling-house on the said appropriate day had a rateable value exceeding, if it is in Greater London, £400 or, if it is elsewhere, £200, and
    - (ii) the dwelling-house on the date of the passing of the said Act of 1973 had a rateable value exceeding if it is in Greater London, £600, or, if it is elsewhere, £300, and
    - (iii) the dwelling-house on 1st April 1973 has a rateable value exceeding, if it is in Greater London, £1,500 or, if it is elsewhere, £750, or
  - (aa) where the appropriate day in relation to the dwelling-house falls on or after the date of the passing of the said Act of 1973, but before 1st April 1973—
    - (i) the dwelling-house on the said appropriate day had a rateable value exceeding, if it is in Greater London, £600, or, if it is elsewhere, £300, and
    - (ii) the dwelling-house on 1st April 1973 has a rateable value exceeding, if it is in Greater London, £1,500, or, if it is elsewhere, £750, or
  - (aaa) where the appropriate day in relation to the dwelling-house falls on or after 1st April 1973, the dwelling-house on the said appropriate day has or had a rateable value exceeding, if it is in Greater London, £1,500 or, if it is elsewhere, £750, or.”
- (2) In section 1(3) of the Rent Act 1968 (questions on limits of rateable value) for the words " subsection (1)(a) " there shall be substituted the words " subsection (1) ".
- (3) So much of section 89 of the Housing Finance Act 1972 as relates to the said section 1 of the Rent Act 1968 (being provisions superseded by subsection (1) above) shall cease to have effect.
- (4) Schedule 5 to this Act shall have effect for supplementing this section, and in that Schedule this section is referred to as " the principal section ".
- (5) References to this Act in sections 15 to 21 of this Act, and in Schedules 1 to 4 to this Act, shall not include references to this section.

## PART V

### SUPPLEMENTAL

#### 15 Power to obtain information

- (1) The Minister, or either Agency, may for the purposes of this Act by notice require any person—
  - (a) to furnish, whether by periodical returns or by other means, such estimates or other information as may be specified or described in the notice, or
  - (b) to produce to an officer of the Minister, or of either Agency, being an officer duly authorised for the purpose, any documents so specified or described.
- (2) The Minister may for the purposes of this Act by order—
  - (a) require any class or description of persons specified in the order to furnish to the Minister, or to either Agency, such periodical or other returns containing estimates or other information as may be so specified or described, or
  - (b) require any person carrying on a business, or any class or description of persons who carry on a business, to keep such records as may be so specified or described.
- (3) A notice or order under this section may specify the way in which, and the time within which, it is to be complied with and, in the case of a notice requiring the production of documents, the facilities to be afforded for making extracts from, or taking copies of, the documents.
- (4) Nothing in this section shall be taken to require a person who has acted as counsel or solicitor for any person to disclose any privileged communication made to him in that capacity.
- (5) A notice or order given or made under this section may be varied or revoked by a subsequent notice or order so given or made, and an order under this section shall be contained in a statutory instrument.
- (6) This section shall have effect only during any period in which Part II of this Act is in force; but the power conferred by subsection (1) above shall continue to be exercisable, at any time when Part II has ceased to be in force, for the purpose of acquiring information or documents in relation to the bringing of proceedings for an offence under Part II or the doing of anything preparatory, or with a view, to the bringing of such proceedings.

#### 16 Power to obtain information about rates from rating and other authorities

- (1) The Secretary of State may by order made before 1st April 1974 require any rating or other authority to which this section applies to furnish to him such information as the order may specify in relation to—
  - (a) any rate made, or precept or requisition issued, by the authority for the financial year 1973-74 or any part of that year, or
  - (b) any rate, precept or requisition which they propose to make or issue for the financial year 1973-74 or 1974-75 or any part of either of those years.
- (2) Without prejudice to the generality of subsection (1) above, any such order may require an authority to which it applies to furnish information as to—

- (a) the authority's estimated future expenditure and income,
- (b) the amount of their proposed rate, precept or requisition,
- (c) the estimated product of a penny rate in their area,
- (d) the amount of, and the estimates made in relation to, the authority's expenditure and income in any previous year, and
- (e) the assumptions about inflation, population changes, rate support grant, and other relevant matters on which the authority's proposals are based,

and may require the authority to furnish any information called for by the order before such time as may be specified in the order.

- (3) The authorities to which this section applies are—
- (a) in England and Wales, rating authorities within the meaning of section 1 of the General Rate Act 1967 and authorities having power to issue a precept to a rating authority,
  - (b) in Scotland, local authorities, joint boards and joint committees within the meaning of the Local Government (Scotland) Act 1947 and regional water boards and water development boards within the meaning of the Water (Scotland) Act 1967, and
  - (c) in Northern Ireland, district councils established under the Local Government Act (Northern Ireland) 1972.
- (4) Where an authority to which subsection (6) of section 12 of the General Rate Act 1967 applies (precept to be issued, or information to be given, not less than twenty-one days before the beginning of the year or half year in which the rate concerned is to be levied) propose to issue a precept, the Secretary of State may, if he considers that the requirement in the said subsection (6) is inappropriate in all the circumstances of the case, direct that in place of that requirement there shall be substituted such other requirement as to the giving of notice to the rating authority affected as the Secretary of State considers appropriate; and the said subsection (6) shall not have effect in a case where the Secretary of State has given such a direction.
- (5) Where by any enactment a date is prescribed by which any one of the bodies mentioned in subsection (3)(b) above must cause any requisition to be sent to a local authority, the Secretary of State may in any particular case, if he considers that in all the circumstances of that case a later date should be substituted for the date so prescribed, direct that such later date as he considers appropriate be substituted for that date; and in relation to that case the said enactment shall have effect subject to that direction.
- (6) Where at any time an authority to which this section applies have—
- (a) made a rate for the financial year 1973-74 or 1974-75 or any part of either of those years, or
  - (b) issued a precept or requisition in respect of any such period,
- and subsequently it appears to them that the amount of that rate, precept or requisition, as the case may be, exceeds the amount which they require in respect of that period they may, by way of substitution for that rate, precept or requisition, make a new rate or issue a new precept or requisition, as the case may be.
- (7) Where, by virtue of subsection (6) above, an authority have substituted a lower rate for a rate made earlier, section 5 of the General Rate Act 1967 and section 237 of the said Act of 1947 shall not apply to the substituted rate, but the authority shall take such steps as they consider appropriate—

- (a) to draw to the attention of any person on whom a rate demand has been served under either of those sections details of the consequential alteration in the amount due from that person, and
  - (b) to ensure that any resulting overpayment made to the authority is refunded.
- (8) If the Secretary of State is satisfied that an authority have failed to discharge any duty imposed on them by an order under this section, he may make a further order declaring the authority to be in default in respect of that duty, and giving such directions for the purpose of enforcing the execution of that duty as appear to him to be expedient.
- (9) Any directions given in an order under subsection (8) above shall be enforceable, on an application made on behalf of the Secretary of State, by mandamus ; and, in Scotland, shall be enforceable by order of the Court of Session on an application by the Lord Advocate under section 91 of the Court of Session Act 1868.
- (10) An order or direction under this section may vary or revoke any previous order or direction thereunder.
- (11) In this section as it applies in Scotland " financial year " has the same meaning as in section 174 of the said Act of 1947.

## 17 Offences

- (1) If a person contravenes any of the provisions of Part II or Part III of this Act, or of any order or notice under Part II or Part III of this Act, he shall be liable—
- (a) on summary conviction to a fine not exceeding £400, and
  - (b) on conviction on indictment to a fine.
- (2) If an organisation of workers, or any other organisation or other person, by taking any action described in subsection (3) below, exercises any pressure on an employer to contravene section 5 or 7 of this Act, that person shall be liable—
- (a) on summary conviction to a fine not exceeding £400, and
  - (b) on conviction on indictment to a fine.
- (3) The action referred to in subsection (2) above is—
- (a) calling, organising, procuring or financing a strike, or threatening to do so, or
  - (b) organising, procuring or financing any irregular industrial action short of a strike, or threatening to do so.
- (4) Where, under subsection (4) of section 7 of this Act, the Pay Board have given notice of their intention to make or give an order or notice under that section then, for the purposes of subsection (2) above, the giving of the notice under the said subsection (4) shall be treated as if it constituted the making or giving of the order or notice to which it relates.
- (5) A person who—
- (a) refuses or wilfully neglects to comply with an order or notice under section 15 of this Act, or
  - (b) in furnishing any estimate or other information in compliance with such an order or notice, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, or

- (c) with intent to deceive, produces in compliance with such an order or notice a document which is false in a material particular, or
  - (d) in keeping any records in compliance with an order under section 15 of this Act makes an entry which he knows to be false in a material particular, or recklessly makes any entry which is false in a material particular, or
  - (e) in furnishing information in connection with an application for approval under Schedule 2 to this Act, or for consent under any provision of this Act, makes any statement, or produces or makes use of any document, which to his knowledge is or may be misleading, false or deceptive in a material particular,
- shall be liable on summary conviction to a fine not exceeding £400.
- (6) Subject to subsection (7) below, where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.
  - (7) In proceedings for an offence under subsection (2) or paragraph (a) of subsection (5) above against an official of a trade union in respect of action taken by him in his capacity as such an official it shall be a defence to show that he was acting within the scope of his authority on behalf of the trade union.  
  
This subsection shall have effect in relation to an organisation which is for the time being entered in the special register under section 84 of the Industrial Relations Act 1971 as it has effect in relation to a trade union.
  - (8) Nothing contained in or having effect under this Act, and nothing made illegal by this section, shall give rise to any criminal or tortious liability for conspiracy, or to any other liability in tort; and nothing which is made illegal by this Act shall constitute an unfair industrial practice within the meaning of the Industrial Relations Act 1971.
  - (9) Proceedings for an offence under this Act shall not be instituted in England or Wales except by or with the consent of the Attorney General, or in Northern Ireland except by or with the consent of the Attorney General for Northern Ireland.
  - (10) In this section—
    - (a) "irregular industrial action short of a strike" has the meaning given by section 33(4) of the Industrial Relations Act 1971,
    - (b) "strike" has the meaning given by section 167(1) of that Act, and
    - (c) "within the scope of his authority" shall be construed in accordance with section 167(9) of that Act.

## **18 Offences by unincorporated bodies**

- (1) This section has effect as respects any organisation of workers or organisation of employers, or any other organisation, where the organisation of workers or employers or other organisation is an unincorporated body.
- (2) If anything which is made illegal by or under any provision of this Act, or which would be illegal but for the provisions of subsection (3) below, is done by a person within the scope of his authority on behalf of such an unincorporated body, that body shall be guilty of an offence under that provision, and shall be liable to be proceeded against and punished as if the illegal action had been taken by that body.

- (3) In proceedings for an offence under subsection (2), or paragraph (a) of subsection (5), of section 17 of this Act against an official of an unincorporated organisation of workers in respect of action taken by him in his capacity as such an official it shall be a defence to show that he was acting within the scope of his authority on behalf of the unincorporated organisation of workers.
- (4) Where an offence is alleged to have been committed under this Act by an unincorporated body within subsection (1) above—
  - (a) proceedings for the offence shall be brought in the name of that body (and not in that of any of its members),
  - (b) for the purpose of any such proceedings any rules of court relating to the service of documents shall have effect as if that body were a corporation, and
  - (c) any fine imposed on conviction shall be enforceable, by way of execution, diligence or otherwise, against the funds of that body.
- (5) Where an offence mentioned in subsection (4) above is an offence punishable on conviction on indictment, section 33 of the Criminal Justice Act 1925 and Schedule 2 to the Magistrates' Courts Act 1952 shall have effect as if the said body were a corporation.
- (6) In subsection (2) above the expression " within the scope of his authority " shall be construed in accordance with section 167(9) of the Industrial Relations Act 1971.

## **19 Application to Scotland**

- (1) The provisions of this section shall have effect for the application of this Act to Scotland.
- (2)
  - (a) Where an offence mentioned in section 18(4) of this Act is an offence punishable on conviction on indictment section 40 of the Criminal Justice (Scotland) Act 1949 (proceedings on indictment against bodies corporate) shall have effect as if the said body were a body corporate.
  - (b) Section 17(8) of this Act shall not apply but nothing contained in, or having effect under, this Act or made illegal by that section shall be relevant for the purposes of any proceedings in reparation; and nothing which is made illegal by this Act shall constitute an unfair industrial practice within the meaning of the Industrial Relations Act 1971.

## **20 Application to Northern Ireland**

- (1) The provisions of this section shall have effect for the application of this Act to Northern Ireland.
- (2) A Minister of Northern Ireland may in relation to an Act of the Parliament of Northern Ireland exercise the power of making an order which is conferred by section 8 of this Act; and subsection (2) of that section and paragraph 1(8) of Schedule 3 to this Act shall not apply to an order so made but such an order shall be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if it were a statutory instrument within the meaning of that Act.
- (3) In section 16(7) of this Act—
  - (a) the reference to section 5 of the General Rate Act 1967 and section 237 of the Local Government (Scotland) Act 1947 shall be construed as a reference to

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- Article 9(4) and (5) and Article 32(4) of the Rates (Northern Ireland) Order 1972;
- (b) the reference to either of those sections shall be construed as a reference to the said Article 9(4); and
  - (c) any reference to an authority, except the first such reference, shall be construed as a reference to the Ministry of Finance for Northern Ireland.
- (4) Where an offence mentioned in section 18(4) of this Act is an offence punishable on conviction on indictment, section 18 of the Criminal Justice Act (Northern Ireland) 1945 and Schedule 5 to the Magistrates' Court Act (Northern Ireland) 1964 (procedure on charge of an offence against a corporation) shall have effect as if the body there mentioned were a corporation.
- (5) It shall be the duty of the Ministry of Commerce for Northern Ireland to enforce in Northern Ireland the provisions of—
- (a) any order or notice under section 6 of this Act; and
  - (b) any order or notice under section 12 of this Act;
- and Schedule 4 to this Act shall apply as if—
- (i) for references to a local weights and measures authority and to an inspector or chief inspector appointed under the Weights and Measures Act 1963 there were substituted respectively references to the Ministry of Commerce for Northern Ireland and any of its officers;
  - (ii) paragraphs 1(3) and 5 were omitted; and
  - (iii) references in paragraph 4 to a Minister of the Crown included references to a Minister of Northern Ireland and to a department of the Government of Northern Ireland.
- (6) The Secretary of State shall for each financial year pay into the Exchequer of Northern Ireland such sum as the Secretary of State and the Ministry of Commerce for Northern Ireland may agree to be appropriate as representing the expenses incurred by that Ministry under this Act.
- (7) The Parliament of Northern Ireland shall have the same power to pass Acts with respect to any matter as they would have had if this Act had not been passed ; and, in the event of any inconsistency between any Act of the Parliament of Northern Ireland passed after the passing of this Act and any provision of this Act or any order or other instrument having effect by virtue of this Act, the Act of the Parliament of Northern Ireland shall, in Northern Ireland, prevail.
- (8) Any expression defined for the purposes of this Act by reference to an Act which does not extend to Northern Ireland shall, unless the context otherwise requires, apply, subject to any necessary modifications, in relation to Northern Ireland as so defined.

## **21 Interpretation**

- (1) In this Act, unless the context otherwise requires—
- " the Minister " means the Minister for the Civil Service, the Treasury, the Secretary of State, the Minister of Agriculture, Fisheries and Food or the Minister of Posts and Telecommunications;
  - " Act " and " enactment " include respectively an Act and enactment of the Parliament of Northern Ireland;

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" business " includes any trade, profession or vocation, and the expression " in the course of business " shall be construed accordingly;

" charge " includes a charge for the performance of services, including any charge for the application of any process to goods;

" the code " means the code for the time being contained in an order under section 2 of this Act;

" goods " includes ships and aircraft, minerals, substances and animals (including fish);

" official " has the meaning given by section 167(1) of the Industrial Relations Act 1971;

" organisation of workers " and " organisation of employers " have the meanings given by sections 61(1) and 62(1) of the Industrial Relations Act 1971;

" prescribed ", in relation to publication by the Agencies or by a Minister, means a manner of publication prescribed under paragraph 5(2) of Schedule 3 to this Act;

" price " means any price or charge for the sale of goods ;

" trade union " has the meaning given by section 61(3) of the Industrial Relations Act 1971.

- (2) Any reference in this Act to anything contravening this Act, or any provision of this Act, shall include a reference to a failure to comply with the provision in question.
- (3) Any reference in this Act to an offence under this Act, or under any provision of this Act, includes a reference to an offence under an order or notice made or given under this Act, or under that provision, and any reference in this Act to anything contravening, or made illegal by, this Act or any provision of this Act shall be construed accordingly.
- (4) Any reference in this Act to any other enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended or applied by or under any other enactment, including this Act.
- (5) This Act shall apply in relation to—
  - (a) a conditional sale agreement, and
  - (b) a hire-purchase agreement,

as if the agreement were a sale of the goods to which the agreement relates for an amount equal to the total purchase price or hire-purchase price, with a fair reduction where the consideration for receipt of that price includes the installation, maintenance or repair of the goods or the performance of other services apart from the giving of credit.

This subsection shall be construed in accordance with the Hire-Purchase Act 1965, the Hire-Purchase (Scotland) Act 1965 or the Hire Purchase Act (Northern Ireland) 1966, as the case may be.

- (6) In this Act " Gazette " means, in relation to a matter relating exclusively to England and Wales, or exclusively to Scotland, or exclusively to Northern Ireland, the London Gazette, the Edinburgh Gazette and the Belfast Gazette respectively, similarly for matters to be published or notified in any two of those Gazettes, and, subject to that, all three of those Gazettes.



## **22 Expenses**

There shall be paid out of money provided by Parliament—

- (a) any administrative expenses incurred by a Government department in consequence of the provisions of this Act, and
- (b) any increase in the sums so payable under any other Act which is attributable to this Act.

## **23 Short title, supplemental provisions and repeals**

- (1) This Act may be cited as the Counter-Inflation Act 1973.
- (2) Schedules 3 and 4 to this Act (provisions about orders and notices, and about enforcement) shall have effect for supplementing this Act.
- (3) The Acts and instruments specified in Schedule 6 to this Act shall be repealed to the extent set out in the third column of that Schedule.

## SCHEDULES

### SCHEDULE 1

Section 1.

#### THE AGENCIES

#### PART I

##### AGENCIES' FUNCTIONS UNDER PART II

- 1 (1) Each Agency shall in accordance with this paragraph make reports to the Secretary of State on the way they have discharged their functions under Part II of this Act.
- (2) Each report shall be submitted to the Secretary of State not later than thirty days after the end of the period covered by the report, and the Secretary of State shall lay the report before Parliament.
- (3) The first two months during which Part II of this Act is in force shall be covered by a separate report, and separate reports shall be made covering each subsequent period of three months during which Part II of this Act is in force (on the first or any subsequent occasion); and a separate report shall be made covering any terminal period short of three months.
- (4) This paragraph shall have effect in relation to the Price Commission as if references to the Secretary of State were references to the Secretary of State and the Minister of Agriculture, Fisheries and Food, acting jointly.

#### PART II

##### ADVISORY ROLE OF THE AGENCIES

##### *References and instructions*

- 2 (1) The Minister may refer to the appropriate Agency any question relating to prices, charges, remuneration or company dividends, and the Agency shall examine the question and report to the Minister.
- (2) The Minister may instruct the appropriate Agency to keep under continuous review any question concerning all or any of the matters mentioned in sub-paragraph (1) above ; and—
  - (a) the Agency shall from time to time as they think fit, report to the Minister on the matters to which the instruction relates ;
  - (b) the Minister may at any time require the Agency to make to him a report on those matters, or on any question relating to them.

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*Supplemental provisions*

- 3 (1) For the purposes of paragraph 2 above " the appropriate Agency " means the Agency which in the opinion of the Minister is, in the circumstances of the case, the Agency which should consider the reference or, as the case may be, carry out the instruction.
- (2) A question referred, or instruction given, to one of the Agencies under paragraph 2 above may be framed in any way whatsoever, and in particular may be concerned with a specified region or locality or with named persons.
- (3) The Minister referring any question, or giving an instruction, to one of the Agencies under paragraph 2 above may at any time—
- (a) withdraw the question or instruction, or
- (b) vary it by referring a further question or, as the case may be, by giving a further instruction, under paragraph 2 above.
- (4) In framing any report under paragraph 2 above the Agency concerned shall have regard to the need for excluding, so far as that is practicable, matter which relates to the private affairs of a person and the publication of which would or might in the opinion of the Agency prejudicially affect the interests of that person ; but for the purposes of the law relating to defamation, absolute privilege shall attach to any report made by either Agency.

**PART III**

INCIDENTAL PROVISIONS HAVING EFFECT IN RELATION TO EACH AGENCY

- 4 The Agency shall be a body corporate with perpetual succession and a common seal.

*Appointment of members*

- 5 (1) The Secretary of State may appoint persons to the Agency either as full-time members or as part-time members and may appoint any person to be a part-time member of both Agencies.
- (2) The Agency shall have a chairman and one or more, as the Secretary of State thinks fit, deputy chairman or deputy chairmen appointed by the Secretary of State from among the members of the Agency (including any part-time members).

*Tenure of office, etc, of members*

- 6 (1) Subject to the following provisions of this paragraph, a member of the Agency shall hold and vacate office as such in accordance with the terms of his appointment.
- (2) A person shall not be appointed to the Agency for a term exceeding three years, but previous membership thereof shall not affect eligibility for re-appointment.
- (3) The Secretary of State may, with the consent of the member concerned, vary the terms of appointment of any member of the Agency, so far as they relate to his service as a full-time or part-time member.
- (4) A member of the Agency may at any time resign his membership by notice in writing addressed to the Secretary of State.

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- (5) The Secretary of State may, by notice in writing addressed to the member in question, terminate the appointment of any member of the Agency who is, in his opinion, unfit to continue in office or incapable of performing his duties as a member.

*Tenure of office of chairman and deputies*

- 7 (1) Subject to the following provisions of this paragraph, the chairman and any deputy chairman of the Agency shall hold and vacate office as such in accordance with the terms of his appointment.
- (2) The chairman or a deputy chairman of the Agency may at any time resign his office as such by notice in writing addressed to the Secretary of State.
- (3) If the chairman or a deputy chairman of the Agency ceases to be a member of the Agency, he shall also cease to be chairman or, as the case may be, a deputy chairman.

*Remuneration and expenses of members*

- 8 The Secretary of State shall, out of money provided by Parliament—
- (a) pay to the members of the Agency such remuneration, and such travelling or other allowances as he may with the approval of the Minister for the Civil Service determine, and
- (b) in the case of any member of the Agency to whom he may, with the approval of the said Minister, determine that this paragraph applies, pay such pension, allowance or gratuity to or in respect of the member on his retirement or death, or make such payments towards the provision of such a pension, allowance or gratuity, as he may, with the like approval, determine ;

and if a person ceases to be a member of the Agency and it appears to the Secretary of State that there are special circumstances which make it right that that person should receive compensation he may, with the approval of the said Minister, pay to that person out of money provided by Parliament a sum of such amount as he may, with the like approval, determine.

*Application of House of Commons Disqualification Act*

- 9 In Part II of Schedule 1 to the House of Commons Disqualification Act 1957 (bodies of which all members are disqualified under that Act), there shall (at the appropriate place in alphabetical order) be inserted the following entries:—

“The Price Commission”

“The Pay Board”;

and the like amendment shall be made in the Part substituted for the said Part II by Schedule 3 to that Act in its application to the Senate and House of Commons of Northern Ireland.

*Officers and servants*

- 10 The Agency—
- (a) shall have a secretary, to be appointed by them after consultation with the Secretary of State and with the consent of the Minister for the Civil Service, and

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- (b) may, after such consultation and with the consent of the said Minister, appoint such other officers and servants as they think fit.
- 11 (1) The Agency shall pay to their officers and servants such remuneration, and such travelling and other allowances, as the Secretary of State may with the approval of the Minister for the Civil Service determine.
- (2) The Agency shall, in the case of such persons engaged in its business as may be determined by them with the approval of the Minister for the Civil Service (not being members of the Agency), pay such pensions, allowances or gratuities to or in respect of them as may be so determined, make such payments towards the provision of such pensions, allowances or gratuities as may be so determined or provide and maintain such schemes (whether contributory or not) for the payment of such pensions, allowances or gratuities as may be so determined.
- (3) Where a participant in such a scheme as is mentioned in sub-paragraph (2) above becomes a member of the Agency, he may be treated for the purposes of the scheme as if his service as a member of the Agency were service as a person engaged in their business otherwise than as such a member, and his rights under the scheme shall not be affected by paragraph 8(b) above.

*General provisions with respect to the Agency's proceedings*

- 12 The validity of any proceedings of the Agency shall not be affected by any vacancy among the members of the Agency, or by any defect in the appointment of any such member.
- 13 Subject to paragraph 18 below, the Agency may determine their own procedure, including the quorum necessary for their meetings.

*Exercise of chairman's functions during absence, incapacity etc.*

- 14 (1) At any time when the chairman of the Agency is absent or otherwise incapable of acting, or there is a vacancy in the office of chairman—
- (a) such one of the Agency's deputy chairmen as the Secretary of State may direct or, in default of any such direction, such one of them as the Agency may determine, or
- (b) if there is then only one deputy chairman of the Agency, the deputy chairman, may exercise any of the functions of chairman of the Agency.
- (2) At any time when every person who is chairman or deputy chairman of the Agency is absent or otherwise incapable of acting, or there is no such person, such member of the Agency as the Secretary of State may direct or, in default of any such direction, such member of the Agency as the Agency may determine, may exercise any of the functions of chairman of the Agency.

*Inquiries*

- 15 (1) The Agency may hold such inquiries as they consider necessary or desirable for the discharge of their functions under this Act; and the chairman of the Agency, or other member of the Agency presiding in his stead, may at any such inquiry direct that any person appearing as a witness be examined on oath, and administer an oath accordingly, or, instead of so directing, require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined.

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- (2) If any person who is to give evidence at any such inquiry so requests at the hearing, or by a notice in writing served on the Agency's secretary before the date of the hearing, the Agency may direct that the public shall be excluded from the hearing while that person gives his evidence.
- 16 (1) For the purposes of any inquiry under this Act, the chairman of the Agency or any other member of the Agency authorised by the chairman (whether generally or in connection with the particular inquiry) to exercise the powers conferred by this subparagraph, may by summons require any person to attend, at such time and place as is specified in the summons, to give evidence on any matter so specified, being a matter in question at the inquiry.
- (2) No person shall be compelled for the purposes of any such inquiry to give any evidence which he could not be compelled to give in proceedings before the High Court.
- (3) No person shall be required, in obedience to a summons under this paragraph, to go more than ten miles from his place of residence unless the necessary expenses of his attendance are paid or tendered to him.
- (4) A person who refuses or wilfully neglects to attend in obedience to a summons issued under this paragraph or to give evidence as required by such a summons shall be liable on summary conviction to a fine not exceeding £400.
- (5) In the application of this paragraph to Scotland, for any reference to a summons there shall be substituted a reference to a notice in writing, and for the reference to the High Court there shall be substituted a reference to the Court of Session; and in the application of this paragraph to Northern Ireland, for the reference to the High Court there shall be substituted a reference to the High Court in Northern Ireland.

*Publication of information and advice*

- 17 The Agency may arrange for the publication, in such form and in such manner as they may consider appropriate, of such information and advice with respect to the application of any provisions of the code, or the discharge of any of the Agency's functions, as may appear to them to be expedient.

*Power of Secretary of State to give directions*

- 18 In determining any matter of procedure (including the quorum necessary for their meetings) and in exercising their powers under paragraph 17 above, the Agency shall act in accordance with any general directions which may from time to time be given with respect thereto by the Secretary of State.

*Expenses of the Agency*

- 19 The expenses incurred by the Agency under paragraph 11 above and, to such amount as the Secretary of State may with the approval of the Minister for the Civil Service determine, any other expenses of the Agency shall be paid out of money provided by Parliament.

*Interpretation*

- 20 This Part of this Schedule shall have effect in relation to the Price Commission as if references to the Secretary of State were references to the Secretary of State and the Minister of Agriculture, Fisheries and Food, acting jointly.

SCHEDULE 2

Section 5(4).

APPROVALS AND CONSENTS

*Procedure for approving proposed increases*

- 1 (1) The Minister may by order establish procedures by which, in cases prescribed by the order, either Agency will be required—
- (a) to entertain proposals for increases of prices, charges or remuneration, and
  - (b) where satisfied that the increases ought to be allowed, to approve the proposals.
- (2) An order under this paragraph—
- (a) shall prescribe the time within which an Agency are to give their decision whether or not to approve the proposal, and
  - (b) may provide that, in circumstances specified in the order, the Agency shall be deemed to have given their approval for the purposes of any provision of this Schedule so specified if they have not duly notified the applicant of their decision within the time prescribed under paragraph (a) above, and
  - (c) may prescribe some earlier time limit by which the Agency are to be deemed to have given their approval if they have not given notice to the applicant that the application is still under consideration, and
  - (d) may make it a contravention of the order to implement the increase before the time limit under paragraph (a) above, or (where the application is then no longer under consideration) before such earlier time as is specified in the order.
- (3) A proposal for an increase which an Agency are required to entertain under this Schedule shall be made to the Agency in such form and manner as may be prescribed by the Agency.
- 2 (1) Where an Agency approve proposals for an increase in accordance with an order under paragraph 1 above, the Agency shall not exercise their powers under Part II of this Act so as to restrict any price or charge, or any kind of remuneration, where the price or charge or remuneration is duly authorised by the approval.
- (2) In exercising their powers under an order under paragraph 1 above, an Agency may frame an approval of proposals for an increase in such way as appears to them appropriate for the purpose of ensuring that the provisions of the code are implemented.
- (3) In acting under sub-paragraph (2) above an Agency may—
- (a) attach any conditions to an approval, and
  - (b) limit or qualify an approval to allow for any change in circumstances, and
  - (c) limit the duration of an approval.

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- (4) An order under paragraph 1 above which provides that an Agency shall be deemed to have given their approval in any circumstances may impose any such conditions, limitations or qualifications as might have been imposed by the Agency under the preceding provisions of this paragraph.
- 3       Where notice of an increase is given under section 5 of this Act, an order under paragraph 1 above may treat that notice as an application for approval of the increase.
- 4       (1) Any reference in this Act to an order under Part II of this Act shall include a reference to an order under paragraph 1 above.
- (2) An order under paragraph 1 above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### *Consents by Agencies*

- 5       (1) There is no contravention of an order or notice under section 6 or section 7 of this Act if what has been done is authorised by the consent in writing of the Agency making or giving the order or notice.
- (2) An application for consent under this paragraph shall be made to the Agency in such form and manner as may be prescribed by the Agency.

#### *Consents by the Minister*

- 6       (1) If, after consultation with the Agency, the Minister is satisfied that there are exceptional circumstances which justify an intervention by him in any case where the Agency have imposed a restriction under section 6 or section 7 of this Act, or are considering whether to do so, he may give his consent in writing to anything which is, or would be, subject to the restriction.
- (2) Where the Minister gives his consent, the Agency shall not at any time exercise their powers under Part II of this Act so as to prevent the doing of anything covered by the consent, and if the Agency have already imposed a restriction, the consent shall be equivalent to consent granted by the Agency.

#### *Terms of consents*

- 7       (1) Any power of granting a consent conferred by or under any provision of this Act includes a power to attach any conditions or limitations to the consent.
- (2) The granting of a consent in exercise of a power conferred by or under any provision of this Act shall not affect liability for any offence committed before the date from which the consent is expressed to take effect or, if it is not expressed to take effect from a specified date, before the time when the consent is received by the person to whom it is given.
- (3) Where an Agency, or a Minister, grant a consent under this Act, particulars of the consent shall be published in the Gazette, and in such other ways as may be prescribed.



## SCHEDULE 3

Section 23.

### SUPPLEMENTAL PROVISIONS

#### PART I

##### ORDERS AND NOTICES UNDER THIS ACT

- 1 (1) An order or notice under Part II of this Act may be framed in any way whatsoever, and may define any expression used in the provisions under which it is made or given (other than an expression defined by section 21(1) of this Act) both for the purposes of the order or notice, and for the purposes of the said provision as it applies in relation to the order or notice.
- (2) An order or notice under Part II of this Act may prescribe any method of comparing prices, charges, rates of remuneration or rents.
- (3) Any such order or notice concerning remuneration may take account of any terms or conditions of employment, and may determine, whether remuneration becoming payable after the period for which it is payable is to be taken into account in making any comparison.
- (4) An order made by a Minister under Part II of this Act may contain any kind of supplemental or incidental provisions, including, in the case of an order concerning rents, provisions for the recovery of rent overpaid.
- (5) Any provisions made in pursuance of sub-paragraph (4) above shall, if the order so provides, continue in force after Part II of this Act ceases to have effect.
- (6) Any order or notice under any provision of Part II of this Act may be varied or revoked by a subsequent order or notice under the same provision.
- (7) The variation or revocation of an order or notice under Part II of this Act shall not affect liability for any offence committed before the variation or revocation takes effect.
- (8) An order made by a Minister under Part II of this Act shall be contained in a statutory instrument.
- (9) An order made by an Agency under Part II of this Act shall be published in the Gazette, and in such other ways as may be prescribed.
- (10) Where a notice is given by an Agency or a Minister under any of the following provisions of this Act, that is—
  - section 6(3),
  - section 7(3),
  - section 9(2),
  - section 10, or
  - section 12,particulars of the notice shall be published in the Gazette, and in such other ways as may be prescribed.

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*Identification of two or more different persons*

- 2 (1) For the purposes of sections 5 to 7 of this Act, and of any provision made under those sections, the following shall be treated as one person, that is—
- (a) all the persons who successively carry on any business ;
  - (b) the person having control of any company, and all the companies controlled by that person;
  - (c) where any companies are amalgamated or reconstructed, the companies wound up in the course of the amalgamation or reconstruction, and the companies resulting from the amalgamation or reconstruction.
- (2) An order or notice under sections 5 to 7 of this Act may exclude any of the provisions of sub-paragraph (1) above as they apply to, or in relation to, the order or notice.

*Validity of transactions*

- 3 (1) The Minister may by order made at any time during a period when Part II of this Act is in force prescribe the degree to which anything made illegal by any order or notice made or given under Part II during that period, or anything otherwise affected by any such provision, is to be valid or invalid either during that period or later.
- (2) In the case of an order or notice restricting any price or charge, an order under this paragraph may make the excess of any price or charge over the restriction recoverable by the person paying the price or charge.
- (3) Where in accordance with an order under this paragraph a contract to pay any remuneration remains invalid (in whole or in part) after the date when section 7 of this Act ceases to be in force, the order may further provide that the provisions of sections 17 and 18 of this Act (offences) shall continue to apply in relation to the implementation of the contract as if section 7 of this Act was still in force.
- (4) An order made under this paragraph—
- (a) may be varied or revoked by a subsequent order so made, and
  - (b) shall be contained in a statutory instrument.

*Application of provisions of the Interpretation Act 1889*

- 4 On the expiration of Part II of this Act (whether on the first or any subsequent occasion), section 38(2) of the Interpretation Act 1889 (effect of repeals) shall apply as if Part II of this Act had been repealed by another Act.

*Notices and orders*

- 5 (1) The Minister may by regulations prescribe the manner in which any notice is to be given under this Act, and the evidence which is to be sufficient evidence of its having been given, and of its contents and authenticity.
- (2) The Minister may by regulations—
- (a) prescribe the manner in which any order, notice or consent under this Act is to be published, or the manner in which particulars of any such order, notice or consent are to be published, and
  - (b) in the case of an order made under this Act by either Agency, prescribe the evidence which is to be sufficient evidence of its having been published, and of its contents and authenticity.

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- (3) In any proceedings against any person for an offence consisting of a contravention of an order made by either Agency under this Act, it shall be a defence to prove that the order had not been published at the date of the alleged contravention, unless it is proved that at that date reasonable steps had been taken for the purpose of bringing the purport of the order to the notice of the public, or of persons likely to be affected by it, or of the person charged.
- (4) The power of making regulations under this paragraph shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

#### *Crown servants*

- 6 (1) Although this Act does not bind the Crown an order or notice may be made or given under section 7 of this Act, or under this Schedule, so as, without imposing any obligation on the Crown as an employer or otherwise, to apply (either expressly or impliedly) to persons employed by or under the Crown, and section 17(2) of this Act shall apply accordingly.
- (2) For the purposes of this Act employment by any such body as is specified in Schedule 3 to the Redundancy Payments Act 1965 (national health service employers) and corresponding employments in Northern Ireland shall (if they would not otherwise be so regarded) be regarded as employment by or under the Crown.
- (3) In the application of this paragraph to Northern Ireland references to the Crown include references to the Crown in right of the Government of Northern Ireland.

#### *Consultations by Ministers before the passing of this Act*

- 7 A provision of this Act which imposes on a Minister a duty to consult any person shall not be taken as implying that further consultation is required by the provision where the Minister is satisfied that there was consultation before the passing of this Act which in his opinion was sufficient for the purpose.

## **PART II**

### **ORDERS AND NOTICES UNDER THE COUNTER- INFLATION (TEMPORARY PROVISIONS) ACT 1972**

#### *Orders and notices about prices, charges and remuneration*

- 8 (1) Any order or notice which was made or given in exercise of the powers in paragraph (a) or paragraph (b) of subsection (5) of section 2 of the Counter-Inflation (Temporary Provisions) Act 1972 (whether or not also in exercise of other powers in that Act), and which was in force immediately before the relevant date, shall have effect as if it, with the provisions of section 2 which it applies, had been made or given under section 6 or, as the case may be, section 7 of this Act, and the powers of varying or revoking orders and notices under the said sections 6 and 7 may be exercised accordingly.
- (2) In this paragraph " the relevant date " means—

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- (a) in relation to an order or notice made or given in exercise of the powers in the said paragraph (a) (prices and charges), 29th April 1973, and
- (b) in relation to an order or notice made or given in exercise of the powers in the said paragraph (b) (remuneration), the date when Part II of this Act first comes into force.

*Adaptations of the Temporary Provisions Act*

- 9 The references in section 3 of the said Act of 1972 to the time when section 2 of that Act is in force shall be taken as references to a period ending when Part II of this Act first comes into force.
- 10 (1) The reference in paragraph 1(4) of the Schedule to the said Act of 1972 (supplemental and incidental provisions continuing in force after the time when section 2 of that Act ceases to have effect) to that time is a reference to the time when any of the provisions of that section have ceased to have effect, and the reference in paragraph 3 of that Schedule to the expiration of section 2 is a reference to the expiration of any provision of section 2.
- (2) The reference in paragraph 4(2) of the said Schedule (adaptation of existing legislation about prices, charges, remuneration, dividends or rents) to the time when the said section 2 is in force shall include a reference to any time before 29th April 1973.
- (3) An order under the said paragraph 4(2) may contain any kind of supplemental or incidental provisions, and any such supplemental or incidental provisions shall, if the order so provides, continue in force, or take effect, on or after 29th April 1973.

SCHEDULE 4

Section 23.

ENFORCEMENT

*Enforcement by local weights and measures authorities*

- 1 (1) Every local weights and measures authority may within their area enforce the provisions of—
- (a) any order or notice under section 6 of this Act, and
  - (b) any order or notice under Part III of this Act.
- (2) For the purpose of determining—
- (a) whether to recommend that any such order or notice should be made or given, or
  - (b) whether the provisions of any such order or notice are being complied with,
- a local weights and measures authority may make, or may authorise any of their officers to make on their behalf, any purchases of goods, and may authorise any of their officers to obtain any services.
- (3) Nothing in this Schedule shall confer on any person authorised to enforce any provision of this Act mentioned in this Schedule any power to institute proceedings in Scotland for an offence.

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- (4) In acting under this paragraph an authority shall conform with such directions, if any, as the Minister may give, either generally to all authorities, or to that particular authority.

*Power of Minister to designate officers for purposes of enforcement*

- 2 (1) The Minister may by order designate—
- (a) any inspectors or chief inspectors appointed under the Weights and Measures Act 1963, or
  - (b) any officers of either Agency,
- as persons to execute this Act in accordance with this paragraph by doing what may be done by his officers.
- (2) Where an order is made under this paragraph designating any inspectors or chief inspectors, or any officers of either Agency, it shall be the duty of the local weights and measures authorities, or as the case may be of the Agency, to put the services of the persons so designated at the disposal of the Minister making the order.
- (3) A person designated by an order under this paragraph shall act in accordance with directions given by the Minister in the same way as would one of his officers, but shall be deemed, while so acting, to continue to be employed by the authority or Agency putting his services at the disposal of the Minister.
- (4) An order made under this paragraph—
- (a) may be varied or revoked by a subsequent order so made, and
  - (b) shall be contained in a statutory instrument.
- (5) Any reference in this Act to an officer, or a duly authorised officer, of the Minister shall include a reference to a person who is designated under this paragraph, and who is acting in accordance with directions given by the Minister and duly authorised for the purpose.

*Powers of inspection and entry*

- 3 (1) A duly authorised officer of the Minister, or of a local weights and measures authority, may at all reasonable hours, and on production, if required, of his credentials, exercise the following powers for the purpose of determining whether the provisions of—
- (a) any order or notice under section 6 of this Act, or
  - (b) any order or notice under Part III of this Act,
- are being complied with.
- (2) The said powers are—
- (a) a power to inspect any goods and to enter any land or any premises, other than premises used only as a dwelling, and
  - (b) a power to require any person carrying on a business, or employed in connection with a business, to produce any documents relating to the business, and a power of making extracts from, or making copies of, the documents.
- (3) A person who wilfully obstructs an officer acting under this paragraph shall be liable on summary conviction to a fine not exceeding £400.

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- (4) A person who, with intent to deceive, produces, in compliance with a requirement under this paragraph, a document which to his knowledge is or may be misleading, false or deceptive in a material particular shall be liable on summary conviction to a fine not exceeding £400.
- (5) In this paragraph " premises " includes any stall, vehicle or vessel.

*Restriction on disclosure of information obtained under this Act*

- 4 (1) This paragraph applies to information given or supplied pursuant to Part V of this Act, or obtained in the course of exercising the powers conferred by paragraph 3 above.
- (2) No such information shall be disclosed except—
- (a) with the consent of the person by whom or on whose behalf the information was given or supplied, or as the case may be the owner of the goods or the occupier of the land or premises, or
  - (b) to members of either Agency, or to the officers or servants of either Agency, or
  - (c) to any Minister of the Crown, or an officer or servant appointed by, or person exercising, functions on behalf of, a Minister of the Crown, or
  - (d) in the case of information obtained by a person acting on behalf of a local weights and measures authority, to any officer of that authority, or
  - (e) with a view to the institution of, or otherwise for the purpose of, any criminal proceedings pursuant to or arising out of this Act, or the Counter-Inflation (Temporary Provisions) Act 1972.
- (3) Sub-paragraph (2) above does not apply to information given or supplied to either Agency in proceedings to which the public are admitted, or contained in any report of either Agency.
- (4) If a person contravenes the provisions of this paragraph he shall be liable—
- (a) on summary conviction to a fine not exceeding £400, and
  - (b) on conviction on indictment to a fine.

*Expenses to be treated as special expenses of county councils*

- 5 (1) In respect of any period during which a district council in Wales are the local weights and measures authority for their district, any expenditure incurred in enforcing the provisions of Part II or Part III of this Act by the council of the county in which that district is situate shall be treated as incurred for special expenses of the county council, and that district shall not be chargeable therewith.
- (2) Before the coming into force of the Local Government Act 1972 sub-paragraph (1) above shall not apply, but in respect of any period during which the council of any non-county borough or urban or rural district in England or Wales are acting as a local weights and measures authority, or are a party to any agreement made or deemed to have been made under section 37 of the Weights and Measures Act 1963, any expenditure incurred in enforcing the provisions of Part II or Part III of this Act by the council of the county in which that borough or district is situated shall be treated as incurred for special county purposes, and that borough or district shall not be chargeable therewith.

## SCHEDULE 5

Section 14.

### RENT RESTRICTION

#### *Special rent limit for existing tenancies brought within the Rent Act*

- 1 (1) This paragraph applies to a regulated tenancy—
- (a) which was granted before 8th March 1973, and
  - (b) which would not have been a regulated tenancy but for the provisions of subsection (1) of the principal section.
- (2) Subject to the provisions of this Schedule, the recoverable rent for any contractual period of a tenancy to which this paragraph applies shall not exceed the limit specified in paragraph 2 below, and the amount of any excess shall, notwithstanding anything in any agreement, be irrecoverable from the tenant.
- (3) Where a rent for the dwelling-house is registered under Part IV of the Rent Act 1968 which is less than the limit specified in paragraph 2 below, neither section 20(2) (registered rent as limit for contractual periods) nor section 22(2) (corresponding provision for statutory periods) of that Act shall apply to a tenancy to which this paragraph applies.
- (4) Sub-paragraphs (2) and (3) above shall cease to apply if the landlord and the tenant so provide by an agreement conforming with the requirements of section 43(3) of the Housing Finance Act 1972 (agreement to explain the nature of the tenant's security of tenure).
- (5) Sub-paragraph (2) above shall not apply where a rent for the dwelling-house is registered under Part IV of the Rent Act 1968 which is not less than the limit specified in paragraph 2 below.
- (6) Section 33 of the Rent Act 1968 (enforcement provisions) shall apply as if any amount made irrecoverable by this paragraph were irrecoverable by virtue of Part III of that Act, and section 36 of that Act (adjustment for differences in lengths of rental periods) shall apply for the purposes of this paragraph.
- 2 (1) Where at the date of the passing of this Act Article 10 of the Counter-Inflation (Rents) (England and Wales) Order 1972 applied to the rent under the tenancy (to which paragraph 1 applies), the said limit is the rent payable under the tenancy as limited by the said Article 10 immediately before that date.
- (2) In any other case the said limit is the rent payable under the terms of the tenancy (to which paragraph 1 applies) at the passing of this Act.

#### *Adjustment for repairs, services or rates*

- 3 (1) This paragraph applies to a contractual period the rent for which is subject to paragraph 1(2) of this Schedule.
- (2) In this paragraph "the previous terms" means the terms of the tenancy (to which paragraph 1 applies) as at the passing of this Act.
- (3) Where under the terms of the tenancy there is with respect to—
- (a) the responsibility for any repairs, or
  - (b) the provision of services by the landlord or any superior landlord, or

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- (c) the use of furniture by the tenant,  
any difference compared with the previous terms, such as to affect the amount of the rent which it is reasonable to charge, the limit in paragraph 2 above shall be increased or decreased by an appropriate amount.
- (4) Where for the contractual period there is a difference between the amount (if any) of the rates borne by the landlord or a superior landlord in respect of the dwelling-house and the amount (if any) so borne during the first rental period for which the previous terms were agreed, the limit in paragraph 2 above shall be increased or decreased by the difference.
- (5) Where for the contractual period there is an increase in the cost of the provision of the services (if any) provided for the tenant by the landlord or a superior landlord compared with that cost at the time when the previous terms were agreed, such as to affect the amount of the rent which it is reasonable to charge, the limit in paragraph 2 above shall be increased by an appropriate amount.
- (6) Where the previous terms provide for a variation of the rent in any of the circumstances mentioned in this paragraph, the limit shall not be further varied under this paragraph by reason of the same circumstances.
- (7) Any question whether, or by what amount, the limit is increased or decreased by sub-paragraph (3) or sub-paragraph (5) of this paragraph shall be determined by the county court, and any such determination—
- (a) may be made so as to relate to past rental periods, and
  - (b) shall have effect with respect to rental periods subsequent to the periods to which it relates until revoked or varied by a subsequent determination.

*Statutory period of tenancy: no adjustment for improvements*

- 4 Section 25 of the Rent Act 1968 (increase for improvements) shall not apply to a tenancy to which paragraph 1 of this Schedule applies.

*Premiums*

- 5 (1) This paragraph has effect where a premium was lawfully required and paid on the grant of a tenancy to which paragraph 1 of this Schedule applies.
- (2) Nothing in section 86 of the Rent Act 1968 (prohibition of premiums on assignment of protected tenancies) shall prevent any person from requiring or receiving, on an assignment of the tenancy, the fraction of the premium specified below (without prejudice, however, to his requiring or receiving a greater sum in a case where he may lawfully do so under Schedule 11 to the Rent Act 1968).
- (3) If there was more than one premium, sub-paragraph (2) above applies to the last of them.
- (4) The said fraction is
- $$\frac{X}{Y}$$
- where—
- (a) X is the residue of the term of the tenancy at the date of the assignment, and
  - (b) Y is the term for which the tenancy was granted.



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

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- (5) Sub-paragraph (1) of this paragraph shall apply where a tenancy has been assigned as it applies where a tenancy has been granted, and then Y in the said fraction shall be the residue, at the date of that assignment, of the term for which the tenancy was granted.
- (6) In this and the next following paragraph " grant" includes continuance and renewal.
- 6 (1) Where the tenancy to which paragraph 5(1) above applies was granted on the surrender of a previous tenancy, and a premium had been lawfully required and paid on the grant, or an assignment, of the previous tenancy, the surrender value of the previous tenancy shall be treated, for the purposes of paragraph 5 above as a premium, or as the case may be as part of the premium, paid on the said grant of the tenancy.
- (2) For the purposes of sub-paragraph (1) above the surrender value of the previous tenancy shall be taken to be the amount which—
- (a) if the previous tenancy had been assigned instead of being surrendered, and
  - (b) if this paragraph had applied to it,
- would have been the amount which could have been required and received on the assignment in pursuance of paragraph 5 above and this paragraph.
- (3) In determining for the purposes of paragraph 5 above, or o-f this paragraph, the amount which may be or could have been required and received on the assignment of a tenancy terminable, before the end of the term for which it was granted, by a notice to the tenant, that term shall be taken to be a term expiring at the earliest date on which such a notice, given after the date of the assignment, would have been capable of taking effect.

*Tenancies ending before passing of this Act*

- 7 (1) This paragraph applies where the tenancy of a dwelling-house has come to an end at a time before the passing of this Act, and the tenancy would have been a regulated tenancy if the principal section had been in force at that time.
- (2) No order for possession of the dwelling-house shall be made which would not be made if the principal section had been in force at the said time.
- (3) Where a court has made an order for possession of the dwelling-house before the passing of this Act, but the order has not been executed, the court, if of opinion that the order would not have been made if this Act had come into force before the tenancy came to an end may, on the application of the person against whom it was made, rescind or vary it in such manner as the court thinks fit for the purpose of giving effect to the principal section.
- (4) If the tenant under the tenancy which has come to an end duly retains possession of the dwelling-house after the passing of this Act (without any order for possession having been made, or after the rescission of such an order) he shall be deemed to do so under a statutory tenancy arising on the termination of the tenancy which has come to an end, and, subject to sub-paragraph (7) below, the terms of that tenancy (including the rent) shall be deemed to have been the same as those of the tenancy which has come to an end.

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- (5) Where Article 10 of the Counter-Inflation (Rents) (England and Wales) Order 1972 applied to the rent under the tenancy, the rent under the tenancy imposed by sub-paragraph (4) above shall be the rent as limited by the said Article 10.
- (6) Paragraphs 1 to 4 of this Schedule shall not apply to a statutory tenancy arising under sub-paragraph (4) above.
- (7) The High Court or the county court may by order vary all or any of the terms of the tenancy imposed by sub-paragraph (4) above in any way appearing to the court to be just and equitable (and whether or not in a way authorised by the provisions of sections 23 and 24 of the Rent Act 1968).
- (8) If at the passing of this Act the dwelling-house is occupied by a person who would, if the tenancy had been a regulated tenancy have been the " first successor " within the meaning of paragraph 4 of Schedule 1 to the Rent Act 1968—
  - (a) an application under sub-paragraph (3) above may be made by that person, and
  - (b) sub-paragraphs (4), (5) and (6) above shall apply where that person retains possession as they apply where the tenant retains possession.

#### *Mortgages*

- 8 At the end of section 93 of the Rent Act 1968 (mortgages to which Part VIII of that Act applies) there shall be inserted the following subsection—

- “(5) If at the date of the passing of the Counter-Inflation Act 1973 land consisting of or including a dwelling-house was subject to a tenancy which becomes a regulated tenancy by virtue of section 14 of that Act, then in relation to that dwelling-house (and any land including that dwelling-house)—
- (a) sections 94 and 95 below shall have effect as if for the reference in subsection (1)(a) above to 8th December 1965 there were substituted a reference to the date of the passing of the said Act;
  - (b) subsection (2)(a) of the said section 94 shall have effect as if for the reference to the appropriate day there were substituted a reference to 7th March 1973, and
  - (c) subsection (1)(b) of the said section 95 shall not apply.”

#### *Grounds for possession of dwelling-house*

- 9 If at the date of the passing of this Act a dwelling-house was subject to a tenancy which becomes a regulated tenancy by virtue of the principal section, then, in relation to that tenancy—

- (a) Case 5, paragraph (b) of Case 10, and paragraph 2(a) of Part III, of Schedule 3 to the Rent Act 1968 shall have effect as if for the references in those provisions to 8th December 1965 there were substituted references to the date of the passing of this Act,
- (b) Case 8 of the said Schedule 3 shall have effect as if for the reference to 23rd March 1965 there were substituted a reference to 8th March 1973, and
- (c) the said paragraph 2(a) of Part III of Schedule 3 shall have effect as if for 7th June 1966 there were substituted a reference to the expiration of a period of six months beginning with the passing of this Act.

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*Reserve and Auxiliary Forces (Protection of Civil Interests Act) 1951*

- 10 In section 16(2)(a) of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (protection of premises by extension of the Rent Acts) the words "on the appropriate day " shall cease to have effect, and for the words " in subsection (1)(a) of section 1" there shall be substituted the words " in paragraphs (a), (aa) or (aaa) of subsection (1) of section 1 ".

*Tenancies at a low rent*

- 11 (1) At the end of section 2(1) of the Rent Act 1968 there shall be inserted the following proviso :—
- “Provided that paragraph (a) of this subsection shall apply in relation to a dwelling-house—
- (i) in relation to which the appropriate day fell before the passing of the Counter-Inflation Act 1973, and
  - (ii) which had on the said appropriate day a rateable value exceeding, if it is in Greater London, £400 or, if it is elsewhere, £200,
- as if for the reference in the said paragraph (a) to the appropriate day there were substituted a reference to the date of passing of the Counter-Inflation Act 1973.”.
- (2) In section 2(5) of the Landlord and Tenant Act 1954 (as originally enacted) for paragraphs (a) and (b) there shall be substituted the words " for the purposes of this subsection the rateable value of the property is that which would be taken as its rateable value for the purposes of section 2(1)(a) of the Rent Act 1968. "

*Construction*

- 12 In this Schedule—
- (a) " rates " includes water rates and charges,
  - (b) other expressions shall be construed as in the Rent Act 1968.

SCHEDULE 6

Section 23.

REPEALS

Chapter	Short Title	Extent of Repeal
14 & 15 Geo. 6. c. 65.	The Reserve and Auxiliary Forces (Protection of Civil Interests Act) 1951	In section 16(2)(a) the words " on the appropriate day ".
5 & 6 Eliz. 2. c. 20.	The House of Commons Disqualification Act 1957.	In Part II of Schedules 1 and 3, the entry relating to the National Board for Prices and Incomes.
1966 c. 33.	The Prices and Incomes Act 1966.	The whole Act, so far as unrepealed.

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Chapter	Short Title	Extent of Repeal
1967 c. 53.	The Prices and Incomes Act 1967.	The whole Act, except sections 4(2) and 5.
1967 c. 88.	The Leasehold Reform Act 1967.	Section 39(1)(b).
1968 c. 23.	The Rent Act 1968.	In Schedule 15, in the paragraph amending section 2 of the Landlord and Tenant Act 1954 the words (amending section 2(5)) from " and in " to the end of the paragraph.
1968 c. 42.	The Prices and Incomes Act 1968.	The whole Act, except section 12.
1968 c. 73.	The Transport Act 1968.	Section 30(9).
1972 c. 47.	The Housing Finance Act 1972.	In section 89, in sub-section (1) the words " (6) and ", in subsection (2) the words " (6) and" and " 1 and", and subsection (6).
<i>Statutory Instrument</i>		
S.I. 1972/1851	The Counter-Inflation (Rents) (England and Wales) Order 1972.	In article 9(5) the words from " and this paragraph " to the end of article 9(5).  Article 10, except as respects rent for a period before the passing of this Act.