



# Counter-Inflation Act 1973

## 1973 CHAPTER 9

### 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.

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- (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.

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- (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

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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 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;
  - " 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

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(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.