Paragraph 11

(1) In this Schedule, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"normal working week" means the number of days on which it has been usual for the worker to work in a week in the employment of the employer in the twelve months immediately preceding the commencement of the holiday season, or, where under paragraphs 6 and 7 of this Schedule, accrued holiday remuneration is payable on the termination of the employment in the twelve months immediately preceding the date of the termination of the employment.

Provided that—

(i) part of a day shall count as a day;

(ii) no account shall be taken of any week in which the worker did not perform any work for which statutory minimum remuneration has been fixed.

"statutory minimum remuneration" means statutory minimum remuneration (other than holiday remuneration) which has been fixed by a Wages Regulation Order made by the Minister pursuant to proposals submitted to him by the Aerated Waters Wages Council (England and Wales).

(2) "week" in paragraphs 2 and 9 means "pay week."

Paragraph 12.

The provisions of this Schedule are without prejudice to any agreement for the allowance of any further holidays with pay or for the payment of additional holiday remuneration.

EXPLANATORY NOTE

(*This Note is not part of the Order, but is intended to indicate its general purport.*)

1. This Order, which has effect from the 26th May, 1948, fixes the annual holidays which an employer is required to allow to a worker in relation to whom the Aerated Waters Wages Council (England and Wales) operates, and the holiday remuneration payable in respect of such holidays.

2. The provisions of Order A. (14) cease to have effect when the new provisions under this Order come into force.

(ii) SCOTLAND

The Aerated Waters Wages Council (Scotland) Wages Regulation Order, 1948

1948 No. 133 (S. 2)

Made - - - - 28th January, 1948

A.S. (28)

Whereas the Minister of Labour and National Service (hereinafter referred to as "the Minister") has received from the Aerated Waters Wages Council (Scotland) (hereinafter referred to as "the Council")

(*a*) the wages regulation proposals set out in the First Schedule hereto, being proposals for fixing the remuneration to be paid by their

employers to workers in relation to whom the Council operates in substitution for the remuneration fixed for those workers by the Aerated Waters Wages Council (Scotland) Wages Regulation Order, 1946(a) (hereinafter referred to as "Order A.S. (26)"), and

(*b*) the wages regulation proposals set out in the Second Schedule hereto being proposals for amending the Order of the Minister dated the 23rd day of June, 1939, confirming holidays provided for by a direction given and the holiday remuneration fixed under the Holidays with Pay Act, 1938, in relation to the said workers (hereinafter referred to as "Order A.S. (12)").

1 & 2 Geo. 6. c. 70.

Now therefore the Minister, by virtue of the powers conferred on him by Section 10 of the Wages Councils Act, 1945, and of all other powers in that behalf, hereby makes the following Order:—

8 & 9 Geo. 6. c. 17.

Short title and interpretation.

1.—(1) This Order may be cited as the Aerated Waters Wages Council (Scotland) Wages Regulation Order, 1948.

(2) In this Order the expression "the specified date" means the 11th day of February, 1948, provided that where as respects any worker who is paid wages at intervals not exceeding seven days that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

52 & 53 Vict. c. 63.

(3) The Interpretation Act, 1889, applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Fixing of statutory minimum remuneration and revocation of Order A.S. (26).

2.—(1) Effect is hereby given to the said wages regulation proposals set out in the First Schedule hereto.

(2) The provisions of the First Schedule hereto shall have effect as from the specified date and as from that date Order A.S. (26)(a) shall cease to have effect.

Amendment of Order A.S. (12) as to holidays and holiday remuneration.

3.—(1) Effect is hereby given to the said wages regulation proposals set out in the Second Schedule hereto.

(2) The provisions of the Second Schedule hereto shall have effect as from the specified date.

Signed by order of the Minister of Labour and National Service this 28th day of January, 1948.

Godfrey H. Ince,

Secretary of the
Ministry of Labour and National Service.

(a) S.R. & O. 1946 (No. 2062) I, p. 1729.

FIRST SCHEDULE

The following minimum remuneration shall be substituted for the statutor minimum remuneration fixed by Order A.S. (26).

STATUTORY MINIMUM REMUNERATION

PART I

GENERAL

Paragraph 1

The minimum remuneration payable to a worker to whom this Schedule applies for all work except work to which a minimum overtime rate applies under Part III, is—

(*a*) in the case of a time worker, the hourly general minimum time rate payable to the worker under Part II of this Schedule;

(*b*) in the case of a worker employed on piece work, piece rates each of which would yield, in the circumstances of the case, to an ordinary worker at least the same amount of money as the hourly general minimum time rate which would be payable to the worker under Part II of this Schedule if he were a time worker.

PART II

GENERAL MINIMUM TIME RATES

ALL WORKERS EXCEPT WORKERS IN THE ORKNEY AND SHETLAND ISLANDS

Paragraph 2

The general minimum time rates payable to all workers except workers in the Orkney and Shetland Islands are as follows :—

	Per hour	*Per week of 48 hours*
	s. d.	s. d.
(*a*) Male Workers aged :—		
21 years or over	1 10½	89 0
20 and under 21 years	1 6½	73 0
19 „ „ 20 „	1 3½	63 0
18 „ „ 19 „	1 2	56 0
17 „ „ 18 „	11½	46 0
16 „ „ 17 „	10	40 0
		Per week of 44 hours
Under 16 years	9	33 0

	Per hour	*Per week of 48 hours*
	s. d.	s. d.
(*b*) Female workers aged :—		
20 years or over	1 3½	62 0
19 and under 20 years	1 3	60 0
18 „ „ 19 „	1 1½	55 0
17 „ „ 18 „	11½	46 0
16 „ „ 17 „	10	40 0
		Per week of 44 hours
Under 16 years	9	33 0

WORKERS IN THE ORKNEY AND SHETLAND ISLANDS

Paragraph 3

The general minimum time rates payable to male and female workers in the Orkney and Shetland Islands are, in each case, 1d. per hour less than the general minimum time rates specified in paragraph 2 of this Schedule.

PART III

OVERTIME AND WAITING TIME

MINIMUM OVERTIME RATES

Paragraph 4

(1) Minimum overtime rates are payable to a worker to whom this Schedule applies as follows :—

(*a*) on a Sunday, for all time worked : DOUBLE TIME.

(*b*) on a day generally recognised as a district holiday, for all time worked DOUBLE TIME.

Provided that this overtime rate shall not be payable on more than six such holidays in the year.

(*c*) in any week, exclusive of any time for which double time is payable under the foregoing provisions of this sub-paragraph, for all time worked in excess of 48 hours : TIME-AND-A-HALF.

(2) In this Part of this Schedule the expressions " time-and-a-half " and " double time " mean respectively :—

(*a*) in the case of a time worker, one and a half times and twice the hourly general minimum time rate otherwise payable to the worker ;

(*b*) in the case of a worker employed on piece work, one and a half times and twice the piece rates otherwise payable to the worker under paragraph 1 (*b*) of this Schedule.

WAITING TIME

Paragraph 5

(1) A worker is entitled to payment of the minimum remuneration specified in this Schedule for all time during which he is present on the premises of his employer unless he is present thereon in any of the following circumstances :—

(*a*) without the employer's consent, express or implied ;

(*b*) for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform ;

(*c*) by reason only of the fact that he is resident thereon ;

(*d*) during normal meal times in a room or place in which no work is being done, and he is not waiting for work to be given to him to perform.

(2) The minimum remuneration payable under sub-paragraph (1) of this paragraph to a piece worker when not engaged on piece work is that which would be applicable if he were a time worker.

PART IV

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

Paragraph 6

This Schedule applies, subject to the provisions of the Wages Councils Act, 1945, to workers in relation to whom the Aerated Waters Wages Council (Scotland) operates, that is to say, workers employed in Scotland in the trade specified

in the Schedule to the Trade Boards (Aerated Waters Trade, Scotland) (Constitution and Proceedings) Regulations, 1939(a) namely :—

The manufacture, wherever carried on, of mineral or aerated waters, non-alcoholic cordials, flavoured syrups, unfermented sweet drinks, and other similar beverages, and the manufacture in unlicensed premises of brewed liquors,

INCLUDING :—

(*a*) the operations of bottle washing, bottling and filling, and all other operations preparatory to the sale of any of the aforesaid liquors in bottles, jars, syphons, casks, or other similar receptacles ;

and INCLUDING also :—

(*b*) the operations of bottle washing, bottling and filling, and all subsidiary operations preparatory to the sale in bottles, jars or other similar receptacles of cider, ale, stout, porter and other alcoholic beers, where all or any of such last-mentioned operations are, or is, conducted or carried on in association with or in conjunction with all or any of the operations specified under (*a*) above so as to form a common or interchangeable form of employment for workers, and whether the two sets of operations or any of them are, or is, carried on simultaneously or not.

SECOND SCHEDULE

HOLIDAYS AND HOLIDAY REMUNERATION

The provisions of Order A.S. (12) shall be amended as follows :—

(*a*) any reference in the Schedule thereto to the appropriate Trade Board rate for work to which the Trade Boards Acts apply and to work to which those Acts do not apply shall be read as including a reference to the statutory minimum remuneration fixed by a wages regulation order in respect of the worker and to work to which a wages regulation order does not apply ;

(*b*) any reference in the said Schedule to a minimum rate of wages fixed by the Trade Board shall be read as including a reference to statutory minimum remuneration fixed by a wages regulation order pursuant to proposals of the Aerated Waters Wages Council (Scotland), and the reference in paragraph 9 to the Holidays with Pay Act, 1938, as including a reference to the Wages Councils Act, 1945 ; and

(*c*) the amount of any holiday remuneration due to any worker under the said Order shall be calculated in accordance with the provisions of Part II of the Wages Councils Act, 1945.

EXPLANATORY NOTE

(*This Note is not part of the Order, but is intended to indicate its general purport.*)

1. This Order, which has effect from the 11th February, 1948, revokes the Aerated Waters Wages Council (Scotland) Wages Regulation Order, 1946 (Order A.S. (26)), which fixed the statutory minimum remuneration payable to workers in relation to whom the Council operates, and substitutes the statutory minimum remuneration set out in the First Schedule to this Order.

2. The Order also amends the Direction for holidays with pay confirmed by the Minister's Confirming Order A.S. (12) dated 23rd June, 1939, by a number of formal amendments necessitated by the enactment of the Wages Councils Act, 1945.

(a) S.R. & O. 1939 (No. 1367) II, p. 3178.