1951 (Order BK (44)) by increasing the statutory minimum remuneration fixed by that Order. It also inserts in that Order a definition of "adult worker". Order BK (44) is revoked.

The Second Schedule amends the Baking Wages Council (England and Wales) Wages Regulation (Holidays) Order, 1950 (Order BK (42)) as amended by the Baking Wages Council (England and Wales) Wages Regulation (Holidays) (Amendment) Order, 1951 (Order BK (46)) by varying the basis on which remuneration for holidays and accrued holiday remuneration is calculated.

New provisions in the Schedules are printed in italics.

1952 No. 1964

The Baking Wages Council (Scotland) Wages Regulation Order, 1952

Made - - - - 11*th November*, 1952
Coming into Operation 26*th November*, 1952

Whereas the Minister of Labour and National Service (hereinafter in this Order referred to as "the Minister") has received from the Baking Wages Council (Scotland) the wages regulation proposals set out in the First and Second Schedules hereto;

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

1. This Order may be cited as the Baking Wages Council (Scotland) Wages Regulation Order, 1952.

2.—(1) In this Order the expression "the specified date" means the 26th day of November, 1952, 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.

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

3. The wages regulation proposals set out in the First and Second Schedules hereto shall have effect as from the specified date and as from that date the Baking Wages Council (Scotland) Wages Regulation Order, 1949(**c**) and the Baking Wages Council (Scotland) Wages Regulation (Amendment) (No. 2) Order, 1951(**d**) shall cease to have effect.

Signed by order of the Minister of Labour and National Service this 11th day of November, 1952.

Godfrey H. Ince,
Secretary,
Ministry of Labour and National Service.

(a) 8 & 9 Geo. 6. c. 17.
(b) 52 & 53 Vict. c. 63.
(c) S.I. 1949/854; 1949 I, p. 4150.
(d) S.I. 1951/1610; 1951 II, p. 901.

FIRST SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration set out in the First Schedule to the Baking Wages Council (Scotland) Wages Regulation Order, 1949 (Order BKS (19)) as amended by the Baking Wages Council (Scotland) Wages Regulation (Amendment) (No. 2) Order, 1951 (Order BKS (23)).

STATUTORY MINIMUM REMUNERATION

PART I

GENERAL

Paragraph 1

Subject to the provisions as to guaranteed weekly remuneration set out in Part VII of this Schedule, the minimum remuneration payable to a worker to whom this Schedule applies is:—

(*a*) for all work except work to which a minimum overtime rate applies under Part VI of this Schedule:—

(i) the minimum weekly remuneration specified in Part II or Part IV of this Schedule and, in addition thereto, any hourly rate payable under sub-paragraph (2) of paragraph 3 of this Schedule; or

(ii) where minimum weekly remuneration is not payable to the worker, at the hourly minimum rate specified in Part V of this Schedule;

(*b*) for any work to which a minimum overtime rate applies and for any waiting time, the amount payable under Part VI of this Schedule; and

(*c*) *any additional remuneration payable under Part III of this Schedule.*

PART II

MALE WORKERS

MINIMUM WEEKLY REMUNERATION

Paragraph 2

Subject to the provisions of this Part of this Schedule, the minimum weekly remuneration payable to a male worker specified in Col. 1 of the following Table for the normal working week (excluding overtime) is:—

(*a*) in the case of a worker who is not usually required to work on a Sunday (except on preparatory work such as the setting of sponges or the heating of ovens) the remuneration specified under the heading "A" in such one of the columns numbered 2 to 7 in the said Table as is applicable to the worker;

(*b*) in the case of any other worker, the remuneration set out under the heading "B" in such one of the said columns as is applicable to the worker.

TABLE

Class of Workers	Workers who are employed otherwise than on a shift system—						Workers employed on a shift system					
	Where the working days of the week ordinarily commence						First shift		Second shift		Third shift	
	Before 5 a.m.		At or after 5 a.m. and before 6 a.m.		At or after 6 a.m.							
Col. 1	Col. 2		Col. 3		Col. 4		Col. 5		Col. 6		Col. 7	
	A.	B.	A.	B.	A.	B.	A.	B.	A.	B.	A.	B.
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
(*a*) Journeyman baker, *not being a worker to whom* (*b*), (*c*) *or* (*d*) *of this table applies*	*158 0*	*158 0*	*145 6*	*150 6*	*143 0*	*148 0*	*143 0*	*148 0*	*148 0*	*153 0*	*158 0*	*158 0*
(*b*) Doughmaker	*165 0*	*165 0*	*152 6*	*157 6*	*150 0*	*155 0*	*150 0*	*155 0*	*155 0*	*160 0*	*165 0*	*165 0*
(*c*) Ovensman	*165 0*	*165 0*	*152 6*	*157 6*	*150 0*	*155 0*	*150 0*	*155 0*	*155 0*	*160 0*	*165 0*	*165 0*
(*d*) *Bread runner*	*162 0*	*162 0*	*149 6*	*154 6*	*147 0*	*152 0*	*147 0*	*152 0*	*152 0*	*157 0*	*162 0*	*162 0*
(*e*) A male worker who is employed on the work of an ovensman, doughmaker, *bread runner* or journeyman baker who has not qualified by apprenticeship or period of service to be classed as a journeyman baker—												
(i) Where the worker entered the baking trade before the 22nd February, 1943	The remuneration at (*a*), (*b*), (*c*) or (*d*) above as the case may be, to which the worker would be entitled if he were so qualified.											
(ii) Where the worker entered the baking trade on or after 22nd February, 1943	*143 0*	*143 0*	*133 0*	*138 0*	*130 0*	*135 0*	*130 0*	*135 0*	*136 0*	*141 0*	*143 0*	*143 0*

(*f*) Apprentice baker who commences his apprenticeship on or after his 15th but not later than his 18th birthday: during the following years of apprenticeship—																								
1st year of apprenticeship	—		—		52	0	—		50	0	—		50	0	—		52	0	—		—		—	
2nd " " "	67	6	70	0	62	0	67	0	60	0	65	0	60	0	65	0	62	0	67	0	67	6	70	0
3rd " " "	86	6	89	0	81	0	86	0	75	0	80	0	75	0	80	0	81	0	86	0	86	6	89	0
4th " " "	98	0	98	0	92	6	95	0	90	0	92	6	90	0	92	6	92	6	95	0	98	0	98	0
5th " " "	108	0	108	0	102	6	105	0	100	0	102	6	100	0	102	6	102	6	105	0	108	0	108	0
(*g*) Apprentice baker who commences his apprenticeship on or after his 18th but not later than his 19th birthday: during the following years of apprenticeship—																								
1st year of apprenticeship	69	6	69	6	64	6	67	0	62	0	64	6	62	0	64	6	64	6	67	0	69	6	69	6
2nd " " "	84	6	84	6	74	6	77	0	72	0	74	6	72	0	74	6	74	6	77	0	84	6	84	6
3rd " " "	96	6	96	6	91	0	93	6	85	0	87	6	85	0	87	6	91	0	93	6	96	6	96	6
4th " " "	103	0	103	0	97	6	100	0	95	0	97	6	95	0	97	6	97	6	100	0	103	0	103	0
5th " " "	113	0	113	0	107	6	110	0	105	0	107	6	105	0	107	6	107	6	110	0	113	0	113	0
(*h*) Ingredient storekeeper charge hand...	136	0	136	0	126	0	131	0	123	6	128	6	123	6	128	6	126	0	131	0	136	0	136	0
(*i*) Male bakery worker or ingredient storekeeper—																								
Aged under 16 years	—		—		48	6	—		43	6	—		43	6	—		48	6	—		—		—	
" 16 and under 17 years ...	—		—		53	6	—		48	6	—		48	6	—		53	6	—		—		—	
" 17 " " 18 " ...	—		—		61	0	—		56	0	—		56	0	—		61	0	—		—		—	
" 18 " " 19 " ...	93	0	93	0	83	0	88	0	78	0	80	6	78	0	80	6	83	0	88	0	93	0	93	0
" 19 " " 20 " ...	103	0	103	0	93	0	98	0	88	0	90	6	88	0	90	6	93	0	98	0	103	0	103	0
" 20 " " 21 " ...	113	0	113	0	103	0	108	0	98	0	100	6	98	0	100	6	103	0	108	0	113	0	113	0
" 21 years or over	128	6	128	6	118	6	123	6	116	0	121	0	116	0	121	0	118	6	123	6	128	6	128	6

Provided that—

(1) the minimum weekly remuneration payable to a foreman baker shall be the amount which would be payable to him if employed as a journeyman baker (to whom (*a*) of the foregoing Table applies) increased by 20s.;

(2) the minimum weekly remuneration payable to a charge hand other than an ingredient storekeeper charge hand shall be the amount which would be payable to him if employed as a male bakery worker increased by 10s.

Paragraph 3

Notwithstanding the provisions of paragraph 2 of this Schedule—

(1) where a worker is employed otherwise than on a shift system and his working day ordinarily commences on a Saturday or on the day before a customary holiday not earlier than 4 a.m., and on the other working days in the week at or after 5 a.m. and before 6 a.m., he shall be paid the minimum weekly remuneration appropriate under column 3 of the Table to paragraph 2;

(2) where a worker entitled to minimum weekly remuneration under column 3 or column 4 of the said Table is required on any day to commence work before his normal starting hour he shall, in addition to the minimum weekly remuneration payable thereunder, be paid 1s. 6d. per hour for all time worked—

(*a*) in the case of a worker to whom column 3 applies, before 5 a.m., or on a Saturday or the last day before a customary holiday, before 4 a.m.;

(*b*) in the case of a worker to whom column 4 applies, before 6 a.m.

(3) Where a worker works—

(*a*) on a regularly alternating shift system providing for an equal period of work in one of the first, second or third shifts referred to in paragraph 4 of this Schedule and in one other of those shifts, or

(*b*) on a regularly rotating shift system providing for a period of two weeks work in each of the said shifts,

the minimum weekly remuneration payable to him for work other than overtime in each consecutive week of such employment shall be the amount that would be payable to him if he worked throughout the complete number of working weeks required to be worked to complete a whole period of alternation or rotation as aforesaid and that amount were divided by the said number of weeks.

(4) Where the ordinary hours of work of a worker employed on a shift system do not fall wholly within the first, second or third shift the minimum weekly remuneration payable to him shall be that appropriate to the third shift.

(5) An apprentice baker shall be treated for the purpose of the foregoing Table as though he were in his fifth year of apprenticeship if the number of apprentices employed in the establishment in which he is employed exceeds the maximum number specified in paragraph 12 of this Schedule.

DEFINITION OF SHIFTS

Paragraph 4

In this Part of the Schedule—

(*a*) "shift system" means a system of working which involves successive turns of duty for different groups of workers in the establishment in which they are employed;

(*b*) "first shift" means, in the case of a worker employed on a shift system, the period of work which ordinarily commences not earlier than 6 a.m. and finishes not later than 6 p.m.;

(*c*) "second shift" means, in the case of a worker employed on a shift system, the period of work which ordinarily commences not earlier than 10 a.m. and finishes after 6 p.m. but not later than 11 p.m.;

(*d*) "third shift" means, in the case of a worker employed on a shift system, the period of work which ordinarily commences (i) in the case of a doughmaker, ovensman *or bread runner* not earlier than 8 p.m. on days other than a Friday and not earlier than 7 p.m. on a Friday, and (ii) in all other cases not earlier than 10 p.m. on days other than a Friday and not earlier than 9 p.m. on a Friday, but in all cases earlier than 6 a.m. on the next day.

PART III

TURN OF DUTY COMMENCING AT OR AFTER 8 P.M. ON A SUNDAY

ADDITIONAL REMUNERATION

Paragraph 5

A male worker who commences a turn of duty on a Sunday at or after 8 p.m. shall be paid in respect of that turn of duty the sum of 4s. in addition to the minimum remuneration otherwise payable to him under the provisions of Part II, Part V or Part VI of this Schedule.

PART IV

FEMALE WORKERS

Paragraph 6

The minimum weekly remuneration payable to a female worker for the normal working week (excluding overtime) is that specified in the following Table:—

TABLE

	s.	*d.*
(*a*) female assistant baker charge hand	*109*	*0*
(*b*) female ingredient storekeeper charge hand	*106*	*6*
(*c*) female ingredient storekeeper (not being a charge hand) or female assistant baker—		
Aged under 16 years	*42*	*6*
„ 16 and under 17 years	*47*	*6*
„ 17 „ „ 18 „	*55*	*0*
„ 18 „ „ 19 „	*72*	*0*
„ 19 „ „ 20 „	*79*	*6*
„ 20 „ „ 21 „	*87*	*0*
„ 21 years or over	*99*	*0*
(*d*) female bakery worker charge hand	*94*	*0*
(*e*) female bakery worker—		
Aged under 16 years	*42*	*6*
„ 16 and under 17 years	*47*	*6*
„ 17 „ „ 18 „	*52*	*6*
„ 18 „ „ 19 „	*64*	*6*
„ 19 „ „ 20 „	*69*	*6*
„ 20 „ „ 21 „	*74*	*6*
„ 21 years or over	*84*	*0*

PART V

HOURLY MINIMUM RATE

Paragraph 7

(1) Where minimum weekly remuneration is not applicable to a worker he shall be paid for all time worked, except overtime, at the hourly minimum rate applicable to him.

(2) The hourly minimum rate applicable to any worker is the rate obtained by dividing by the number of hours constituting the normal working week (as defined in paragraph 12 of this Schedule) the minimum weekly remuneration which would be payable to him if employed for the normal working week.

PART VI

OVERTIME AND WAITING TIME

MINIMUM OVERTIME RATES

Paragraph 8

Minimum overtime rates are payable to any worker as follows:—

(*a*) for any time worked including time worked on preparatory work (such as the setting of sponges or the heating of ovens) on the worker's rest day	Double time
(*b*) for any time worked on any such preparatory work on a day allowed to the worker by the employer as a customary holiday or as a substituted customary holiday pursuant to the provisions of any wages regulation order made by the Minister to give effect to proposals of the Council as to holidays and holiday remuneration	Double time
(*c*) for any time worked in excess of the normal working day on the 6th day in the worker's normal working week, or on the 5th day where the worker's normal working week is one of five days—	
for the first two hours so worked	Time-and-a-half
thereafter	Double time
(*d*) for any time worked on any other day in excess of the normal working day	Time-and-a-half

Paragraph 9

(1) In this Part of this Schedule—

(*a*) the expression "normal working day" means in relation to any worker one-sixth of the period of the normal working week (as defined in paragraph 12 of this Schedule).

Provided that—

(i) where the worker is normally employed on a Saturday for a period which is one hour less than the said normal working day and on one other day in the same week for a period which is one hour more than the said normal working day the said expression means, in relation to that Saturday and that other day, the said periods respectively;

(ii) where the worker normally works on six days in the week and his work on one of those days is normally a period not exceeding 5 hours between the hours of 6 a.m. and 1 p.m. the said expression means, in relation to that short day, the said period and, in relation to each of the remaining 5 days, one-fifth of the remaining period of his normal working week;

(*b*) the expressions "time-and-a-half" and "double time" mean, respectively, one and a half times and twice the hourly minimum rate applicable to the worker under Part V of this Schedule;

(*c*) the expression "rest day" means Sunday or, in the case of a male worker who ordinarily works on 6 days in the week including Sunday, the remaining day of the week.

(2) In ascertaining whether overtime has been worked regard shall be had to the whole of the worker's turn of duty, and where the normal working day extends beyond midnight, the turn of duty shall be treated as worked wholly on the day on which it ends.

WAITING TIME

Paragraph 10

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.

PART VII

GUARANTEED WEEKLY REMUNERATION

Paragraph 11

(1) This paragraph applies to a worker who is employed by the employer by the week or longer period and who ordinarily works for the employer for the period of the normal working week (as defined in paragraph 12 of this Schedule) wholly or mainly on work for which statutory minimum remuneration is payable under the provisions of this Schedule.

(2) Notwithstanding the foregoing provisions of this Schedule and subject to the provisions of this paragraph, where in any week in which the worker performs some work for the employer for which the said statutory minimum remuneration is payable the total amount of the minimum remuneration (not being remuneration for overtime) payable to that worker

(*a*) under the foregoing provisions of this Schedule (other than paragraphs 8 and 9) and

(*b*) by way of holiday remuneration under any wages regulation order made by the Minister to give effect to proposals of the Council,

would be less than the guaranteed weekly remuneration provided for by this Part of this Schedule, the minimum remuneration payable to that worker in lieu of the amount aforesaid for that week shall be the guaranteed weekly remuneration aforesaid.

(3) The amount of the guaranteed weekly remuneration is the minimum weekly remuneration which would be payable under the provisions of Part II or Part IV of this Schedule if the worker worked the normal working week in his usual occupation.

(4) Payment of the guaranteed weekly remuneration in respect of any week shall be subject to the condition that the worker throughout the period of his ordinary employment in that week, excluding any day allowed to him as a holiday or any time during which he is absent with the leave of the employer, is—

(*a*) capable of and available for work ; and

(*b*) willing to perform any services outside his usual occupation which may reasonably be required by the employer when work is not available for him in his usual occupation.

(5) Where the employer is prevented from providing employment by reason of a strike, failure of supplies or other circumstances outside his control and has given to the worker not less than four clear days' notice of his inability to provide such employment and the notice has expired, guaranteed weekly remuneration shall not, subject as is hereinafter provided, be payable in that week or in any week during which or during part of which such inability to give employment continues after the expiry of the notice.

Provided that, notwithstanding that the worker may not have performed for the employer in the week in which the said notice expires any work for which statutory minimum remuneration is payable under this Schedule, guaranteed weekly remuneration shall be payable to the worker in respect of that week and the amount thereof shall be as follows:—

(*a*) in respect of any time (other than overtime) worked by the worker for the employer in that week on work for which statutory minimum remuneration is payable, the minimum remuneration payable to the worker in respect thereof under the provisions of this Schedule other than this paragraph,

(*b*) in respect of any remaining time which the worker would have worked in that week had he worked the period of the normal working day (as defined in paragraph 9 of this Schedule) on each day prior to expiry of the said notice, the hourly minimum rate applicable to the worker.

(6) In this paragraph, the expression "week" means "pay week".

(7) A worker shall be paid, in addition to any guaranteed weekly remuneration payable to him in any week, any minimum remuneration for overtime payable to him in that week under the provisions of Part VI of this Schedule.

PART VIII

INTERPRETATION AND APPLICATION

Paragraph 12

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

(*a*) in the case of a male worker,

"FOREMAN BAKER" means a journeyman baker who has at least four workers under his control in any department of a bakery ;

"CHARGE HAND" means a worker (other than a foreman baker) aged 21 years or over and in control of not less than five workers aged 21 years or over ;

"OVENSMAN" means a journeyman baker who is in charge of at least one oven ;

"DOUGHMAKER" means a journeyman baker who is engaged for more than one hour daily in the stirring or doughing (excluding spong-ing) of bread and morning rolls or of either of those articles of food in an establishment in which at least four journeyman bakers are regularly employed in their production ;

"BREAD RUNNER" means a journeyman baker who is wholly or mainly engaged in the placing of unfired batch or square bread on the firing surface of the oven for baking;

"JOURNEYMAN BAKER" means a worker aged 21 years or over who is engaged in the production of bread, cake or flour confectionery, including any part of the baking processes incidental to the production of the complete article of food and the feeding and drawing of ovens, and who has either (i) served an apprenticeship of five years in the Baking Trade, (ii) been employed in the said work for a continuous period of five years prior to the 1st day of January, 1939, or (iii) in the case of a worker whose apprenticeship has been interrupted by war service has served the period of apprenticeship or training entitling him to be recognised as a journeyman or fully qualified adult worker under the scheme for the training of apprentices entitled I.A.S./Scheme No. 41, prepared by the National Joint Committee for the Baking Industry (Scotland) and approved by the Minister;

"APPRENTICE BAKER" means a worker serving in the Baking Trade a five years' apprenticeship, which commences not earlier than his fifteenth and not later than his nineteenth birthday, and employed in an establishment in which the number of apprentice bakers is limited in proportion to the number of journeymen bakers, doughmakers and ovensmen regularly employed as follows:—

Number of journeymen regularly employed	Maximum number of apprentices employed
Not more than 3	1
4 or 5	2
6 to 10	3
More than 10	1 additional apprentice for each group of 5 journeymen in excess of 10;

Provided that in any establishment where by reason only of the reinstatement of one or more apprentices in accordance with the provisions of the National Service Acts, 1948 to 1950, or the Re-instatement in Civil Employment Act, 1944(a), the number of apprentices employed is greater than the maximum number specified in the Table above, having regard to the number of journeymen regularly employed, the number of apprentices so employed shall be substituted for the maximum number specified in the said Table.

"MALE BAKERY WORKER," "INGREDIENT STOREKEEPER" means a worker (other than a journeyman baker, ingredient storekeeper charge hand or apprentice baker) who is not engaged in the making of bread or flour confectionery but is engaged in work incidental thereto or in the packaging, storage, loading and other handling of goods to the stage of the first despatch of the finished products for sale or distribution, but nothing in this definition shall be interpreted as classifying as a male bakery worker or an ingredient storekeeper, any worker of any other trade engaged on tasks such as office, administrative or welfare work or maintenance and servicing of plant, buildings, or equipment;

(*b*) in the case of a female worker,

"FEMALE ASSISTANT BAKER CHARGE HAND" means a worker aged 21 years or over who is in charge of—

(*a*) a department of a bakery under a foreman baker; or,

(a) 7 & 8 Geo. 6. c. 15.

(*b*) a bakery where not less than 5 workers, including herself, are employed, and who is herself a female assistant baker or who supervises one or more female assistant bakers ;

" FEMALE BAKERY WORKER CHARGE HAND " means a female bakery worker aged 21 years or over who is in charge, under a foreman baker, of a department of a bakery in which no female assistant bakers are employed, or is in charge of a bakery where not less than 5 workers, including herself, not being female assistant bakers, are employed ;

" FEMALE ASSISTANT BAKER " means a worker who is wholly or mainly engaged—

(i) in the actual production of oatcakes, scones, pancakes and other hot plate goods or of any of those articles of food, or

(ii) in work incidental to that of a journeyman baker such as the preparation of pie and tart shells and lining shapes, or

(iii) in confectionery finishing work such as the decoration of celebration cakes, gateaux and French cakes ;

" FEMALE BAKERY WORKER " means a female worker employed on any work other than that of a female assistant baker, but nothing in this definition shall be interpreted as classifying as a female bakery worker any female worker of any other trade engaged on tasks such as office, administrative or welfare work or maintenance and servicing of plant, buildings or equipment.

" FEMALE INGREDIENT STOREKEEPER " means a worker who generally assists an ingredient storekeeper charge hand in the receipt, storage and issue of raw materials, provided that nothing in this definition shall be interpreted as classifying as an ingredient storekeeper a worker employed solely in the handling of flour.

(*c*) in the case of any worker,

" INGREDIENT STOREKEEPER CHARGE HAND " means a bakery worker (male or female) who is in charge of an ingredient stockroom or store in a bakery and who is wholly or mainly engaged in work entailing the responsibility for the receipt, storage, and issue of raw materials, provided that nothing in this definition shall be interpreted as classifying as an ingredient storekeeper charge hand a worker employed solely in the handling of flour.

" NORMAL WORKING WEEK " means—

(i) in those cases where it is or may become the custom for a worker to work in a week less than 45 hours but not less than 44 hours, a week of that number of hours,

(ii) in all other cases, a week of 45 hours ;

Provided that in all cases the normal working week of a worker who has not attained the age of 16 years shall be a week of 44 hours ;

" OVERTIME " means any time in respect of which a minimum overtime rate applies under Part VI of this Schedule ;

" CUSTOMARY HOLIDAY " means a day allowed to, and taken by, the worker as a customary holiday or as a substituted customary holiday under the provisions of any wages regulation order made by the Minister to give effect to proposals of the Council.

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

Paragraph 13

This Schedule applies to workers in relation to whom the Baking Wages Council (Scotland) operates, that is to say, to workers employed in Scotland in the trade specified in the Schedule to the Trade Boards (Baking Trade, Scotland) (Constitution and Proceedings) Regulations, 1939(a), which reads as follows:—

"Definition of the Baking Trade as specified in the Appendix to the Trade Boards (Baking) Order, 1938(b).

1. Subject to the provisions of this Appendix the Baking Trade consists of the following operations:—

(1) the making of bread, pastry, and flour confectionery and work incidental thereto;

(2) the making of other articles of food and work incidental thereto in an undertaking, or branch or department thereof, mainly engaged on one or more of the operations specified in paragraph 1 (1);

(3) the sale and distribution of any of the articles of food referred to in the preceding sub-paragraphs by a worker who in the same week is also engaged in any of the work specified in those sub-paragraphs.

2. Notwithstanding anything in this Appendix the following operations are not operations in the Baking Trade:—

(1) the making of biscuits, in an undertaking, or a branch or department of an undertaking, mainly engaged in the making of biscuits, and the making of any other article of food therein by workers mainly engaged in the making of biscuits;

(2) the making of any of the articles of food referred to in paragraph 1 hereof:—

(*a*) in an hotel, boarding house, restaurant, café or similar establishment:—

(i) for consumption on the premises; or

(ii) for consumption off the premises at meals served by persons ordinarily employed on the premises;

(*b*) by a railway undertaking for consumption on its trains, restaurant cars, ships or premises;

(3) the making of:—

(*a*) meat pies, sausage rolls or similar articles of pastry (including bread for use therein); or

(*b*) bread for use in sausages or similar articles of food

in an undertaking where no bread, pastry or flour confectionery is made other than that specified in this sub-paragraph;

(4) operations included in:—

(*a*) the Trade Boards (Milk Distributive) Order, 1928(c);

(*b*) the Trade Boards (Sugar Confectionery and Food Preserving) Order, 1913(d);

(*c*) the Trade Boards (Grocery and Provisions) Order, 1920(e);

or any amendments or variations of the aforesaid Orders.

(a) S.R. & O. 1939/109; 1939 II, p. 3182.
(b) S.R. & O. 1938/519; 1938 II, p. 3227.
(c) S.R. & O. 1928/475; 1928 p. 1262.
(d) Scheduled to, and confirmed by, 3 & 4 Geo. 5. c. clxii.
(e) S.R. & O. 1920/958; 1920 II, p. 774.

3. For the purpose of this Appendix "pastry" and "articles of pastry" include articles of food made wholly or partly of pastry; "meat" includes game, poultry, egg or fish; "flour confectionery" includes cakes, oatcakes, shortbread and biscuits; "biscuits" do not include oatcakes or shortbread; and "making" includes the packing, wrapping and other handling of the articles of food when made before their first despatch for sale or distribution."

SECOND SCHEDULE

HOLIDAYS AND HOLIDAY REMUNERATION

The Baking Wages Council (Scotland) Wages Regulation (Holidays) Order, 1947, (Order BKS (14))(a), shall have effect as if in the Schedule thereto:—

(*a*) for paragraph 3 there were substituted the following:—

"Paragraph 3.

In addition to the holidays specified in Part II of this Schedule an employer shall, between the 15th day of April and the 30th day of September, 1953, and in each succeeding year between the 15th day of April and the 30th day of September (in this Schedule referred to as the 'holiday season') allow a holiday (hereinafter referred to as an 'annual holiday') to every worker in his employment to whom this Schedule applies who was employed by him during the 12 months immediately preceding the commencement of the holiday season for any of the periods specified below, and the duration of the annual holiday shall be related to his period of employment during that 12 months as follows:—

Period of Employment	Duration of Annual Holiday
At least 48 weeks	12 days
„ „ 44 „	11 „
„ „ 40 „	10 „
„ „ 36 „	9 „
„ „ 32 „	8 „
„ „ 28 „	7 „
„ „ 24 „	6 „
„ „ 20 „	5 „
„ „ 16 „	4 „
„ „ 12 „	3 „
„ „ 8 „	2 „
„ „ 4 „	1 day

Provided that—

(1) the number of days of annual holiday which an employer is required to allow to a worker under this Schedule shall not exceed twice the period of his normal working week;

(2) a worker who has been allowed his annual holiday or any part thereof during April or September in one holiday season shall not be allowed his annual holiday or any part thereof during April or September in the next following holiday season, except at his own written request."

(a) S.R. & O. 1947/441; 1947 I, p. 2277.

(*b*) to paragraph 4 (which relates to the days on which annual holidays are to be allowed) there were added the following proviso:—

"Provided that where the duration of an annual holiday which an employer is required to allow to a worker exceeds the period constituting the worker's normal working week, the said holiday may be allowed at his request in two separate periods of such consecutive working days, if one of such periods is not less than the period constituting the worker's normal working week."

(*c*) for paragraph 5 there were substituted the following:—

"Paragraph 5.

An employer shall give to a worker notice of the commencing date and duration of his annual holiday in respect of the holiday season commencing on the 15th day of April, 1953, and any subsequent holiday season, not later than the 1st day of February last preceding the holiday season.

Such notice may be given individually to the worker or by posting of a notice in the place where the worker is employed."

(*d*) in paragraph 9 (which relates to accrued holiday remuneration payable on the termination of employment) for that part of sub-paragraph (1) which precedes the table of accrued holiday remuneration, there were substituted the following:—

"(1) Subject to the provisions of this paragraph, accrued holiday remuneration shall be payable in accordance with the following table if the worker has in the twelve months commencing on the 15th day of April, 1952, and thereafter in any period of twelve months commencing on the 15th day of April, been employed for any of the periods of employment specified in Column 1 of that table:—"

EXPLANATORY NOTE

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

This Order has effect from the 26th November, 1952.

The First Schedule sets out the statutory minimum remuneration payable in substitution for that set out in the First Schedule to the Baking Wages Council (Scotland) Wages Regulation Order, 1949, (Order BKS (19)), as amended by the Baking Wages Council (Scotland) Wages Regulation (Amendment) (No. 2) Order, 1951, (Order BKS (23)).

The Second Schedule repeats in substance the amendments to the Baking Wages Council (Scotland) Wages Regulation (Holidays) Order, 1947, (Order BKS (14)) (which relates to holidays and holiday remuneration) contained in the Second Schedule to Order BKS (19).

Order BKS (19) and Order BKS (23) are revoked.

New provisions in the First Schedule are printed in italics.