3. For the purposes of this Schedule the following expressions have the meanings hereby assigned to them, that is to say:—

"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.

CLASSES OF WORKERS TO WHOM THE PROVISIONS OF THIS SCHEDULE DO NOT APPLY

Paragraph 22.

Notwithstanding anything contained in this Schedule, the statutory minimum remuneration does not apply to workers employed as bread-servers, breadvan checkers or breadvan boys.

PAYMENT OF HIGHER REMUNERATION

Paragraph 23.

The statutory minimum remuneration set out in this Schedule is without prejudice to workers earning higher rates of wages or to agreements made, or that may be made, between employers and workers for the payment of remuneration in excess of the statutory minimum.

EXPLANATORY NOTE

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

This Order, which comes into operation on 1st February, 1961, sets out the statutory minimum remuneration payable in substitution for that fixed by the Baking Wages Council (Northern Ireland) Wages Regulation (No. 2) Order, 1958 (Order N.I. Bk. (238)), which Order is revoked.

New provisions in the Schedule are printed in italics.

1961. No. 12 **[NC]**

WAGES COUNCILS

Wages Regulation (Baking)

ORDER, DATED 24TH JANUARY, 1961, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER THE WAGES COUNCILS ACT (NORTHERN IRELAND), 1945.

The Ministry of Labour and National Insurance, in exercise of the powers conferred on it by Section 10 of the Wages Councils Act (Northern Ireland), 1945(a), hereby makes the following Order to give effect to wages regulation proposals received from the Baking Wages Council (Northern Ireland):—

(a) 1945. c. 21.

Citation

1. This Order may be cited as the Baking Wages Regulation (No. 5) Order (Northern Ireland), 1961.

Commencement

2. The wages regulation proposals set out in the Schedule shall come into operation on the specified date and on the day immediately preceding that date the Baking Wages Council (Northern Ireland) Wages Regulation (No. 3) Order, 1958(**a**), and the Baking Wages Regulation (Amendment) (No. 5) Order (Northern Ireland), 1959(**b**), shall cease to have effect.

Interpretation

3. In this Order the expression "the specified date" means the 1st day of February, 1961, 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.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this twenty-fourth day of January, nineteen hundred and sixty-one.

(L.S.) *W. Slinger,*
Assistant Secretary.

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Baking Wages Council (Northern Ireland) Wages Regulation (No. 3) Order, 1958 (Order N.I. Bk. (239)), as amended by the Baking Wages Regulation (Amendment) (No. 5) Order (Northern Ireland), 1959 (Order N.I. Bk. (255)).

Statutory Minimum Remuneration for certain Male Workers employed in Areas other than the County of the City of Belfast and Districts situate within a Radius of 15 Statute Miles therefrom and the County of the City of Londonderry

GENERAL MINIMUM TIME RATES

	Male Workers	Per week of 44 hours s.	d.
Paragraph 1.			
	Drivers (as defined in paragraph 14) of lorries with carrying capacities of—		
	(a) over 2 tons	*183*	*6*
	(b) 2 tons and under	*176*	*0*
Paragraph 2.			
	Helpers (as defined in paragraph 15)	*172*	*6*
Paragraph 3.			
	Lorry Boys (as defined in paragraph 16) aged—		
	21 years and over	*162*	*3*
	20 and under 21 years	*132*	*0*

(**a**) S.R. & O. (N.I.) 1958, No. 213. (**b**) S.R. & O. (N.I.) 1959, No. 132.

19	„	20	„	*115*	*6*
18	„	19	„	*94*	*9*
17	„	18	„	*78*	*0*
16	„	17	„	*67*	*3*
under 16 years				*64*	*0*

Paragraph 4.

CARTERS	*172*	*6*

Paragraph 5.

WORKERS, 21 years of age and over, wholly or mainly employed as STABLEMEN	*168*	*3*

NIGHT WORKERS AND EARLY MORNING WORKERS

Paragraph 6.

The general minimum time rate set out in paragraphs 1 to 5 shall be increased, in the case of—

(a) night workers whose hours of work on week days entail at least three hours a night between 6 p.m. and 8 a.m., by the appropriate amount specified hereunder—

(i) Drivers, Helpers, Lorry Boys aged 21 years and over, Carters	15s.	0d.	per week of 44 hours
(ii) Lorry Boys under 21 years of age, Stablemen	7s.	6d.	„

(b) early morning workers who commence work on week days between midnight and 5 a.m., by the appropriate amount specified hereunder—

(i) Drivers, Helpers, Lorry Boys aged 21 years and over, Carters	21s.	0d.	per week of 44 hours
(ii) Stablemen	13s.	6d.	„
(iii) Lorry Boys under 21 years of age	10s.	6d.	„

(c) early morning workers who commence work on week days after 5 a.m. and before 6 a.m., by the appropriate amount specified hereunder—

(i) Drivers, Helpers, Lorry Boys aged 21 years and over, Carters	6s.	0d.	per week of 44 hours
(ii) Lorry Boys under 21 years of age	3s.	0d.	„

CALCULATION OF HOURLY RATES

Paragraph 7.

For the purpose of ascertaining the minimum rate payable in respect of each hour of employment the respective rates set out above must be divided by 44.

OVERTIME

Paragraph 8

Subject to the provisions of paragraph 9 overtime rates are payable as follows:—

(a) On any day other than the weekly short day, Sunday or a customary holiday—

(i) For the first two hours worked in excess of 8 hours	TIME-AND-A-QUARTER
(ii) Thereafter	TIME-AND-A-HALF

Provided that where it is, or may become the established practice of an employer to require the worker's attendance on only five days in the week, the said overtime rates of time-and-a-quarter and time-and-a half are payable on each of the days Monday to Thursday after 9 and 11 hours' work respectively, and on Friday after 8 and 10 hours' work respectively.

(b) On the weekly short day, not being a Sunday or a customary holiday—

(i) For the first two hours worked in excess of 4 hours .. .. TIME-AND-A-QUARTER
(ii) Thereafter .. .. TIME-AND-A-HALF

(c) On Sunday or a customary holiday—
For all time worked .. .. .. DOUBLE TIME

Paragraph 9.

Notwithstanding the provisions of paragraph 8, overtime rates may be paid to Drivers, Helpers and Lorry Boys as follows—

(a) On days other than Sundays or customary holidays—
(i) For the first two hours worked in excess of $7\frac{1}{2}$ hours on each of five days in the week TIME-AND-A-QUARTER
Thereafter .. .. TIME-AND-A-HALF
(ii) For the first two hours worked in excess of $6\frac{1}{2}$ hours on the remaining day in the week TIME-AND-A-QUARTER
Thereafter .. .. TIME-AND-A-HALF

(b) On Sundays or customary holidays—
For all time worked .. .. .. DOUBLE TIME

Paragraph 10.

For the purpose of determining whether overtime rates are payable on any "day," a period of work which commences before and continues after midnight is deemed to have occurred on the day on which it was completed.

Paragraph 11.

For the purpose of the application of overtime rates the term "week" is deemed to mean, in relation to any worker, the pay week observed for him in the establishment.

Paragraph 12.

The expression "customary holiday" means:—

Christmas Day, Easter Monday, August Bank Holiday, and one other day (being a day of the week on which the worker normally works) immediately preceding or immediately following each of the aforesaid days, being a day which is, by custom in the establishment, recognised as a day of holiday in addition to each of the said days.

Provided that, in the case of August Bank Holiday and the day immediately preceding, or the day immediately following, that day, as the case may be, two other days (being days of the week on which the worker normally works) may be substituted therefor, being days recognised by local custom, or by custom in the establishment, as days of holiday.

Provided also that, in the case of a night worker or an early morning worker, the day immediately preceding or immediately following each of the aforesaid days is deemed to include the spell of duty prior to or next following that which would ordinarily end on Christmas Day, Easter Monday, or August Bank Holiday (or the day substituted therefor), as the case may be, had each of these days been a day on which the worker would normally have worked.

Provided also that, where Christmas Day falls on a day of the week on which the worker does not normally work, the customary holiday will be allowed by the employer to the worker on the working day immediately preceding or immediately following that day.

Paragraph 13.

The expressions time-and-a-quarter, time-and-a-half and double time mean, respectively, one-and-a-quarter times, one-and-a-half times and twice the amount of the general minimum time rate otherwise applicable.

DEFINITIONS

Classes of Workers

Paragraph 14.

Drivers are workers, other than bread-servers (as defined in paragraph 17), who drive, and are in charge of, lorries used for the transport of bread or other bakery products or raw materials used in the manufacture thereof.

Paragraph 15.

Helpers are workers who assist the drivers of lorries with a carrying capacity of over 2 tons in collecting or loading goods (other than bread, biscuits or other bakery products) to be carried in or on the lorries and/or in unloading or delivering such goods after being so carried.

Paragraph 16.

Lorry Boys are workers, other than helpers, who accompany and assist the drivers of lorries.

Paragraph 17.

A Bread-Server is a worker who is in charge of a breadvan or similar road vehicle and who is mainly engaged in the sale therefrom of bread or other bakery products to individual customers or to shops or establishments for re-sale.

Paragraph 18.

A Breadvan Checker is a worker who accompanies a bread-server for the purpose of checking the bread-server's accounts or canvassing for orders.

Paragraph 19.

A Breadvan Boy is a boy who accompanies and assists a bread-server on his rounds.

GENERAL

Waiting Time

Paragraph 20.

(i) A worker is entitled to payment of statutory minimum remuneration as set out in this Schedule during all the time during which he is present on the premises of his employer unless he is so present either without his employer's consent, express or implied, or for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform.

(ii) This provision does not apply when—

(a) a worker is present on his employer's premises by reason only of the fact that he is resident thereon, or

(b) a worker is present on his employer's premises during normal meal times in a room or place in which no work is being done and is not waiting for work to be given to him to perform.

Applicability of Statutory Minimum Remuneration

Paragraph 21.

The statutory minimum remuneration applies, subject to the provisions of the Wages Councils Act (Northern Ireland), 1945, and of this Schedule, to workers in relation to whom the Baking Wages Council (Northern Ireland) operates, that is to say, workers employed in Northern Ireland in the trade specified in the Schedule to the Trade Boards (Baking Trade, Northern Ireland) (Constitution, Proceedings and Meetings) Regulations, 1938(a), dated 17th June, 1938, namely:—

Definition of Baking Trade

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

(a) S.R. & O. (N.I.) 1938, No. 77.

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

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

(3) the sale or distribution of any of the articles of food referred to in the preceding sub-paragraphs—

(a) by a worker mainly employed or engaged as bread-server, van-man or other like worker, including any assistant employed or engaged by or with such worker;

(b) by a worker who in the same week is also engaged in any of the work specified in those sub-paragraphs;

(4) when performed by a worker employed by an employer mainly engaged in the Baking Trade—storing, packing, unpacking, checking, loading, unloading, transporting, horse-keeping, cleaning premises, cleaning vehicles, or other operations (wherever performed) incidental to those specified in any of the preceding sub-paragraphs, or incidental to the handling of any raw materials required for the purpose of the operations specified in those sub-paragraphs.

2. Notwithstanding anything in this Schedule 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, boardinghouse, restaurant, cafe 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, 1920(**a**), as amended or varied by any subsequent Order;

(b) The Trade Boards (Sugar Confectionery and Food Preserving) Order, 1913(**b**), as amended or varied by any subsequent Order;

(c) the transport of goods by licensed carriers or by common carriers.

3. For the purposes of this Schedule the following expressions have the meanings hereby assigned to them, that is to say:—

(**a**) S.R. & O. 1920, No. 341.
(**b**) Scheduled to, and confirmed by, 3 & 4 Geo. 5. c. CLXII.