INDUSTRIAL ORGANISATION AND DEVELOPMENT

1953 No. 421

The Cotton Industry Development Council (Amendment No. 2) Order, 1953

Made - - - - 13*th March*, 1953
Coming into Operation 1*st April*, 1953

The Board of Trade in pursuance of the powers conferred upon them by section 8 of the Industrial Organisation and Development Act, 1947(a), hereby order as follows:—

1.—(1) The provisions of the Cotton Industry Development Council Order, 1948(b), (hereinafter referred to as "the principal Order"), as amended(c), specified in the first column of the First Schedule hereto shall have effect subject to the amendments set out in relation thereto in the second column of that Schedule:

Provided that, in relation to any charge imposed in respect of a period beginning after the 31st day of December, 1951, but before the commencement of this Order, the principal Order, as amended, shall have effect as if this Order had not been made.

(2) In accordance with the provisions of paragraph (1) of this Article and without prejudice to the proviso thereto, Article 6 of, and the First Schedule to, the principal Order shall have effect as set out in the Second Schedule hereto.

2. Where it appears to the Cotton Board that any entry in the register kept by them for the purposes of Article 4 of the principal Order is inaccurate by reason only of the amendment by this Order of one or both of the definitions, in the First Schedule to the principal Order, of "Finishing" and "Making-up and packing", they may amend the register accordingly; and the provisions of paragraph (4) of that Article shall not apply to any such inaccuracy.

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

4. This Order may be cited as the Cotton Industry Development Council (Amendment No. 2) Order, 1953, and shall come into operation on the 1st day of April, 1953.

Dated this 13th day of March, 1953.

Peter Thorneycroft,
President of the Board of Trade.

(a) 10 & 11 Geo. 6. c. 40.
(b) S.I. 1948/629; Rev. V, p. 87; 1948 I, p. 1623.
(c) S.I. 1951/2173; 1951 I, p. 1125.
(d) 52 & 53 Vict. c. 63.

FIRST SCHEDULE

AMENDMENTS OF THE COTTON INDUSTRY DEVELOPMENT COUNCIL ORDER, 1948, AS AMENDED BY THE COTTON INDUSTRY DEVELOPMENT COUNCIL (AMENDMENT) ORDER, 1951

Column 1	Column 2
Provision amended	*Amendment*
Article 6	In paragraph (1), the words "in respect of the period beginning on the 1st day of January, 1952, and ending on the 31st day of March, 1952, and thereafter" shall be omitted. In paragraph (2), the words "in respect of the period beginning on the 1st day of January, 1952, and ending on the 31st day of March, 1952, and thereafter" shall be omitted. In paragraph (3), for the words "cotton cloth" there shall be substituted the word "fabric"; immediately after that word there shall be inserted the words "being an activity of the cotton section of the industry"; and the words "in respect of the period beginning on the 1st day of January, 1952, and ending on the 31st day of March, 1952, and thereafter" shall be omitted. In paragraph (5), after the words "persons carrying on any one or more of the activities mentioned in this paragraph" there shall be inserted the words "being activities of the cotton section of the industry"; in head (*d*), the words "cotton cloth" shall be omitted; and after the word "gaiting" there shall be inserted the words "for the purpose of that activity"; in head (*e*), the words "cotton yarn or cotton cloth" shall be omitted; and there shall be substituted for the amount of "£1,000", the amount of "£100". For paragraph (6) there shall be substituted the following:— "(6) Any charge imposed by the Board under the provisions of paragraph (3) of this Article on persons carrying on the activity of converting fabric, being an activity of the cotton section of the industry, shall be calculated, in relation to each such person, by reference to the year

Column 1	Column 2
Provision amended	*Amendment*
Article 6 (cont'd.)	in respect of which that charge is imposed, on the quantity of fabric converted by him during that year in carrying on that activity, at a rate fixed by the Board in respect of each 100,000 square yards or part thereof: Provided that no account shall be taken, for the purposes of this paragraph, of any quantity of fabric so converted by him during that year in excess of 10,000,000 square yards.". In paragraph (8), for the amount of "£300,000" there shall be substituted the amount of "£450,000"; and the words "in the period beginning on the 1st day of January, 1952, and ending on the 31st day of March, 1952, and thereafter not more than that amount" shall be omitted. In paragraph (10), the words "the period referred to in that paragraph or of", the words "that period or", in the two places in which they occur, and the words "as the case may be", shall be omitted. In paragraph (13), the words "the cotton section of" shall be omitted. In paragraph (15), the definitions of "cotton cloth", "cotton yarn" and "spindles" shall be omitted; in the definitions of "mule spindles" and "ring spindles" the word "cotton" shall be omitted; and there shall be inserted the following definitions:— "'wages' means wages of workpeople, before deduction of National Insurance contributions and income tax, and includes overtime, holiday credits and guaranteed week payments, and 'workpeople' includes foremen, but does not include managers, managerial staff, laboratory staff or office staff;". There shall be added, as a new paragraph, the following:— "(16) The amount of wages paid by a person who is carrying on, not wholly within the cotton section of the industry, the activity of finishing, to be taken into

Column 1 *Provision amended*	Column 2 *Amendment*
Article 6 (cont'd.)	account in respect of any period for the purposes of head (*e*) of paragraph (5) of this Article, shall be such proportion of the total wages paid by him in that period in respect of that activity as the charges made by him in that period in respect of that activity carried on in the said cotton section bear to the total charges made by him in that period in respect of that activity. In this paragraph "charges", in relation to any finishing, means— (*a*) where the person carrying out that finishing makes actual charges therefor, those charges; (*b*) in any other case, such amounts as would represent reasonable charges for that finishing.".
First Schedule	In the definition of "Weaving", for the proviso there shall be substituted the following:— "Provided that weaving shall not include the production of— (*a*) lace, lace net, lace curtains, fishing net, embroidery or narrow fabrics or the preparation of warp and weft by a person carrying on the business of manufacturing narrow fabrics for use by him in the course of that business; (*b*) fabrics containing more than 15 per cent. by weight of processed animal fibre.". In the definition of "Finishing" the word "sizing" shall be omitted. In the definition of "Making-up and packing" the words "or the doing by such persons of" and the proviso shall be omitted. In paragraph 3, the definition of "surgical dressings" shall be omitted; and there shall be inserted the following definition:— "'processed animal fibre' means fibre (other than hatters' fur) from the coat or fleece of alpaca, camel, goat, hare, lamb, llama, rabbit, sheep or vicuna which has been subjected to any process of manufacture or recovery;".

SECOND SCHEDULE

ARTICLE 6 OF, AND THE FIRST SCHEDULE TO, THE COTTON INDUSTRY DEVELOPMENT COUNCIL ORDER, 1948, AS AMENDED BY THE COTTON INDUSTRY DEVELOPMENT COUNCIL (AMENDMENT) ORDER, 1951, AND BY THIS ORDER

ARTICLE 6

Levies

6.—(1) The Board may with the approval of the Board of Trade impose on all persons who are registered in pursuance of this Order as carrying on business in the industry, a charge of one pound each in respect of each year.

(2) The Board may with the approval of the Board of Trade impose on all persons carrying on any one or more of the activities mentioned in paragraph (5) of this Article, a charge, calculated in relation to each such person in accordance with the provisions of that paragraph, in respect of each period of six months ending on the 30th day of September and the 31st day of March respectively in every year.

(3) The Board may with the approval of the Board of Trade impose on all persons carrying on the activity of converting fabric, being an activity of the cotton section of the industry, a charge, calculated in relation to each such person in accordance with the provisions of paragraph (6) of this Article, in respect of each year.

(4) The rates of any charge imposed under paragraph (2) or paragraph (3) of this Article shall be fixed by the Board so as to ensure that the total charges imposed in any year under those paragraphs are payable in respect of the activities carried on in the cotton section of the industry as near as possible in the following proportions:—

32 per cent. in respect of the activity of spinning other than waste spinning;

1½ per cent. in respect of the activity of waste spinning;

6½ per cent. in respect of the activity of doubling;

30 per cent. in respect of the activity of weaving;

17½ per cent. in respect of the activities of finishing, and making-up and packing; and

12½ per cent. in respect of the activity of converting.

(5) Any charge imposed by the Board under the provisions of paragraph (2) of this Article on persons carrying on any one or more of the activities mentioned in this paragraph, being activities of the cotton section of the industry, shall be calculated, in relation to each such person, by reference to the period in respect of which that charge is imposed, as follows:—

(*a*) in respect of the activity of spinning (other than waste spinning) carried on by him, on the average number of spindles, calculated in accordance with the method specified by the Board in pursuance of head (*b*) of paragraph (9) of this Article, in use by him for that activity during that period, at a rate fixed by the Board in respect of each such spindle so that the rate in respect of a ring spindle shall be one and a half times that of a mule spindle;

(*b*) in respect of the activity of waste spinning carried on by him, on the number of spindles installed for that activity, on premises used by him in the course of carrying on that activity, on such day during that period as the Board may determine, at a rate fixed by the Board in respect of each such spindle so that the rate in respect of a ring spindle shall be one and a half times that of a mule spindle;

(*c*) in respect of the activity of doubling carried on by him, on the number of spindle units computed, in accordance with the provisions of Part I of the Fourth Schedule hereto, by reference to the number of spindles installed for that activity, on premises used by him in the course of carrying on that activity, on such day during that period as the Board may determine, at a rate fixed by the Board in respect of each such unit;

(*d*) in respect of the activity of weaving carried on by him, on the number of loom units computed, in accordance with the provisions of Part II of the Fourth Schedule hereto, by reference to the number of looms gaited up or stopped for immediate gaiting for the purpose of that activity, on premises used by him in the course of carrying on that activity, on such day during that period as the Board may determine, at a rate fixed by the Board in respect of each such unit;

(*e*) in respect of the activity of finishing carried on by him, on the amount of wages paid by him during that period in respect of that activity, at a rate fixed by the Board in respect of each £100 or part thereof; and

(*f*) in respect of the activity of making-up and packing carried on by him, £2 10s. 0d. in respect of that period.

(6) Any charge imposed by the Board under the provisions of paragraph (3) of this Article on persons carrying on the activity of converting fabric, being an activity of the cotton section of the industry, shall be calculated, in relation to each such person, by reference to the year in respect of which that charge is imposed, on the quantity of fabric converted by him during that year in carrying on that activity, at a rate fixed by the Board in respect of each 100,000 square yards or part thereof:

Provided that no account shall be taken, for the purposes of this paragraph, of any quantity of fabric so converted by him during that year in excess of 10,000,000 square yards.

(7) The rate of any charge fixed by the Board under paragraph (5) of paragraph (6) of this Article in relation to any activity shall be the same for all persons carrying on that activity.

(8) Charges imposed by the Board under paragraphs (1), (2) and (3) of this Article shall be computed so as to yield not more than £450,000 in any year.

(9) As soon as may be after the Board of Trade have approved the imposition of a charge under paragraph (1), paragraph (2) or paragraph (3) of this Article, the Board shall, by notice given in such manner as they think best adapted for informing the persons affected, specify, so far as is relevant as respects that charge—

(*a*) the period in relation to which the charge is imposed;

(*b*) for the purposes of head (*a*) of paragraph (5) of this Article, the method of calculation of the average number of spindles in use during the period in relation to which that charge is to be calculated;

(*c*) the respective days determined by the Board for the purposes of heads (*b*), (*c*) and (*d*) of paragraph (5) of this Article;

(*d*) the respective rates fixed by the Board for the purposes of heads (*a*), (*b*), (*c*), (*d*) and (*e*) of paragraph (5), and of paragraph (6), of this Article; and

(*e*) the date on which the charge becomes payable.

(10) Every person on whom a charge is imposed under paragraph (1) of this Article in respect of any year shall pay to the Board, on or before the date specified in the notice given under paragraph (9) of this Article as the date on which that charge becomes payable, the sum of one pound:

Provided that if such a person is required to pay an amount in respect of any other charge imposed for that year or for a period during that year and the total amount which he is so required to pay is—

(*a*) not less than one pound, he shall not be under any liability in respect of the charge imposed under paragraph (1) of this Article for that year;

(*b*) less than one pound, that liability shall be reduced by that total amount.

(11) Every person on whom a charge is imposed under paragraph (2) or paragraph (3) of this Article shall pay to the Board, on or before the date specified in the notice given under paragraph (9) of this Article as the date on

which the charge becomes payable, a sum calculated in relation to him and in respect of that charge in accordance with the relevant provisions of this Article.

(12) The Board may by notice in writing require any person carrying on business in the cotton section of the industry—

(*a*) to furnish such returns and other information ;

(*b*) to keep such records ; and

(*c*) to produce for examination on behalf of the Board such books and other documents and records in his custody or under his control,

relating to the business carried on by him in the cotton section of the industry, as appear to the Board to be necessary for the purposes of the imposition or recovery under this Order of any charge.

(13) Any two or more persons jointly carrying on business in the industry shall, in so far as it is material for the purposes of this Article to ascertain the amount of any sum payable by them to the Board, be treated as constituting together a single person.

(14) Any sum payable under this Order shall be recoverable by the Board as a debt.

(15) In this Article the following expressions have the meanings respectively assigned to them :—

" mule spindles " means spindles designed to be used for spinning single yarn on the intermittent spinning machine commonly known in the industry as the mule ;

" ring spindles " means spindles designed or adapted for use in spinning single yarn on a continuous spinning machine with the aid of the mechanism commonly known in the industry as a traveller and ring, or designed or adapted to be so used with the aid of the mechanism commonly known in the industry as a flyer and includes spindles commonly known in the industry as Chapon spindles ;

" spinning ", " doubling ", " weaving ", " finishing ", " making-up and packing " and " converting " have the meanings respectively assigned to them by the First Schedule hereto ;

" waste spinning " means spinning without the use of the mechanical device commonly known in the industry as a draw-frame ;

" wages " means wages of workpeople, before deduction of National Insurance contributions and income tax, and includes overtime, holiday credits and guaranteed week payments, and " workpeople " includes foremen, but does not include managers, managerial staff, laboratory staff or office staff ;

" year " means a period of twelve consecutive months beginning on the first day of April.

(16) The amount of wages paid by a person who is carrying on, not wholly within the cotton section of the industry, the activity of finishing, to be taken into account in respect of any period for the purposes of head (*e*) of paragraph (5) of this Article, shall be such proportion of the total wages paid by him in that period in respect of that activity as the charges made by him in that period in respect of that activity carried on in the said cotton section bear to the total charges made by him in that period in respect of that activity.

In this paragraph " charges ", in relation to any finishing, means—

(*a*) where the person carrying out that finishing makes actual charges therefor, those charges ;

(*b*) in any other case, such amounts as would represent reasonable charges for that finishing.

FIRST SCHEDULE

Definition of the Industry and the Cotton Section thereof

1.—(1) The industry shall consist of the activities, so far as carried on in Great Britain, of spinning, doubling, weaving, finishing, making-up and packing and converting as hereinafter defined.

(2) "Spinning" means the production from fibre of single yarn containing not less than 95 per cent. by weight of cotton fibre (including waste from whatever process arising), staple rayon fibre or a mixture of those fibres; and the subjection of yarn so produced to any of the processes commonly known as gassing, reeling, warping, beaming and winding, except in so far as the treatment of yarn by that process is performed on machinery which forms a subsidiary part of and is situated in the same mill as—

(*a*) plant operated by workers subject to Wages Regulation Orders made under the Wages Council Act, 1945, pursuant to proposals by the Jute Wages Council, or

(*b*) plant used for the production of lace, lace net, lace curtains, embroidery, hosiery or narrow fabrics,

and such treatment is ancillary to the main operations conducted on such plant:

Provided that spinning shall not include the production of such yarn or the subjection of such yarn to any such process by a person carrying on the business of manufacturing wool textiles for use by him in the course of that business.

(3) "Doubling" means the subjection of yarn produced by spinning to the process of twisting together two or more threads or of inserting additional twist; and the further subjection of yarn produced by spinning and so processed to one or both of those processes; and the subjection of yarn produced by any of the foregoing processes to any of the processes commonly known as gassing, reeling, warping, beaming or winding, except in so far as the treatment of yarn by any of the last named processes is performed on machinery which forms a subsidiary part of, and is situated in the same mill as—

(*a*) plant operated by workers subject to Wages Regulation Orders made under the Wages Council Act, 1945, pursuant to proposals by the Rope, Twine and Net Wages Council, the Flax and Hemp Wages Council or the Jute Wages Council, or

(*b*) plant used for the production of lace, lace net, lace curtains, embroidery, hosiery or narrow fabrics,

and such treatment is ancillary to the main operations conducted on such plant:

Provided that doubling shall not include the subjection of yarn to any of the said processes—

(i) by a person carrying on the business of manufacturing wool textiles for use by him in the course of that business; or

(ii) for the purpose only of producing wicks for candles.

(4) "Weaving" means—

(*a*) the production on looms connected with mechanical power of fabrics containing not less than 85 per cent. by weight of yarn produced by spinning or doubling or continuous filament rayon thread or a mixture of such yarn and such thread; and

(*b*) the preparation of warp and weft for looms—

(i) from yarn produced by spinning or doubling; and

(ii) from continuous filament rayon thread by any person carrying on the business of weaving as defined in sub-paragraph (*a*) hereof for use by him in the course of that business:

Provided that weaving shall not include the production of—

(*a*) lace, lace net, lace curtains, fishing net, embroidery or narrow fabrics or the preparation of warp and weft by a person carrying on the business of manufacturing narrow fabrics for use by him in the course of that business;

(*b*) fabrics containing more than 15 per cent. by weight of processed animal fibre.

(5) "Finishing" means—

(*a*) the subjection of the following articles namely raw cotton, cotton waste, rovings, yarn produced by spinning or doubling or fabrics produced by weaving to any of the processes commonly known as scouring, bleaching, mercerising, tinting, dyeing, printing, embossing, schreinering, beetling, calendering, raising, stentering, shrinking, cropping, shearing, singeing, filling, pressing and proofing, or to any other similar process which effects a change in the appearance or characteristics of those articles; and

(*b*) the cutting of loops of pile fabrics produced by weaving:

Provided that finishing shall not include—

(i) the subjection of cotton waste or yarn produced by spinning or doubling to any such process by a person carrying on the business of manufacturing wool textiles for use by him in the course of that business; or

(ii) the subjection to any such process of any raw cotton or cotton waste which is not subsequently subjected to spinning; or

(iii) the subjection of raw cotton or cotton waste to any such process by a person carrying on the business of manufacturing staple rayon fibre or continuous filament rayon thread for use by him in the course of that business; or

(iv) the subjection of yarn produced by spinning or doubling to any such process in the course of a business of manufacturing sewing thread; or

(v) the coating or impregnation of cloth for the production of oil baize, other oil cloth or leather cloth; or

(vi) rubber proofing, or the proofing of articles by means of plant operated by workers subject to Wages Regulation Orders made under the Wages Council Act, 1945, pursuant to proposals by the Made-up Textile Wages Council.

(6) "Making-up and packing" means doing on behalf of other persons being persons who carry on business in the industry by way of spinning, doubling, weaving, finishing or converting the following things—

(*a*) making-up that is to say, the cutting, rolling or manipulation, into different lengths, folds or shapes, of articles produced by spinning, doubling, weaving or finishing, or the ticketing, tying, parcelling, stamping or marking of such articles for dispatch to a wholesale or retail distributor or to a person carrying on business by way of spinning, doubling, weaving, finishing or converting, or for exportation, and

(*b*) packing, that is to say, the packing of any such articles as aforesaid, or any articles produced by making-up, into packages suitable for such dispatch as aforesaid or suitable for exportation.

(7) "Converting" means causing, by the owner thereof, yarn produced by spinning or doubling or fabric produced by weaving to be subjected (whether by persons employed by him or by other persons for him on commission) to any of the processes of finishing.

2. The cotton section of the industry shall consist of the activities comprised in the industry other than—

(*a*) spinning, finishing or converting staple rayon fibre or a mixture of textile fibres containing not less than 60 per cent. by weight of staple rayon fibre,

(*b*) doubling, finishing, converting or making-up and packing rayon yarn or a mixture of yarns containing not less than 60 per cent. by weight of rayon yarn, and

(*c*) weaving, finishing, converting or making-up and packing fabrics containing not less than 60 per cent. by weight of rayon yarn.

3. In this Schedule—

(*a*) "narrow fabrics" means fabrics not exceeding eighteen inches in width with two self edges;

(*b*) "processed animal fibre" means fibre (other than hatters' fur) from the coat or fleece of alpaca, camel, goat, hare, lamb, llama, rabbit, sheep or vicuna which has been subjected to any process of manufacture or recovery;

(*c*) "rayon yarn" means continuous filament rayon thread or yarn spun from staple rayon fibre;

(*d*) "staple rayon fibre" means staple rayon fibre not exceeding three inches in length and includes waste rayon fibre;

(*e*) any reference to rayon fibre, thread or yarn shall include a reference to any other manufactured textile fibre, that is to say fibre which is not the natural growth of a plant or the hair or fleece of an animal or to thread or yarn manufactured otherwise than from such natural fibre, as the case may be, but does not include a reference to asbestos or silk fibre, thread or yarn.

EXPLANATORY NOTE

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

This Order, which is made under the Industrial Organisation and Development Act, 1947, amends the Cotton Industry Development Council Order, 1948, as amended by the Cotton Industry Development Council (Amendment) Order, 1951.

The principal changes are—

(1) the maximum levy which the Cotton Board may impose is increased from £300,000 a year to £450,000; and

(2) the levy in respect of finishing, hitherto confined to the finishing of cotton yarn and cloth, is now extended to all finishing within the cotton section of the industry.

The provisions of the principal Order which are amended by this Order are set out, as amended, in the Second Schedule.

1953 No. 287

The Jewellery and Silverware Council (Dissolution) Order, 1953

Made - - - - 25*th February*, 1953
Coming into Operation 1*st March*, 1953

The Board of Trade in pursuance of the powers conferred upon them by section 8 of the Industrial Organisation and Development Act, 1947(**a**), hereby order as follows:—

Development Council to be wound up

1. The Jewellery and Silverware Council (hereinafter called "the Council") shall be wound up and, after the 28th day of February, 1953, shall not exercise any of the functions assigned to them by the Jewellery and Silverware Development Council Order, 1948(**b**), except so far as may be necessary for the beneficial winding up of the Council.

(**a**) 10 & 11 Geo. 6. c. 40. (**b**) S.I. 1948/2801; Rev. X, p. 772; 1948 I, p. 1640.