EXPLANATORY NOTE

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

1. The First Schedule to this Order sets out the statutory minimum remuneration payable as from 17th September, 1948, to workers in relation to whom the Hat, Cap and Millinery Wages Council (England and Wales) operates.

2. The provisions of Order H.M. (34) as amended by Order H.M. (36) cease to have effect when the provisions of this Order come into force.

3. The provisions of the First Schedule to this Order which differ substantially from those in the First Schedule to Order H.M. (34) (as amended) are set out in italics.

4. The Second Schedule to this Order repeats the amendments to Order H.M. (32) which were contained in Order H.M. (34).

(ii) SCOTLAND

The Hat, Cap and Millinery Wages Council (Scotland) Wages Regulation Order, 1948

1948 No. 1645 (S. 145)

Made - - - - 15*th July*, 1948
Coming into Operation 2*nd August*, 1948

H.M.S.(32)

Whereas the Minister of Labour and National Service (hereinafter referred to as " the Minister ") has received from the Hat, Cap and Millinery Wages Council (Scotland) (hereinafter referred to as " the Council ") the wages regulation proposals set out in the 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 Hat, Cap and Millinery Wages Council (Scotland) Wages Regulation Order, 1946(a) (hereinafter referred to as " Order H.M.S.(30) ");

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.

1.—(1) This Order may be cited as the Hat, Cap and Millinery Wages Council (Scotland) Wages Regulation Order, 1948. Short title and interpretation.

(a) S.R. & O. 1946 (No. 2143) I, p. 1932.

(2) In this Order the expression "the specified date" means the 2nd day of August, 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 H.M.S.(30).

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

(2) The provisions of the Schedule hereto shall have effect as from the specified date and as from that date Order H.M.S.(30)(a) shall cease to have effect.

Signed by order of the Minister of Labour and National Service this 15th day of July, 1948.

H. H. Wiles,

Deputy Secretary of the
Ministry of Labour and National Service.

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by Order H.M.S. (30).

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 VI is:—

(*a*) in the case of a time worker, the general minimum time rate payable to the worker under Part II, Part III or Part V 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 piece work basis time rate applicable to the worker under Part II, Part III or Part V of this Schedule.

(a) S.R. & O. 1946 (No. 2143) I, p. 1932.

PART II

FEMALE WORKERS IN ANY BRANCH OF THE TRADE OTHER THAN THE WHOLESALE CLOTH HAT AND CAP MAKING BRANCH

GENERAL MINIMUM TIME RATES

Paragraph 2

The general minimum time rates payable to female workers employed in any branch of the trade, other than the Wholesale Cloth Hat and Cap Making Branch, in Areas A and B respectively are as follows:—

	Area A per hour	Area B per hour
	s. d.	s. d.
(*a*) ALL WORKERS other than the learners specified in sub-paragraph (*b*)	1 3½	1 2
(*b*) LEARNERS, as defined in and whose employment complies with the conditions specified in paragraph 7 of this Schedule, during the following periods of employment in any of the said branches:—		
During the 1st year	5½	5
During the 2nd year	7½	6½
During the 3rd year	10	8½
During the 4th year	1 0½	10½

PIECE WORK BASIS TIME RATES

Paragraph 3

The piece work basis time rates applicable to female workers of any age employed on piece work in any branch of the trade, other than the Wholesale Cloth Hat and Cap Making Branch, in Areas A and B respectively are	1 4½	1 3

DEFINITION OF AREAS

Paragraph 4

For the purposes of this Part of this Schedule:—

Area A—Comprises (*a*) every Royal, Parliamentary or Police Burgh (as existing on 26th April, 1931, the date of the Census of 1931), which according to the Preliminary Report on the Census of Scotland, 1931, had at that date a population of over 12,000; and (*b*) the following Special Lighting Districts, the boundaries of which have been defined, namely, Bellshill and Mossend, Blantyre, Cambuslang, and Larkhall, all in the County of Lanark and Vale of Leven in the County of Dumbarton.

Area B—Comprises the whole of Scotland other than Area A.

PART III

FEMALE WORKERS IN THE WHOLESALE CLOTH HAT AND CAP MAKING BRANCH

GENERAL MINIMUM TIME RATES

Paragraph 5

The general minimum time rates payable to female workers in the Wholesale Cloth Hat and Cap Making Branch are as follows:—

	Per hour s.	d.
(*a*) ALL WORKERS other than the learners specified in sub-paragraph (*b*)	1	5
(*b*) LEARNERS as defined in and whose employment complies with the conditions specified in paragraph 7 of this Schedule, during the following periods of employment in the said branch:—		
During the 1st six months		7½
During the 2nd six months		9
During the 2nd year		10½
During the *3rd* year	1	1

PIECE WORK BASIS TIME RATE

Paragraph 6

The piece work basis time rate applicable to female workers of any age employed on piece work in the Wholesale Cloth Hat and Cap Making Branch is	1	6½

PART IV

DEFINITION AND CONDITIONS OF EMPLOYMENT OF FEMALE LEARNERS IN ANY BRANCH OF THE TRADE

Paragraph 7

(1) In this Schedule the expression "learner" means a female worker who—

(*a*) is employed by an employer who provides the learner with reasonable facilities for learning, practically and efficiently, the branch of the trade carried on by him and the various processes involved in the making of any of the articles specified in the definition of the trade set out in paragraph 15; and

(*b*) has received a certificate issued by the Council, in accordance with rules from time to time laid down by the Council, and held subject to compliance with the conditions contained in this paragraph, or has made an application to the Council for such certificate, which has been duly acknowledged and is still under consideration.

Provided that—

(i) *a learner shall cease to be a learner and be entitled to the general minimum time rate applicable to workers other than learners—*

if employed in any branch of the trade other than the wholesale cloth hat and cap making branch, on completion of 4 years' employment in that branch of the trade in which she has been a learner;

or

if employed in the wholesale cloth hat and cap making branch, on completion of 3 years' employment in that branch of the trade.

(ii) the certification of a learner may be cancelled by the Council if the other conditions of learnership are not complied with;

(iii) an employer may employ a learner on her first employment without a certificate for a probationary period not exceeding four weeks, but in the event of such learner being continued thereafter at her employment, the probationary period shall be included in her period of learnership; and

(iv) the provisions of (*b*) of this sub-paragraph shall not apply before the date declared by His Majesty in Council under section four of the Trade Boards and Road Haulage Wages (Emergency Provisions) Act, 1940(a) to be the date on which the emergency that was the occasion of the passing of that Act came to an end.

(2) The advances to be given to a learner under paragraph 2 or 5 of this Schedule shall become due on the completion of each of the specified periods of employment in that branch of the trade in which she is a learner.

PART V

MALE WORKERS IN ANY BRANCH OF THE TRADE

GENERAL MINIMUM TIME RATES

Paragraph 8

The general minimum time rates payable to male workers in any branch of the trade are as follows:—

	Per hour	
	s.	*d.*
Workers aged *21* years or over	*1*	*11½*
,, ,, 20 and under 21 years	*1*	*7½*
,, ,, 19 ,, ,, 20 ,, ...	*1*	*5*
,, ,, 18 ,, ,, 19 ,, ...	*1*	*3*
,, ,, 17 ,, ,, 18 ,, ...	*1*	*1*
,, ,, 16 ,, ,, 17 ,, ...		*10½*
,, ,, *under 16 years*		*8½*

Provided that the general minimum time rate payable during his first year's employment in the trade to a worker who enters or has entered the trade for the first time at or over the age of 19 years shall be:—

During the 1st six months of such employment	*1*	*2½*
,, ,, 2nd ,, ,, ,, ,, ,, ...	*1*	*3½*

PIECE WORK BASIS TIME RATE

Paragraph 9

The piece work basis time rate applicable to male workers of any age employed on piece work in any branch of the trade is ...	*2*	*1½*

PART VI

OVERTIME AND WAITING TIME IN ANY BRANCH OF THE TRADE

OVERTIME

Paragraph 10

Subject to the provisions of this Part of this Schedule, the minimum overtime rates set out in the next following paragraph are payable to workers in any branch of the trade as follows:—

(*a*) *In any week,*

For all time worked in excess of ... ... 44 hours

Provided that where the worker normally attends on Saturday in alternate weeks only, the weekly minimum overtime rate shall be payable in the week in which attendance on Saturday is required after 40 hours work.

(a) 3 & 4 Geo. 6. c. 7.

(b) On any day other than a Saturday, Sunday or a customary holiday,

For all time worked in excess of ... ... 8¼ hours

Provided that where the worker normally attends on five days only in the week, minimum overtime rates shall apply after ... ... 9 hours

(c) On a Saturday, not being a customary holiday, where the worker normally attends on six day in the week,

For all time worked in excess of ... ... 4 hours

Provided that where the worker normally attends on five days only in the week, minimum overtime rates shall apply to all time worked on Saturday.

(d) On a Sunday or a customary holiday,

For all time worked.

MINIMUM OVERTIME RATES

Paragraph 11

(1) Subject to the provisions of paragraph 12 of this Schedule, minimum overtime rates are payable to any worker as follows:—

(a) On any day other than a Saturday, Sunday or a customary holiday—

(i) For the first 2 hours worked in excess of 8¼ hours ... ... Time-and-a-quarter

(ii) Thereafter ... ... Time-and-a-half

Provided that where the worker normally attends on five days only in the week the said minimum overtime rates of time-and-a-quarter and time-and-a-half shall be payable after 9 and 11 hours work respectively.

(b) On a Saturday, not being a customary holiday—

(i) Where the worker normally attends on six days in the week—

For all time worked in excess of 4 hours ... Time-and-a-half

(ii) Where the worker normally attends on five days only in the week—

For the first 2 hours worked ... ... Time-and-a-quarter

Thereafter ... ... Time-and-a-half

(c) On a Sunday or customary holiday—

For all time worked ... ... Double time

(d) In any week, exclusive of any time in respect of which a minimum overtime rate is payable under the preceding provisions of this sub-paragraph—

For all time worked in excess of 44 hours ... Time-and-a-quarter

Provided that where the worker normally attends on Saturday in alternate weeks only the weekly minimum overtime rate of time-and-a-quarter shall be payable in the week in which attendance on Saturday is required after 46 hours work (exclusive of any time in respect of which a minimum overtime rate is payable as aforesaid).

(2) The overtime rates set out in sub-paragraph (1) (a), (b) or (c) of this paragraph are payable in any week, whether or not the minimum overtime rate set out in sub-paragraph (1) (d) is also payable.

Paragraph 12

Notwithstanding the foregoing provisions of this Part of this Schedule—

(a) where the worker normally attends on Sunday instead of Saturday, for the purposes of this Part of this Schedule (except where in the case of a woman or young person such attendance on Sunday is unlawful), Saturday shall be treated as a Sunday, and Sunday as a Saturday;

(*b*) where the worker normally attends on six days in the week and any other weekday is substituted for Saturday as the worker's weekly short day, for the purposes of this Part of this Schedule (except where in the case of a woman or young person such substitution is unlawful), that other day shall be treated as a Saturday and Saturday as another weekday;

(*c*) where the worker normally attends on five days only in the week, including Saturday, a weekday on which he normally does not attend shall, for the purposes of this Part of this Schedule, be treated as a Saturday, and Saturday as another weekday.

Paragraph 13

In this Part of this Schedule—

(1) the expression " customary holiday " means:—

(*a*) New Year's Day (or the following day if New Year's Day falls on a Sunday);

The local Spring holiday;

The local Autumn holiday; and

All nationally proclaimed holidays.

Provided that where in any establishment it is not the custom to observe such days as holidays, other days not fewer in number may, by agreement between the employer and worker, be substituted therefor.

(*b*) Three other days to be agreed between the employer and the worker.

(2) *the expressions " time-and-a-quarter," " time-and-a-half," and " double time " mean respectively:—*

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

(*b*) *in the case of a worker employed on piece work—*

(*i*) *a time rate equal respectively to one quarter, one half and the whole of the piece work basis time rate otherwise applicable to the worker, and, in addition thereto,*

(*ii*) *the piece rates otherwise applicable to the worker under paragraph* 1 (*b*) *of this Schedule.*

WAITING TIME

Paragraph 14

(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 payable to him if he were a time worker.

PART VII

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

Paragraph 15

This Schedule applies, subject to the provisions of the Wages Councils Act, 1945, to workers in relation to whom the Hat, Cap and Millinery Wages Council (Scotland) operates, that is to say, workers employed in Scotland in the trade specified in the Schedule to the Trade Boards (Hat, Cap and Millinery Trade, Scotland) (Constitution and Proceedings) Regulations, 1932(a), namely:—

The making from any material of men's, women's or children's headgear, or the trimming thereof;

INCLUDING:—

Warehousing, packing or other operations incidental to or appertaining to the making or trimming of men's, women's or children's headgear;

BUT EXCLUDING:—

1. The casting and making of solid metal helmets;
2. The making of rubberised or oilskin headgear where carried on in association with or in conjunction with the making of other rubberised or oilskin articles;
3. The making of nurses' or servants' caps, chefs' caps, hospital ward caps, or similar articles;
4. The making of field bonnets, sun bonnets, boudoir caps, or infants' millinery where carried on in association with or in conjunction with the making of dresses, non-tailored skirts, wraps, blouses, blouse-robes, jumpers, sports coats, neckwear, tea-gowns, dressing gowns, dressing jackets, pyjamas, underclothing, under-skirts, aprons, overalls, nurses' and servants' caps, juvenile clothing, baby linen or similar articles;
5. The making of fur hats, where made in association with or in conjunction with the manufacture of furs or furriers' skins into garments, rugs or similar articles;
6. The making of knitted headgear and the making of headgear from knitted fabrics where carried on in association with or in conjunction with the manufacture of the knitted fabric;
7. Warehousing and packing of men's, women's or children's headgear and other similar operations carried on in shops mainly engaged in the retail distribution of articles of any description that are not made or trimmed on the premises.

EXPLANATORY NOTE

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

1. The Schedule to this Order sets out the statutory minimum remuneration payable as from 2nd August, 1948, to workers in relation to whom the Hat, Cap and Millinery Wages Council (Scotland) operates.

2. The provisions of Order H.M.S.(30) cease to have effect when the provisions of this Order come into force.

3. The provisions of the Schedule to this Order which differ substantially from those in the Schedule to Order H.M.S.(30) are set out in italics.

(a) S.R. & O. 1932 (No. 1053) p. 1703.