STATUTORY INSTRUMENTS

1973 No. 1780

WAGES COUNCILS

The Industrial and Staff Canteen Undertakings Wages Council (Variation) Order 1973

Made - - -	*25th October* 1973
Laid before Parliament	*5th November* 1973
Coming into Operation	*29th November* 1973

Whereas the Secretary of State has published in accordance with section 4(6) of, and Schedule 1 to, the Wages Councils Act 1959(**a**), notice of his intention to make an Order varying the field of operation of the Industrial and Staff Canteen Undertakings Wages Council:
And whereas no objections have been made to the draft of the said Order referred to in the said notice:
Now, therefore, the Secretary of State in exercise of powers conferred by section 4(2) of the Wages Councils Act 1959 and now vested in him(**b**), and of all other powers enabling him in that behalf hereby makes the following Order:—

1. The field of operation of the Industrial and Staff Canteen Undertakings Wages Council is hereby varied by the exclusion therefrom of workers employed in any industrial or staff canteen undertaking carried on directly by the British Railways Board (not being an undertaking carried on by a committee of management of employees of the British Railways Board) which exclusion is set out in paragraph 2(3) of the Schedule to this Order, and accordingly the said Wages Council shall operate only in relation to workers to whom the said Schedule applies and their employers.

2.—(1) This Order may be cited as the Industrial and Staff Canteen Undertakings Wages Council (Variation) Order 1973 and shall come into operation on 29th November 1973.

(2) The Schedule to the Wages Board (Industrial and Staff Canteen Undertakings) Order 1944(**c**), as amended by the Wages Board (Industrial and Staff Canteen Undertakings) (Amendment) Order 1947(**d**), shall have effect as if for the Schedule thereto there were substituted the Schedule to this Order, and the Wages Board (Industrial and Staff Canteen Undertakings) (Amendment) Order 1947 is hereby revoked.

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

(a) 1959 c. 69 **(b)** S.I. 1959/1769, 1968/729 (1959 I, p. 1795; 1968 II, p. 2108).
(c) S.R. & O. 1944/266 (Rev. III, p. 459: 1944 I, p. 30).
(d) S.R. & O. 1947/1730 (Rev. III, p. 460: 1947 I, p. 156).
(e) 1889 c.63.

Signed by order of the Secretary of State.
25th October 1973.

R. Chichester-Clark,
Minister of State,
Department of Employment.

Article 1

SCHEDULE

1. Workers employed in Great Britain by the person or body of persons carrying on an industrial or staff canteen undertaking as defined below who are so employed either:—

(1) in the said undertaking; or

(2) in connection with the provision of food or drink or living accommodation provided wholly or mainly for workers employed for the purposes of any of the activities of any such undertaking as aforesaid;

and who are engaged on any of the following work, that is to say:—

(*a*) the preparation of food or drink;

(*b*) the service of food or drink;

(*c*) work incidental to such preparation or service;

(*d*) any work performed on or about premises where food or drink is prepared or served, including work in connection with any service or amenity provided at such premises;

(*e*) work connected with the provision of living accommodation for workers employed in the undertaking;

(*f*) transport work;

(*g*) work performed at any office, depot, store or similar place; but excluding transport workers and workers at any office, depot, store or similar place who are employed by the person or body of persons carrying on the undertaking mainly on work not in connection with the undertaking.

Definition of industrial or staff canteen undertaking

2. An industrial or staff canteen undertaking consists of any undertaking or any part of an undertaking which is wholly or mainly engaged in supplying food or drink for immediate consumption and activities incidental or ancillary thereto, and which is carried on for the use of employed persons in connection with their employment

(*a*) by their employer or employers; or

(*b*) by the employed persons themselves; or

(*c*) by the employed persons and their employer or employers jointly; or

(*d*) by any other person or body of persons in pursuance of an arrangement or arrangements with the employer or employers of the employed persons, or with the employed persons themselves, or with the employed persons and their employer or employers jointly; or

(*e*) by a dock authority or by any person or body of persons under an arrangement with a dock authority;

but excluding any such undertaking carried on

(1) directly by the Crown; or

(2) by an employer or by workers and their employer jointly, wholly or mainly for the use of workers employed by the employer either—

(i) in the business of supplying food or drink for immediate consumption by the general public; or

(ii) at or in connection with a shop if the shop includes a restaurant, café or similar place where meals are served to the general public; or

(iii) at or in connection with an hotel, boarding house, hostel or other similar establishment; or

(iv) at or in connection with any hospital, nursing home or other similar establishment; or

(v) at or in connection with any university, college, school or other similar establishment; or

(3) directly by the British Railways Board (not being an undertaking carried on by a committee of management of employees of the British Railways Board).

For the purposes of this definition "dock authority" means any person or body of persons whether incorporated or not who are authorised to construct or are owners or lessees of any dock authorised by or under any Act, and "dock" includes a wharf or quay.

EXPLANATORY NOTE

(This Note is not part of the Order.)

The Industrial and Staff Canteen Undertakings Wages Council was established as a Wages Board under the Catering Wages Act 1943 (c.24). It became a Wages Council by virtue of the Terms and Conditions of Employment Act 1959 (c.26), and continued in existence under the Wages Councils Act 1959 by virtue of section 26 of, and Schedule 5 to, that Act.

This Order, which comes into operation on 29th November 1973, varies the field of operation of the Wages Council by excluding therefrom workers employed in industrial or staff canteens carried on directly by the British Railways Board.

SI 1973/1780
ISBN 0-11-031780-7

