STATUTORY INSTRUMENTS

1977 No. 1689

WAGES COUNCILS

The Licensed Non-residential Establishment Wages Council (Variation) Order 1977

Made - - - -	*17th October* 1977
Laid before Parliament	*27th October* 1977
Coming into Operation	*1st December* 1977

Whereas the Secretary of State has published in accordance with section 4(6) of, and paragraph 2 of Schedule 1 to, the Wages Councils Act 1959(**a**) notice of his intention to make an Order varying the field of operation of the Licensed Non-residential Establishment 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 said Act of 1959 and paragraph 4(1) of Schedule 1 to that Act as amended by section 89(3) of, and Part IV of Schedule 7 to, the Employment Protection Act 1975(**b**), and now vested in him(**c**), and of all other powers enabling him in that behalf, hereby makes the following Order:--

1. The field of operation of the Licensed Non-residential Establishment Wages Council is hereby varied by the exclusion therefrom—

(*a*) of workers who are employed in Great Britain as managers, relief managers or trainee managers in licensed non-residential establishments (other than clubs), which exclusion is set out in paragraph 2(7) of the Schedule to this Order;

(*b*) of workers who are the spouses of the workers referred to in paragraph (*a*) above, which exclusion is set out in paragraph 2(8) of that Schedule; and

(*c*) of workers who are employed in Great Britain as club secretaries, doormen, entertainers, greenkeepers, gardeners, groundsmen or skittle-alley attendants in licensed non-residential establishments, which exclusion is set out in paragraph 2(9) of that Schedule;

and accordingly the said Wages Council shall operate only in relation to workers to whom that Schedule applies and their employers.

2.—(1) This Order may be cited as the Licensed Non-residential Establishment Wages Council (Variation) Order 1977 and shall come into operation on 1st December 1977.

(**a**) 1959 c. 69. (**b**) 1975 c. 71.
(**c**) S.I. 1959/1769, 1968/729 (1959 I, p. 1795; 1968 II, p. 2108).

(2) The Wages Board (Licensed Non-residential Establishment) Order 1945(**a**) as amended by the Wages Board (Licensed Non-residential Establishment) (Amendment) Order 1946(**b**), and the Wages Board (Licensed Non-residential Establishment) (Amendment) Order 1947(**c**), shall have effect as if for the Schedule thereto there were substituted the Schedule to this Order.

(3) The Wages Board (Licensed Non-residential Establishment) (Amendment) Order 1946 and the Wages Board (Licensed Non-residential Establishment) (Amendment) Order 1947 are hereby revoked.

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

Signed by order of the Secretary of State,

17th October 1977.

John Grant,

Joint Parliamentary Under Secretary of State,
Department of Employment.

(**a**) S.R. & O. 1945/334 (Rev. III, p. 462: 1945 I, p. 82).
(**b**) S.R. & O. 1946/741 (Rev. III, p. 465: 1946 I, p. 84).
(**c**) S.R. & O. 1947/1733 (Rev. III, p. 466: 1947 I, p. 159).
(**d**) 1889 c. 63.

Article 1

SCHEDULE

1. Subject to the provisions of paragraph 2 hereof the workers to whom this Schedule applies are all workers employed in Great Britain in a catering undertaking who are employed by the person or body of persons carrying on that undertaking and who are so employed either—

   (1) for the purposes of such of the activities of the undertaking as are carried on at a licensed non-residential establishment; 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 the undertaking specified in sub-paragraph (1) of this paragraph;

   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*) work connected with the provision of living accommodation;

   (*e*) work in connection with any retail sale of goods at a licensed non-residential establishment;

   (*f*) transport work;

   (*g*) work performed at any office or at any store or warehouse or similar place or at any garage or stable or similar place;

   (*h*) any work other than that specified in sub-paragraphs (*a*) to (*g*) hereof performed in or about a licensed non-residential establishment, including work in connection with any service or amenity provided in or about such establishment.

2. This Schedule does not apply to any of the following workers in respect of their employment in any of the following circumstances, that is to say: —

   (1) Workers who are employed by the same employer partly in a catering undertaking and partly in some other undertaking, if their employment in the catering undertaking is confined to work specified either in sub-paragraph (*f*) or sub-paragraph (*g*) of paragraph 1 or partly to work specified in the said sub-paragraph (*f*) and partly to work specified in the said sub-paragraph (*g*), and they are mainly employed on work in or in connection with that other undertaking;

   (2) workers who are employed for the purposes of any of the activities carried on at a theatre, music hall or other place of entertainment ordinarily used for the public performance of stage plays or variety entertainments;

   (3) workers who are employed for the purposes of any of the activities carried on in a railway train;

   (4) workers employed for the purposes of the activities carried on at a railway refreshment establishment;

   (5) workers who are employed by the Crown;

(6) workers who are employed in an industrial or staff canteen undertaking;

(7) workers employed as managers, relief managers or trainee managers in licensed non-residential establishments (other than clubs);

(8) workers who are the spouses of workers falling under (7) above;

(9) workers who are employed as club secretaries, doormen, entertainers, greenkeepers, gardeners, groundsmen or skittle-alley attendants in licensed non-residential establishments.

3. In this Schedule the following expressions have the meanings hereby assigned to them: —

"catering undertaking" means any undertaking or any part of an undertaking which consists wholly or mainly in the carrying on (whether for profit or not) of one or more of the following activities, that is to say, the supply of food or drink for immediate consumption, the provision of living accommodation for guests or lodgers or for persons employed in the undertaking and any other activity so far as it is incidental or ancillary to any such activity as aforesaid of the undertaking;

"licensed non-residential establishment" means—

(1) a public house, inn, hotel or other premises, being an establishment—

(*a*) at which it is lawful for intoxicating liquor to be sold for consumption on the premises or to be supplied for consumption on the premises by reason of the fact that part of the premises is habitually used for the purposes of a registered club; and

(*b*) which is not a residential establishment within the meaning of this Schedule;

(2) a club—

(*a*) at which it is lawful for intoxicating liquor to be supplied for consumption on the premises; and

(*b*) which is not a residential establishment within the meaning of this Schedule,

but does not include—

(i) any such establishment or club as aforesaid if the main activity there carried on consists of the supply of food or drink for immediate consumption at one or more of the following places, that is to say a restaurant, dining room, cafe or similar place;

(ii) any hostel or similar establishment provided by or by arrangement with an employer wholly or mainly for the purposes of accommodating persons employed by him;

"industrial or staff canteen undertaking" means an 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—

(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, cafe 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;

"manager" means a male or female worker responsible to the employer for the cleanliness, care and supervision of the premises and equipment of a licensed non-residential establishment (other than a club), for the keeping of records and for the correct handling of the cash and stocks, for the control of the staff where any are employed and for the conduct of the establishment as required by law;

"railway refreshment establishment" means any place of refreshment at a railway station being a place of refreshment—

(i) at which it is lawful for intoxicating liquor to be sold for consumption on the premises; or

(ii) the activities of which are carried on by a railway company;

and for the purposes of this definition—"place of refreshment" means a place used either regularly or occasionally as, or for the purposes of, a restaurant, dining room, cafe, tea shop, canteen or similar place or coffee stall, buffet or bar;

"relief manager" means a male or female worker who is appointed by the employer to take charge of a licensed non-residential establishment (other than a club) in the absence of the manager and who is not in receipt of statutory minimum remuneration other than the remuneration provided for a relief manager;

"residential establishment" means an establishment which either contains four or more rooms ordinarily available as sleeping accommodation for guests or lodgers, or if it contains less than four such rooms which contains sleeping accommodation ordinarily available for not less than eight guests or lodgers;

"trainee manager" means a male or female worker during the first year of his or her employment under a trainee manager's contract or a continuous series of such contracts with any one employer.

EXPLANATORY NOTE

(This Note is not part of the Order.)

The Licensed Non-residential Establishment Wages Council was established in 1945 when it was known as the Licensed Non-residential Establishment Wages Board. The Council 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 1st December 1977, varies the field of operation of this Council by excluding therefrom—

(*a*) workers employed in Great Britain as managers, relief managers, or trainee managers in licensed non-residential establishments (other than clubs) and their spouses; and

(*b*) workers employed in Great Britain as club secretaries, doormen, entertainers, greenkeepers, gardeners, groundsmen or skittle-alley attendants in licensed non-residential establishments.

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