STATUTORY INSTRUMENTS

1982 No. 739

WAGES COUNCILS

The Licensed Residential Establishment and Licensed Restaurant Wages Council (Variation) Order 1982

Made - - - -	*25th May* 1982
Laid before Parliament	*7th June* 1982
Coming into Operation	*26th July* 1982

Whereas, the Secretary of State has published in accordance with section 4(8) of, and Schedule 1 to, the Wages Councils Act 1979(**a**), notice of his intention to make an Order varying the field of operation of the Licensed Residential Establishment and Licensed Restaurant 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 the powers conferred on him by section 4(2) of the Wages Councils Act 1979, and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Licensed Residential Establishment and Licensed Restaurant Wages Council (Variation) Order 1982 and shall come into operation on the 26th July 1982.

2. As from the date when this Order comes into operation the field of operation of the Licensed Residential Establishment and Licensed Restaurant Wages Council is hereby varied by the exclusion therefrom—

(*a*) of workers who are employed by a local authority; and

(*b*) of workers who are employed as aircraft stewards or stewardesses;

which exclusion is set out in paragraphs 2(8) and 2(11) of the Schedule to this Order, and accordingly the said Wages Council shall operate only in relation to workers to whom the Schedule applies and their employers.

3. The Licensed Residential Establishment and Licensed Restaurant Wages Council (Variation) Order 1965(**b**) is hereby revoked.

Signed by order of the Secretary of State.
25th May 1982.

Michael Alison,
Minister of State,
Department of Employment.

(**a**) 1979 c.12.

(**b**) S.I. 1965/430.

Article 2

SCHEDULE

WORKERS TO WHOM THE ORDER APPLIES

1. Subject to the provisions of paragraph 2 below 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 residential establishment or at a licensed restaurant or at a railway refreshment establishment or at a licensed workers' hostel; 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 on premises where the main activity is either the supply of food or drink for immediate consumption or the provision of living accommodation for guests or lodgers or partly the supply of food or drink as aforesaid and partly the provision of living accommodation as aforesaid;

(*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*) above performed on or about the premises or place where food or drink is prepared or served or where living accommodation is provided, including work in connection with any service or amenity provided on or about such premises or place.

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 sub-paragraph (*f*) and partly to work specified in the 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 the activities carried on at any of the following establishments, that is to say:—

(*a*) any hospital, nursing home, or convalescent home or similar establishment providing accommodation for the sick, infirm or mentally defective;

(*b*) any institution or home where living accommodation is provided for the aged or indigent;

(*c*) any university, college, school or similar establishment;

and who are employed by the person or body of persons carrying on the establishment, or, in the case of any of the establishments specified in sub-paragraph (*c*), by the person or body of persons carrying on any boarding house which forms part of the establishment;

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

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

(5) workers who are employed for the purposes of any of the activities carried on in the course of a catering contracting business;

(6) workers who are employed for the purposes of any of the activities of a central catering establishment;

(7) workers who are employed for the purposes of the activities carried on at a licensed restaurant if the licensed restaurant is situated on premises where the main activity is the sale of intoxicating liquor for consumption on the premises otherwise than with meals supplied on the premises;

(8) workers who are employed by the Crown or by a local authority;

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

(10) workers employed in the hotel and catering services of the nationalised railways who are so employed by the British Railways Board or by British Transport Hotels Limited;

(11) workers who are employed as aircraft stewards or aircraft stewardesses.

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

"catering contracting business" means a business or part of a business wholly or mainly engaged in supplying food or drink for immediate consumption:—

(*a*) on premises not ordinarily occupied by the person or body of persons carrying on the business, or

(*b*) in a railway train where the business is carried on otherwise than by a railway company or any Board established by the Transport Act 1962(**a**) or any subsidiary thereof,

and any activities incidental or ancillary thereto;

"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;

"central catering establishment" means an establishment wholly or mainly engaged in the preparation of food or drink for immediate consumption at two or more places of refreshment carried on by the person or body of persons carrying on the establishment but does not include an establishment wholly or mainly engaged in the preparation of food or drink for consumption on the same premises or in the same building as those on which or as

(a) 1962 c.46 (10 & 11 Eliz. 2).

that in which the establishment itself is carried on and for the purpose of this definition a place of refreshment means any place which is used either regularly or occasionally, as, or for the purposes of a restaurant, dining room, café, tea shop, buffet or similar place or a coffee stall, snack bar or other similar stall or bar;

"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, 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.

(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 purpose 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.

"licensed residential establishment" means:—

(1) an hotel, inn, boarding house, guest house, hostel or similar establishment, including a holiday camp:—

(*a*) 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; and

(*b*) 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;

but does not include any hostel or similar establishment provided by or by arrangement with an employer wholly or mainly for the purpose of accommodating persons employed by him;

(2) a club:—

(*a*) 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; and

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

"licensed restaurant" does not include any place which forms part of a licensed residential establishment or which constitutes or forms part of a railway refreshment establishment or any place at which intoxicating liquor can legally be sold or supplied for consumption on the premises by reason only of the fact that in relation to that place an occasional licence is for the time being in force, being a licence granted to some person other than the person carrying on, or a person in the employment of the person carrying on the activities (other than the supply of intoxicating liquor) of a catering undertaking at that place; but, save as aforesaid, means any place which is used either regularly or occasionally, as, or for the purposes of, a restaurant, dining room, café or similar place at which it is lawful to sell (or supply in the case of a restaurant, dining room or café of a club) intoxicating liquor for consumption on the premises and includes any bar or other place wholly or mainly used for the sale (or supply in the case of a club) and consumption on the premises of intoxicating liquor if the bar is situate on the same premises as any such restaurant, dining room, café or similar place as aforesaid and the activities of such restaurant, dining room, café or similar place constitute the main catering activities carried on at the premises;

"licensed workers' hostel" means a hostel or similar establishment provided by or by arrangement with an employer wholly or mainly for the purpose of accommodating persons employed by him otherwise than in a catering undertaking being an establishment 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;

"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 or any Board established by the Transport Act 1962 or any subsidiary thereof;

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

EXPLANATORY NOTE

(This Note is not part of the Order.)

The Licensed Residential Establishment and Licensed Restaurant Wages Board was established in 1945 under the Catering Wages Act 1943 (c.24). It became a Wages Council upon the coming into force of the Terms and Conditions of Employment Act 1959 (c.26) and was continued in existence under the Wages Councils Act 1959 (c.69) which was re-enacted as the Wages Councils Act 1979.

This Order, which comes into operation on the 26th July 1982, varies the field of operation of the said Wages Council by excluding therefrom:—

(*a*) workers who are employed by a local authority; and

(*b*) workers who are employed as aircraft stewards or stewardesses.

This Order also revokes the Licensed Residential Establishment and Licensed Restaurant Wages Council (Variation) Order 1965.

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