(17) MILK DISTRIBUTIVE (E. & W.)

The Milk Distributive Wages Council (England and Wales) Wages Regulation (No. 2) Order, 1948

1948 No. 2724

Made - - - - 16*th December,* 1948
Coming into Operation 9*th January,* 1949

M.D. (56)

Whereas the Minister of Labour and National Service (hereinafter referred to as " the Minister ") has received from the Milk Distributive Wages Council (England and Wales) (hereinafter referred to as " the Council ")

(*a*) the wages regulation proposals set out in the First 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 Milk Distributive Wages Council (England and Wales) Wages Regulation Order, 1947(**a**) (hereinafter referred to as " Order M.D. (50) ") as amended by the Milk Distributive Wages Council (England and Wales) Wages Regulation (No. 2) Order, 1947(**b**) (hereinafter referred to as " Order M.D. (52) ") and the Milk Distributive Wages Council (England and Wales) Wages Regulation Order, 1948(**c**) (hereinafter referred to as " Order M.D. (54) ");

(*b*) the wages regulation proposals set out in the Second Schedule hereto being proposals for amending the Milk Distributive Wages Council (England and Wales) Wages Regulation (Holidays) Order, 1945(**d**) (hereinafter referred to as " Order M.D. (46) ") which contains provisions requiring workers in relation to whom the Council operates to be allowed holidays by their employers and fixing holiday remuneration to be paid by their employers to those workers;

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 Milk Distributive Wages Council (England and Wales) Wages Regulation (No. 2) Order, 1948. Short title and interpretation.

(2) In this Order the expression " the specified date " means the 9th day of January, 1949, 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.

(3) The Interpretation Act, 1889, applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament. 52 & 53 Vict. c. 63.

(**a**) S.R. & O. 1947 (No. 815) I, p. 2501.
(**b**) S.R. & O. 1947 (No. 2131) I, p. 2511.
(**c**) S.I. 1948 No. 1022.
(**d**) S.R. & O. 1945 (No. 1477) I, p. 1349.

Fixing of statutory minimum remuneration and revocation of Orders M.D. (50), M.D. (52) and M.D. (54).

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

(2) The provisions of the First Schedule hereto shall have effect as from the specified date and as from that date Order M.D. (50)(**a**), Order M.D. (52)(**b**) and Order M.D. (54)(**c**) shall cease to have effect.

Amendment of Order M.D. (46) as to holidays and holiday remuneration.

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

(2) The provisions of the Second Schedule hereto shall have effect as from the specified date.

Signed by order of the Minister of Labour and National Service this 16th day of December, 1948.

Godfrey H. Ince,
Secretary of the
Ministry of Labour and National Service.

FIRST SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by Order M.D. (50) as amended by Orders M.D. (52) and M.D. (54).

STATUTORY MINIMUM REMUNERATION

PART I

GENERAL

Paragraph 1

(1) The minimum remuneration payable in any week to a worker to whom this Schedule applies is the sum of the amounts calculated in accordance with the provisions of (*a*) (i) or (*a*) (ii) and (*b*) and (*c*) below:—

(*a*) For all work except overtime,

(i) In the case of a time worker, the amount yielded by the hourly general minimum time rate applicable to the worker under the provisions of this Schedule ; or,

(ii) In the case of a worker employed on piece work, the amount yielded by 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 hourly general minimum time rate which would be applicable if the worker were a time worker ;

(*b*) For all overtime and any waiting time, the amount payable under Part III of this Schedule ; and

(*c*) Any further amount payable under Part IV of this Schedule.

(2) In this Schedule the expression " hourly general minimum time rate " means the general minimum time rate applicable to the worker under the provisions of Part II of this Schedule divided by the number of hours in the week as defined in the next following paragraph.

(**a**) S.R. & O. 1947 (No. 815) I, p. 2501.
(**b**) S.R. & O. 1947 (No. 2131) I, p. 2511. (**c**) S.I. 1948 No. 1022.

Paragraph 2

In Part II of this Schedule, the expression " week " means:—

(*a*) in the case of a worker who is employed by the week or longer period and whose customary working week consists of a number of hours less than 45 but not less than 40, that number of hours,

(*b*) in any other case, 45 hours.

PART II

GENERAL MINIMUM TIME RATES

MALE WORKERS

Paragraph 3

The general minimum time rates applicable to male workers employed in Area A, Area B and Area C are respectively as follows:—

	Area A	Area B	Area C
	Per week	Per week	Per week
	s. d.	s. d.	s. d.
(*a*) FOREMEN	97 0	102 6	109 0
(*b*) STERILIZERS (other than assistant sterilizers), being workers aged 21 years or over	92 6	95 6	99 6
(*c*) CLERKS, being workers aged:—			
21 years or over	92 6	95 6	99 6
20 and under 21 years	70 6	75 6	81 6
19 " " 20 "	65 0	68 6	74 6
18 " " 19 "	59 0	60 6	67 6
17 " " 18 "	42 0	45 0	50 0
16 " " 17 "	36 6	38 0	43 0
Under 16 years	32 0	33 0	37 0
(*d*) ROUNDSMEN, being workers aged:—			
21 years or over	88 0	90 6	94 6
20 and under 21 years	72 0	76 6	81 6
19 " " 20 "	66 6	69 6	74 6
18 " " 19 "	60 0	63 6	67 6
17 " " 18 "	48 0	52 0	58 0
16 " " 17 "	40 0	42 0	48 0
Under 16 years	34 6	37 0	43 0
(*e*) SHOP ASSISTANTS, ASSISTANT ROUNDSMEN, PASTEURIZERS, ASSISTANT STERILIZERS, and ANY OTHER WORKERS not specified in the foregoing provisions of this Table, being workers aged:—			
21 years or over	88 0	90 6	94 6
20 and under 21 years	69 0	73 6	79 6
19 " " 20 "	63 6	66 6	72 6
18 " " 19 "	57 0	60 6	65 6
17 " " 18 "	42 0	45 0	50 0
16 " " 17 "	36 6	38 0	43 0
Under 16 years	32 0	33 0	37 0

FEMALE WORKERS

Paragraph 4

The general minimum time rates applicable to female workers employed in Area A, Area B and Area C are respectively as follows:—

	Area A	Area B	Area C
	Per week	Per week	Per week
	s. d.	s. d.	s. d.
(*a*) ROUNDSWOMEN, being workers aged:—			
21 years or over	*72 6*	73 6	81 0
20 and under 21 years	*64 0*	66 0	74 0
19 ,, ,, 20 ,, ...	*60 0*	62 0	69 6
18 ,, ,, 19 ,, ...	*56 0*	58 0	65 6
Under 18 years	*41 6*	42 6	51 0
(*b*) CLERKS, being workers aged:—			
21 years or over	*66 6*	67 0	73 6
20 and under 21 years	*59 6*	60 0	67 0
19 ,, ,, 20 ,, ...	*55 6*	56 0	62 0
18 ,, ,, 19 ,, ...	*50 6*	51 0	55 6
17 ,, ,, 18 ,, ...	*38 6*	39 0	44 6
16 ,, ,, 17 ,, ...	*34 0*	35 0	38 6
Under 16 years	*31 6*	32 6	36 6
(*c*) ALL OTHER WORKERS, being workers aged:—			
21 years or over	*67 0*	68 6	72 6
20 and under 21 years	*57 0*	58 0	62 0
19 ,, ,, 20 ,, ...	*52 6*	53 6	57 6
18 ,, ,, 19 ,, ...	*47 6*	48 6	53 0
17 ,, ,, 18 ,, ...	*35 0*	37 0	42 0
16 ,, ,, 17 ,, ...	*33 0*	34 6	37 6
Under 16 years	*31 0*	32 6	36 0

MALE OR FEMALE WORKERS IN TWO OR MORE AREAS

Paragraph 5

The general minimum time rate applicable to any worker in any week in which he works in Area A, Area B and Area C or in any two of those areas is:—

(*a*) in the case of a roundsman or roundswoman, the rate which would be applicable if he worked solely in that Area in which is served the majority of the customers on his round;

(*b*) in the case of any other worker, the rate which would be applicable if he worked solely at his depot.

PART III

OVERTIME AND WAITING TIME

OVERTIME

Paragraph 6

Subject to the provisions of paragraph 7 of this Schedule, the following minimum remuneration is payable to any worker for overtime:—

(1) In the case of a SIX-DAY WORKER—

(*a*) On any week day, not being the worker's rest day or a customary holiday, for all time worked in excess of 9½ hours	Time-and-a-half
Provided that on a Saturday (or, in the case of a shop assistant or clerk, any other week day normally allowed as the worker's weekly short day), *time-and-a-half shall be payable for all time worked after 3 p.m.*	
(*b*) On a Sunday, not being the worker's rest day or a customary holiday—	
(i) for any time worked not exceeding 6 hours	Time-and-a-quarter for 6 hours
(ii) *for all time worked in excess of 6 hours*	*Time-and-a-half*
(*c*) On a Sunday, being also the worker's rest day but not being a customary holiday—	
(i) for any time worked not exceeding 6 hours	Time-and-three-quarters for 6 hours
(ii) for all time worked in excess of 6 hours	Time-and-three-quarters
(*d*) On the worker's rest day, not being a Sunday or a customary holiday, for all time worked	Time-and-a-half
(*e*) On a customary holiday, not being the worker's rest day—	
(i) for any time worked not exceeding 7½ hours	Double time for 7½ hours
(ii) for all time worked in excess of 7½ hours	Double time
(*f*) On a customary holiday, being also the worker's rest day—	
(i) for any time worked not exceeding 7½ hours	Treble time for 7½ hours
(ii) for all time worked in excess of 7½ hours	Treble time
(*g*) In any week, excluding any time for which remuneration is payable under the foregoing provisions of this sub-paragraph other than (*a*)—	
(i) for the first 6 hours worked in excess of 45 hours, or in excess of 39 hours in a week in which the worker works on Sunday not being the worker's rest day	Time-and-a-quarter
(ii) for all time worked thereafter ...	Time-and-a-half

Provided that—

(i) no weekly overtime payment shall be made under (*g*) of this sub-paragraph in any week in which the total period of daily overtime under (*a*) of this sub-paragraph equals or exceeds the total period of the said weekly overtime ;

(ii) where the total period of daily overtime under (*a*) of this sub-paragraph is less than the total period of weekly overtime under (*g*), the latter shall be reduced by the period of such daily overtime, which shall be set off first against the weekly overtime payable at the rate of time-and-a-quarter and then, if the case so requires, against the weekly overtime payable at the rate of time-and-a-half.

(2) In the case of a SEVEN-DAY WORKER or of any other worker to whom sub-paragraph (1) of this paragraph does not apply—	
(*a*) On any week day, not being a customary holiday—	
(i) for the first hour worked in excess of 6½ hours	Time-and-a-quarter
(ii) for all time worked thereafter ... Provided that on a Saturday *time-and-a-half shall be payable for all time worked after 3 p.m.*	Time-and-a-half
(*b*) On a Sunday, not being a customary holiday—	
(i) for any time worked not exceeding 6 hours	Time-and-a-quarter for 6 hours
(ii) for all time worked in excess of 6 hours	Double time
(*c*) On a customary holiday—	
(i) for any time worked not exceeding 6½ hours	Double time for 6½ hours
(ii) for all time worked in excess of 6½ hours	Double time

OVERTIME BEING NIGHT WORK

Paragraph 7

In the application of the provisions of paragraph 6 to a worker to whom an additional minimum time rate is payable for night work under the provisions of paragraph 9 of this Schedule, (*a*) the minimum remuneration for overtime shall be payable only in respect of hours of overtime within the same turn of duty and (*b*) a day shall be deemed to be any period of 24 hours commencing at 12 noon.

WAITING TIME

Paragraph 8

(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 applicable if he were a time worker.

PART IV

ADDITIONAL MINIMUM REMUNERATION

NIGHT WORK

Paragraph 9

A minimum rate of 3d. per hour is payable to a worker for any time worked between the hours of 9 p.m. and 5 am. and the said rate is payable in addition to the minimum remuneration payable to the worker for the said work under the provisions of Part II or Part III of this Schedule.

PAYMENT FOR CUSTOMARY HOLIDAYS

Paragraph 10

(1) Where a worker is not required to work on a customary holiday which falls on a day on which he normally works for the employer, he shall be paid one day's pay.

(2) Where a worker is required to work on a customary holiday which falls on a day on which he normally works for the employer, he shall be paid for such work in accordance with paragraphs 6, 7 and 9 of this Schedule.

(3) Where a worker is not required to work on a customary holiday which falls on his rest day, he shall be paid one day's pay.

(4) Where a worker is required to work on a customary holiday which falls on his rest day, he shall be paid for such work in accordance with paragraphs 6, 7 and 9 of this Schedule.

(5) In this paragraph the expression " one day's pay " means 7½ hours' pay at the hourly general minimum time rate normally applicable to the worker in the case of a six-day worker, and 6½ hours' pay at the hourly general minimum time rate normally applicable to the worker in the case of any other worker.

PART V

DEFINITIONS

Paragraph 11

In this Schedule, the following expressions have the meanings hereby assigned to them respectively, that is to say—

(*a*) " Area A " comprises—

(i) each area in England and Wales which on the 31st day of December, 1937, was administered by a Rural District Council ; and

(ii) each area in England and Wales which on the 31st day of December, 1937, was administered by a Municipal Borough Council or an Urban District Council and which, according to the Registrar General's Statistical Review for 1937, had an estimated resident population (middle 1937) not exceeding 10,000,

but does not include any area within the Metropolitan Police District as existing on the 31st day of December, 1937.

(*b*) " Area B " comprises the whole of England and Wales other than Area A and Area C.

(*c*) " Area C " comprises the City of London and the Metropolitan Police District as existing on the 31st day of December, 1937.

(*d*) " Customary holiday " means Christmas Day, Boxing Day, Good Friday, Easter Monday, Whit Monday, August Bank Holiday and any day nationally proclaimed as a public holiday, or as an additional bank holiday.

Provided that, where it is the custom in any locality instead of any of the said days to observe some other day as a holiday, each such other day shall, for the purposes of this Schedule, be treated in that locality as a customary holiday instead of the day for which it is substituted.

(*e*) " Overtime " means work for which minimum remuneration is payable under Part III of this Schedule.

(*f*) The expressions " time-and-a-quarter ", " time-and-a-half ", " time-and-three-quarters ", " double time ", and " treble time " mean respectively one and a quarter times, one and a half times, one and three quarter times, twice and three times the hourly general minimum time rate (exclusive of any amount payable under paragraph 9 of this Schedule in respect of time worked between 9 p.m. and 5 a.m.) which would be payable to the worker for work other than overtime.

(*g*) " Rest day " means that day of the week on which a six-day worker is not normally required to work.

(*h*) A CLERK is a person employed, wholly or mainly, on clerical work.

(*i*) A FOREMAN is a person to whom is deputed the duty of exercising supervisory authority over workers exceeding five in number (exclusive of the foreman).

(*j*) A ROUNDSMAN or ROUNDSWOMAN is a person who is employed, wholly or mainly, as a salesman on a defined or established route, and is responsible for keeping account of his retail sales to customers and of any cash or tokens received in payment and is not accompanied, save in exceptional circumstances, by any other person who exercises control or supervision.

(*k*) A SHOP ASSISTANT is a person employed, wholly or mainly, in a shop in serving customers or in checking in and out or in both such operations.

(*l*) A SIX-DAY WORKER is a worker whose attendance is normally required by the employer on six days only in the week.

Part VI

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

Paragraph 12

This Schedule applies, subject to the provisions of the Wages Councils Act, 1945, to workers in relation to whom the Milk Distributive Wages Council (England and Wales) operates, that is to say, workers employed in England and Wales in the trade specified in the Schedule to the Trade Boards (Milk Distributive Trade, England and Wales) (Constitution and Proceedings) Regulations, 1928(a), which reads as follows:—

" 1. Subject as hereinafter provided, the Milk Distributive Trade shall consist of the following operations:—

(i) the wholesale and retail sale of milk ;

(ii) the sale of other goods by workers mainly employed in the sale specified in paragraph 1 (i) hereof ;

(iii) all work incidental to the sale specified in paragraph 1 (i) hereof.

2. Work incidental to the sale specified in paragraph 1 (i) hereof shall include, *inter alia*:—

(*a*) collecting, delivering, despatching ;

(a) S.R. & O. 1928 (No. 480) I, p. 1281.

(*b*) pasteurising, sterilising, homogenising, humanising, cooling, separating and all work performed in connection with any other processes in the preparation of milk ;

(*c*) blending, testing and sampling of milk ;

(*d*) cleaning of utensils, receptacles, vehicles, premises, plant, machinery ;

(*e*) stoking, attending to boiler, plant or machinery, fire lighting, portering of coal or other fuel ;

(*f*) horsekeeping and harness cleaning ;

(*g*) portering, lift or hoist-operating, time-keeping, storing, stock-keeping, warehousing ;

(*h*) boxing, parcelling, labelling, weighing, measuring, checking, bottling, packing and unpacking ;

(*i*) clerical work or canvassing carried on in conjunction with the work specified in paragraph 1 hereof.

3. Notwithstanding any of the foregoing provisions, the Milk Distributive Trade shall not include any of the following operations:—

(*a*) the wholesale sale of milk (and operations incidental thereto) from an establishment at which milk products are manufactured and from which unseparated milk is not ordinarily sold as such ;

(*b*) the wholesale sale of milk direct from the farm where the milk was produced and all operations incidental thereto ;

(*c*) the sale of milk in restaurants, shops or similar premises by waiters or shop assistants who are not mainly engaged upon such sale ;

(*d*) the transport of goods by common carriers ;

(*e*) carting and operations incidental thereto where the business carried on consists exclusively of such operations ;

(*f*) work done by or on behalf of the Post Office.

4. For the purpose of this Schedule the expression " milk " means milk other than dried or condensed milk."

SECOND SCHEDULE

ANNUAL HOLIDAYS AND HOLIDAY REMUNERATION

The provisions of the Schedule to Order M.D. (46) shall be amended as follows:—

For paragraph 3, there shall be substituted the following paragraph—

" Paragraph 3.

For the purpose of calculating a period of employment under paragraph 2 of this Schedule the following provisions shall apply:—

(*a*) Subject to the provisions of sub-paragraphs (*c*) and (*d*) hereof, a worker shall not be treated as employed in any week in which—

(i) he works for less than 22½ hours on work of any kind, or

(ii) he does not perform any work for which statutory minimum remuneration has been fixed.

(*b*) Employment for not less than 22½ hours in any week during which some work has been done by the worker for the employer for which statutory minimum remuneration has been fixed shall be treated as employment for a week.

(*c*) Any day of holiday under this Schedule shall be treated as a day of employment and as though the worker had on that day worked

for the employer for the number of hours usual in the circumstances on work for which statutory minimum remuneration has been fixed.

(*d*) Where a worker is absent from work during the whole of his normal working week he shall be treated as having been employed for that week if such absence is due to proved illness or accident, provided that such absence shall not exceed 8 weeks in the aggregate in the period of twelve months specified in paragraph 2."

For paragraph 5, there shall be substituted the following paragraph—

" Paragraph 5

Holidays under this Schedule shall be allowed on consecutive days.

Provided that days upon which a worker is not normally called upon to work shall not be regarded as days of holiday, and the days of holiday shall be treated as consecutive notwithstanding the intervention of any such days or of any customary holiday upon which the worker is not required to work for the employer."

For paragraph 8, there shall be substituted the following paragraph—

" Paragraph 8

Holiday remuneration shall be paid on the last pay day preceding the holiday to workers who are entitled to be allowed holidays under this Schedule, and shall be calculated as follows:—

For each day of holiday allowed, 7½ hours' pay at the appropriate statutory minimum remuneration."

For paragraph 11, there shall be substituted the following paragraph—

" Paragraph 11

For the purpose of paragraph 10, holiday remuneration shall accrue during the period of 12 months commencing on 1st March, 1946, and thereafter in each successive period of twelve months commencing on 1st March, as follows:—

Period of employment	Accrued holiday remuneration for workers whose normal working week is one of :—			
	6 or 7 days	5 days	4 days	3 days
50 weeks	75 hours' pay at the appropriate statutory minimum remuneration.	60 hours' pay at the appropriate statutory minimum remuneration.	45 hours' pay at the appropriate statutory minimum remuneration.	37½ hours' pay at the appropriate statutory minimum remuneration.
45 ,,		9/10ths of the above amount		
40 ,,		8/10ths of the first amount above		
35 ,,		7/10ths ,, ,, ,, ,,		
30 ,,		6/10ths ,, ,, ,, ,,		
25 ,,		5/10ths ,, ,, ,, ,,		
20 ,,		4/10ths ,, ,, ,, ,,		
15 ,,		3/10ths ,, ,, ,, ,,		
10 ,,		2/10ths ,, ,, ,, ,,		
5 ,,		1/10th ,, ,, ,, ,,		

In paragraph 15, at the end thereof there shall be added:—

" and the expression ' customary holiday ' means Christmas Day, Boxing Day, Good Friday, Easter Monday, Whit Monday, August Bank Holiday and any day nationally proclaimed as a public holiday, or as an additional bank holiday.

Provided that, where it is the custom in any locality instead of any of the said days to observe some other day as a holiday, each such other day shall, for the purposes of this Schedule, be treated in that locality as a customary holiday instead of the day for which it is substituted."

EXPLANATORY NOTE

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

The First Schedule to this Order sets out the statutory minimum remuneration to be paid, as from the 9th January, 1949, to workers in relation to whom the Milk Distributive Wages Council (England and Wales) operates. It supersedes the First Schedule to Order M.D. (50) (as amended). New provisions are printed in italics.

The Second Schedule repeats without alteration the amendments to the Schedule to Order M.D. (46) (which relates to holidays and holiday remuneration) contained in the Second Schedule to Order M.D. (50), now revoked.

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(18) PAPER BAG (G.B.)

The Paper Bag Wages Council (Great Britain) Wages Regulation Order, 1948

1948 No. 39

Made - - - - 15th January, 1948

P. (43)

Whereas the Minister of Labour and National Service (hereinafter referred to as " the Minister ") has received from the Paper Bag Wages Council (Great Britain) (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 Paper Bag Wages Council (Great Britain) Wages Regulation Order, 1946(a) (hereinafter referred to as " Order P. (38) ");

(a) S.R. & O. 1946 (No. 793) I, p. 2024.