# The Milk Distributive Wages Council (Scotland) Wages Regulation Order, 1951

## 1951 No. 2011

*Made* - - - - 21*st November*, 1951
*Coming into Operation* 7*th December*, 1951

M.D.S. (57)

Whereas the Minister of Labour and National Service (hereinafter in this Order referred to as " the Minister ") has received from the Milk Distributive Wages Council (Scotland) (hereinafter in this Order 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 (Scotland) Wages Regulation Order, 1949(**a**) (hereinafter in this Order referred to as " Order M.D.S. (49) ") as amended by the Milk Distributive Wages Council (Scotland) Wages Regulation (Amendment) Order, 1951(**b**) (hereinafter in this Order referred to " Order M.D.S (53) ") and the Milk Distributive Wages Council (Scotland) Wages Regulation (Amendment) (No. 2) Order, 1951(**c**) (hereinafter in this Order referred to as " Order M.D.S. (55) ") and

(*b*) the wages regulation proposals set out in the Second Schedule hereto being proposals for amending the Milk Distributive Wages Council (Scotland) Wages Regulation (Holidays) Order, 1947(**d**) (hereinafter in this Order referred to as " Order M.D.S. (47) ") 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(**e**), and of all other powers in that behalf, hereby makes the following Order:—

*Short title and interpretation*

**1.**—(1) This Order may be cited as the Milk Distributive Wages Council (Scotland) Wages Regulation Order, 1951.

(2) In this Order the expression " the specified date " means the 7th day of December, 1951, 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(**f**), applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

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(a) S.I. 1949 (No. 587) I, p. 4428.
(b) S.I. 1951 No. 664.
(c) S.I. 1951 No. 1303.
(d) S.R. & O. 1947 (No. 874) I, p. 2519.
(e) 8 & 9 Geo. 6. c. 17.
(f) 52 & 53 Vict. c. 63.

*Fixing of statutory minimum remuneration and revocation of Order M.D.S.* (49), *Order M.D.S.* (53) *and Order M.D.S.* (55)

**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.S. (49)(**a**), Order M.D.S. (53)(**b**) and Order M.D.S. (55)(**c**) shall cease to have effect.

*Amendment of Order M.D.S.* (47) *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 21st day of November, 1951.

*H. H. Wiles,*
Deputy Secretary,
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.S. (49) as amended by Order M.D.S. (53) and Order M.D.S. (55).

### STATUTORY MINIMUM REMUNERATION

### PART I

### GENERAL

Paragraph 1

(1) Subject to the provisions of Part III of this Schedule, 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 IV is:—

(*a*) in the case of a time worker, the hourly general minimum time rate applicable to the worker under the provisions 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 hourly general minimum time rate which would be applicable if the worker were a time worker.

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

Paragraph 2

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

(*a*) in the case of the classes of male or female clerks or shop assistants who are employed by the week or longer period and whose customary working week (exclusive of any time to which a minimum overtime rate is applicable) consists of a number of hours less than 48 (or 44 in the case of a worker under 16 years of age) but not less than 40, the number of hours customarily worked by the class in question; or

(*b*) in any other case, 48 hours (or 44 hours in the case of a worker under 16 years of age).

(a) S.I. 1949 (No. 587) I, p. 4428. (b) S.I. 1951 No. 664. (c) S.I. 1951 No. 1303.

## PART II
## GENERAL MINIMUM TIME RATES
## MALE OR FEMALE WORKERS

Paragraph 3

The general minimum time rates applicable to male or female workers are as follows:—

| | Per week s. | d. |
|---|---|---|
| (*a*) Foremen | *122* | *6* |
| (*b*) Forewomen | *122* | *6* |
| (*c*) Chargehands | *89* | *0* |
| (*d*) Male Clerks aged 22 years or over | *114* | *0* |
| (*e*) Male Clerks aged 21 and under 22 years | *111* | *0* |
| (*f*) Male or female workers aged 21 years or over and employed in collection or delivery work by horse or mechanically driven vehicle, in garaging, in horse or motor keeping, in cleaning vehicles or in stable work | *111* | *0* |
| (*g*) The following workers— (i) Male or female workers employed on work specified in sub-paragraph (*f*), (ii) Male clerks, the said workers being aged:— | | |
| 20 and under 21 years | *86* | *0* |
| 19 „ „ 20 „ | *79* | *0* |
| 18 „ „ 19 „ | *71* | *0* |
| 17 „ „ 18 „ | *51* | *6* |
| 16 „ „ 17 „ | *44* | *6* |
| Under 16 „ | *39* | *6* |
| (*h*) The following workers— (i) All male workers not previously specified in this paragraph, (ii) Roundswomen (not being workers specified in sub-paragraphs (*f*) and (*g*)), the said workers being aged:— | | |
| 21 years or over | *106* | *0* |
| 20 and under 21 years | *84* | *0* |
| 19 „ „ 20 „ | *77* | *0* |
| 18 „ „ 19 „ | *71* | *0* |
| 17 „ „ 18 „ | *51* | *6* |
| 16 „ „ 17 „ | *44* | *6* |
| Under 16 „ | *39* | *6* |
| (*i*) Female clerks, being workers aged:— | | |
| 21 years or over | *81* | *6* |
| 20 and under 21 years | *69* | *6* |
| 19 „ „ 20 „ | *65* | *0* |
| 18 „ „ 19 „ | *60* | *0* |
| 17 „ „ 18 „ | *45* | *0* |
| 16 „ „ 17 „ | *41* | *0* |
| Under 16 „ | *38* | *6* |
| (*j*) All other female workers (including female shop assistants), being aged:— | | |
| 21 years or over | *81* | *6* |
| 20 and under 21 years | *67* | *0* |
| 19 „ „ 20 „ | *62* | *6* |
| 18 „ „ 19 „ | *57* | *6* |
| 17 „ „ 18 „ | *43* | *0* |
| 16 „ „ 17 „ | *40* | *6* |
| Under 16 „ | *38* | *6* |

## PART III

## EARLY OR NIGHT WORK

Paragraph 4

(1) A worker who ordinarily works, wholly or partly, between the hours of 10 p.m. and 6 a.m. shall be paid, in addition to any hourly general minimum time rate or minimum overtime rate payable to him in respect of such work under the provisions of this Schedule, *3d.* in respect of each hour or part of an hour worked by him between the said hours of 10 p.m. and 6 a.m.

(2) A worker who is required, in addition to his usual working hours on any day, to work for any time between 12 midnight and 6 a.m. shall be paid in respect of all time worked outside his usual working hours between 12 midnight and 6 a.m. twice the hourly general minimum time rate otherwise applicable to him. Provided that such additional time worked shall not be regarded as time worked for the purpose of calculating any minimum overtime rate.

## PART IV

## OVERTIME AND WAITING TIME

### MINIMUM OVERTIME RATES

Paragraph 5

Subject to the provisions of paragraph 4 of this Schedule, minimum overtime rates are payable to any worker as follows:—

(1) (Except where the worker's attendance is normally required on six days only in the week)—

(*a*) on a Sunday
for all time worked ... ... ... Double time

(*b*) on a customary holiday
(i) for any time worked not exceeding four hours ... ... ... ... Double time for 4 hours
(ii) for all time worked in excess of four hours ... ... ... ... Double time

(2) (Where the worker's attendance is normally required on six days only in the week) on the worker's rest day, being a Sunday or a week-day—
for all time worked ... ... ... ... Time-and-a-half

(3) In any week, for all time worked in excess of 48 hours (or 44 hours in the case of a worker under 16 years of age) exclusive of any time in respect of which a minimum overtime rate is payable under the foregoing provisions of this paragraph—
(i) for the first 4 hours so worked ... Time-and-a-quarter
(ii) thereafter ... ... ... ... Time-and-a-half

In this paragraph the expressions "time-and-a-quarter," "time-and-a-half" and "double time" mean respectively one and a quarter times, one and a half times and twice the minimum remuneration (other than any amount payable under paragraph 4 of this Schedule) payable to the worker for work to which a minimum overtime rate does not apply.

### WAITING TIME

Paragraph 6

(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 if he were a time worker.

## PART V

## INTERPRETATION

Paragraph 7

In this Schedule—

(*a*) "Chargehand" means a female person (not being a forewoman) in charge of creamery workers.

(*b*) "Clerk" means a person employed, wholly or mainly, on clerical work.

(*c*) "Customary holiday" means New Year's Day, the local Spring holiday (Monday), the local Autumn holiday (Monday), and one other day being a day locally recognised as a holiday.

(*d*) "Foreman" means a male person to whom is deputed the duty of exercising supervisory authority over workers exceeding five in number (exclusive of the foreman) working in the same shop, department or branch of the trade, or who is in immediate charge of a machine or other apparatus which is operated by five or more workers, excluding the person in charge.

(*e*) "Forewoman" means a female person who is in immediate charge of a machine or other apparatus which is operated by five or more workers, excluding the person in charge.

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

(*g*) "Roundswoman" means a person in charge of a round or rounds and wholly or mainly so employed.

(*h*) "Shop Assistant" means a person employed, wholly or mainly, in a shop as defined in sections 38 and 74 of the Shops Act, 1950(**a**), in serving customers or in checking in and out or in both of such operations.

## APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

Paragraph 8

(1) This Schedule applies to workers in relation to whom the Milk Distributive Wages Council (Scotland) operates, that is to say workers employed in Scotland in the operations in the Milk Distributive Trade specified in the Schedule to the Trade Boards (Milk Distributive Trade, Scotland) (Constitution and Proceedings) Regulations, 1933(**b**), namely :—

(i) the wholesale and retail sale of milk ;

(ii) the sale of other goods by workers mainly employed in the sale specified in (i) of this sub-paragraph ;

(iii) all work incidental to the sale specified in (i) of this sub-paragraph.

(2) Work incidental to the sale specified in sub-paragraph (1) (i) of this paragraph includes, inter alia :—

(*a*) collecting, delivering, despatching ;

(*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*) horse keeping and harness cleaning ;

(**a**) 14 Geo. 6. c. 28. (**b**) S.R. & O. 1933 (No. 1123) p. 2045.

(*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 sub-paragraph (1) of this paragraph.

(3) Notwithstanding the foregoing provisions of this paragraph the Milk Distributive Trade does 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 paragraph the expression "milk" means milk other than dried or condensed milk.

## SECOND SCHEDULE

## HOLIDAYS AND HOLIDAY REMUNERATION

Order M.D.S.(47) shall have effect as if in the Schedule thereto, at the end of paragraph 7, there were added the following proviso—

"Provided that no worker shall be entitled to the payment by his employer of accrued holiday remuneration if he is dismissed on the grounds of misconduct in connection with his employment and is so informed by the employer at the time of dismissal."

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## 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 payable, as from the 7th December, 1951, to workers in relation to whom the Milk Distributive Wages Council (Scotland) operates. It supersedes the Schedule to Order M.D.S. (49) as amended by Order M.D.S. (53) and Order M.D.S. (55). New provisions in the First Schedule are printed in italics. The Second Schedule repeats without alteration the amendment to Order M.D.S. (47) (which relates to holidays and holiday remuneration) contained in the Second Schedule to Order M.D.S. (55). Order M.D.S. (49), Order M.D.S. (53) and Order M.D.S. (55) are revoked.