The Road Haulage Wages (No. 2) Order, 1948

1948 No. 1914

Made - - - - 17*th August*, 1948
Coming into Operation 6*th September*, 1948

R.H. (26)

Whereas the Minister of Labour and National Service (hereinafter referred to as " the Minister ") has received from the Road Haulage Central Wages Board the proposals set out in the Schedule hereto, being proposals for the amendment of the Road Haulage Wages Order, 1948(a) (hereinafter referred to as " Order R.H. (24) ");

1 & 2 Geo. 6. c. 44. 1 & 2 Geo. 6. c. 70. 3 & 4 Geo. 6. c. 7.

Now, therefore, the Minister by virtue of the powers conferred on him by section 3 of the Road Haulage Wages Act, 1938, by the Holidays with Pay Act, 1938, and by the Trade Boards and Road Haulage Wages (Emergency Provisions) Act, 1940, 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 Road Haulage Wages (No. 2) Order, 1948.

52 & 53 Vict. c. 63.

(2) The Interpretation Act, 1889, applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Amendment of Order R.H. (24).

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

(2) The provisions of the Schedule hereto shall have effect as from the 6th September, 1948.

Signed by order of the Minister of Labour and National Service this 17th day of August, 1948.

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

SCHEDULE

The Schedule to Order R.H. (24) shall be amended as follows:—

1. The following sub-paragraph shall be inserted after paragraph 1 (*d*):—

" (*e*) **Milk workers—Sunday work**

A milk worker (as defined in paragraph 33A) shall be paid time-and-a-half for seven hours twenty minutes for any time worked or deemed to have been worked not exceeding seven hours twenty minutes on Sunday not being the worker's normal day of rest and, thereafter, in accordance with paragraph 13 (b)."

(a) S.I. 1948 No. 11, p. 3707 above.

2. The following shall be substituted for paragraph 4 (4) (*b*) (iv):—

" (iv) Paragraph 16 (*a*) and 17 (*a*) (Sums payable under provisos (i), (ii) *and* (*iii*) of paragraph 16 (*a*) or under provisos (1), (2) *and* (*3*) of paragraph 17 (*a*) in respect of customary holidays occurring on the worker's weekly half holiday, or in the case of a five-day worker on a Saturday, *or in the case of a milk worker on the worker's normal day of rest*)."

3. The following paragraph shall be substituted for paragraph 6:—

" Computation of hours of work

6. The following provisions shall apply to regular workers to whom the guaranteed week provisions apply:—

(*a*) Regular workers *other than milk workers*—

(i) a five-day worker who works on any day other than Saturday or Sunday shall, subject to the provisions of paragraph 23 and the proviso to paragraph 34 (*a*), be deemed to have worked for 9 hours on any day Monday to Thursday and for 8 hours on Friday notwithstanding that he was employed for less than 9 or 8 hours respectively;

(ii) a six-day worker who works on any day other than Sunday shall, subject to the provisions of paragraph 23, be deemed to have worked for 8 hours on any day Monday to Friday and for 4 hours on Saturday notwithstanding that he was employed for less than 8 or 4 hours respectively.

(*b*) *Milk workers*—

A milk worker who works on any day shall be deemed to have worked for seven hours twenty minutes notwithstanding that he was employed for less than seven hours twenty minutes.

Provided that a worker who is instructed to report for duty and presents himself for duty but does not commence work shall be deemed to have commenced work."

4. The following paragraphs shall be substituted for paragraphs 11, 12 and 13:—

" Subsistence

11. (*a*) When a worker's period of rest occurs away from his home depot he shall be paid *10s. 6d.* in respect of each period of rest not exceeding 15 hours' continuous duration. When any such period of rest exceeds 15 hours the worker shall be deemed to be on duty and shall be entitled to be paid (in addition to the *10s. 6d.*) at the time rate which would be payable if he were actually at work for the period he is resting in excess of 15 hours but not in excess of 24 hours or 23 hours according to whether he is a five- or a six-day worker. If the period of rest exceeds 24 or 23 hours, as the case may be, these arrangements will continue to apply until the worker resumes actual duty.

(*b*) Notwithstanding the provisions of sub-paragraph (*a*) the following provisions shall apply in the case of a worker who is temporarily transferred away from his normal home depot and stationed in another locality (beyond reasonable daily travelling distance from his home) for more than one week:—

(i) After payment in respect of the first week in accordance with the provisions of sub-paragraph (*a*) above a worker shall, in respect of the second and subsequent weeks, be paid a weekly subsistence allowance of *45s. 6d.* (i.e., *6s. 6d.* per day);

(ii) If a worker already on temporary transfer is temporarily transferred to another new station beyond reasonable daily travelling distance from his home he shall (after payment in respect of the first week at such other new station in accordance with sub-paragraph (*a*) above) be paid, in respect of the second and subsequent weeks, a weekly subsistence allowance of *45s. 6d.* (i.e., *6s. 6d.* per day);

(iii) For any period of rest occurring away from a new station and from his home, he shall be paid in accordance with the provisions of sub-paragraph (*a*) above and, in respect of any day for which payment is made to the worker under the provisions of that sub-paragraph, the subsistence allowances of *6s. 6d.* per day (specified in (i) and (ii) above) shall be reduced to *4s. 6d.* per day.

" Overtime

12. Subject to the provisions of paragraphs 23 and 34 the following shall be regarded as overtime:—

(*a*) Regular workers *other than milk workers*—

(i) Time worked in excess of 8 hours on any day Monday to Friday in the case of a six-day worker and (subject to the proviso to paragraph 34 (*a*)) in excess of 9 hours on any day Monday to Thursday and 8 hours on Friday in the case of a five-day worker.

(ii) Time worked on Saturday as follows:—

in the case of a six-day worker in excess of 4 hours, provided that all time worked after 2 p.m. by a worker other than a film transport worker shall be regarded as overtime;

in the case of a five-day worker, all time worked, provided that a five-day worker who works for less than 4 hours shall be deemed to have worked for 4 hours.

(*b*) *Milk workers*—

Time worked in excess of seven hours twenty minutes on any day other than the worker's normal day of rest, and all time worked on the worker's normal day of rest.

(*c*) Workers other than regular workers—

Time worked in excess of 8 hours on any day Monday to Friday and in excess of 4 hours on Saturday.

(*d*) All workers *other than milk workers*—

Time worked on Sunday.

A worker who works for less than 5½ hours on Sunday shall be deemed to have worked for 5½ hours. Provided that a worker whose hours entail a spell of duty commencing on Saturday and finishing on Sunday before 5.30 a.m. or commencing on Sunday after 6.30 p.m. and finishing on Monday, shall not, unless the Sunday duty is less than 3 hours, be deemed to have worked on Sunday in excess of the hours actually worked. If the Sunday duty is less than 3 hours he shall be deemed to have worked 3 hours on Sunday. Provided also that a worker commencing work on Saturday who finishes work between midnight and 1 a.m. on Sunday shall be deemed to have worked one hour on Sunday.

(*e*) (i) In determining the time to be regarded as overtime, time worked shall include time deemed to have been worked under the provisions of paragraphs 6, 11 and 12 (*d*).

(ii) Time worked (or deemed to have been worked) on a day of customary holiday in the circumstances set out in sub-paragraph 16 (*c*) or sub-paragraph 17 (*c*) shall not be included in the calculation of overtime.

" Payment for Overtime

13. Regular workers—

(*a*) *Workers other than milk workers*—

For the first eight hours of overtime in any week (exclusive of Sunday).	Time-and-a-quarter.
After the first eight hours of overtime in any week (exclusive of Sunday).	Time-and-a-half
On Sunday	Double time.

(*b*) *Milk workers*

In any week exclusive of the worker's normal day of rest and of Sunday not being the worker's normal day of rest—

For the first eight hours of overtime ...	*Time-and-a-quarter.*
For all time worked in excess of eight hours of overtime.	*Time-and-a-half.*

On Sunday not being the worker's normal day of rest—

For all time worked in excess of seven hours twenty minutes.	*Double time.*

On the worker's normal day of rest—

For any time worked not exceeding seven hours twenty minutes.	*Double time for seven hours twenty minutes.*
For all time worked in excess of seven hours twenty minutes.	*Double time."*

5. The following paragraphs shall be substituted for paragraphs 16 and 17:—

" Customary holidays—England and Wales

16. (*a*) An employer in England and Wales shall, except as provided below, allow the following days as holidays to regular workers to whom paragraph 1 applies and who were in his employment on the day immediately prior to the day of holiday: Christmas Day (or, if Christmas Day falls on a Sunday, such other weekday as may be prescribed by National Proclamation, or the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday, August Bank Holiday, and all nationally proclaimed holidays. Where in any place it is not the custom or practice to observe such days as holidays, other days, not fewer in number, may be substituted for the above-mentioned days. Each such day (i.e., one of the days specified above or a day substituted therefore—hereinafter in this paragraph referred to as a ' holiday ') taken as a holiday shall be paid for on the basis of the wages due for the number of hours (excluding overtime) ordinarily worked by the worker on that day of the week at the time rate normally applicable to the worker.

Provided that—

(i) in addition to the foregoing, in the case of a six-day worker, *other than a milk worker,* where the customary holiday falls on the worker's weekly half holiday he shall be paid in respect of that day a sum equivalent to the wages due for 4 hours' work at the rate normally applicable to him;

(ii) in the case of a five-day worker, where the customary holiday falls on a Saturday he shall be paid in respect of that day a sum equivalent to the wages due for 8 hours' work at the rate normally applicable to him;

(iii) *in the case of a milk worker where the customary holiday falls on the worker's normal day of rest he shall be paid in respect of that day a sum equivalent to the wages due for 8 hours' work at the rate normally applicable to him.*

Where by reason of the necessity of maintaining essential services, the allowing of the holiday is rendered impracticable, a worker may be required to work on a day specified above as a day of holiday (except where such requirement would be illegal in relation to women and young persons) and if so required shall be paid for all time worked thereon at double the rate otherwise appropriate to such work, and notwithstanding that he may work for less than the number of hours (excluding overtime) ordinarily worked by him on that day of the week he shall except as specified in sub-paragraph (*c*) of this paragraph be paid not less than the wages due for twice the number of hours (excluding overtime) ordinarily worked by him on that day of the week.

Provided that a milk worker shall receive not less than the wages due for 16 hours' work at the rate normally applicable to him.

(*b*) A worker, other than a regular worker, who is employed on a holiday shall be paid for such work at double the rate otherwise appropriate thereto, and, notwithstanding that he may work for less than 8 hours on any such day, he shall, except as specified in sub-paragraph (*c*) of this paragraph, be paid not less than twice the amount due, under the provisions of paragraph 7, for a guaranteed day of 8 hours.

(*c*) Notwithstanding the provisions of sub-paragraphs (*a*) and (*b*) of this paragraph, a worker, whether a regular worker or otherwise, who is employed on a holiday for not more than three hours during a spell of duty commencing on the day before that holiday and finishing on the holiday or commencing on the holiday and finishing on the following day and whose hours of employment on the holiday are up to one hour, over one hour but not over two hours, or over two hours not over three hours, shall be paid for one hour or two hours or three hours as the case may be at double the rate appropriate to the work; and, for the purpose of paragraph 4, a regular worker shall be deemed to have worked for two hours, four hours or six hours as the case may be. In addition, a regular worker shall be paid in respect of the holiday on the basis of the remuneration due for a day of customary holiday under the provisions of sub-paragraph (*a*) of this paragraph."

" Customary holidays—Scotland

17. (*a*) An employer in Scotland shall, except as provided below, allow the following days as holidays to regular workers to whom paragraph 1 applies and who were in his employment on the day immediately prior to the day of holiday:—

(i) New Year's day (or the following day if New Year's day falls on a Sunday), the local Spring Holiday, the local Autumn Holiday, and all nationally proclaimed holidays.

(ii) Three other days in the course of a calendar year to be fixed by the employer and notified to the workers not less than 21 days before the holiday.

(iii) Where in any place it is not the custom or practice to observe the days mentioned in (i) above as holidays, other days (not fewer in number) may, by agreement between the employer and the worker, be substituted for the above-mentioned days.

Each such day of holiday (i.e., one of the days specified above or a day substituted therefor) shall be paid for on the basis of the wages due for the number of hours (excluding overtime) ordinarily worked by the worker on that day of the week at the time rate normally applicable to the worker.

Provided that—

(1) in addition to the foregoing, in the case of a six-day worker *other than a milk worker* where the customary holiday falls on the worker's weekly half holiday he shall be paid in respect of that day a sum equivalent to the wages due for 4 hours' work at the rate normally applicable to him;

(2) in the case of a five-day worker, where the customary holiday falls on a Saturday he shall be paid in respect of that day a sum equivalent to the wages due for 8 hours' work at the rate normally applicable to him;

(3) *in the case of a milk worker, where the customary holiday falls on the worker's normal day of rest he shall be paid in respect of that day a sum equivalent to the wages due for 8 hours' work at the rate normally applicable to him.*

Where by reason of the necessity of maintaining essential services the allowing of the holiday is rendered impracticable, a worker may be required to commence work on a day mentioned in (i) above as a day of holiday (except where such a requirement would be illegal in relation to women and young persons) and if so required shall be paid for all time worked thereon at double the rate otherwise appropriate to such work and notwithstanding that he may work for less than the number of hours (excluding overtime) ordinarily worked by him on that day of the week he shall, except as specified in sub-paragraph (*c*) of this paragraph, be paid not less than the wages due for twice the number of hours (excluding overtime) ordinarily worked by him on that day of the week.

Provided that a milk worker shall receive not less than the wages due for 16 hours' work at the rate normally applicable to him.

A worker may be required to commence work on any of the days mentioned in (ii) above, provided that if so required he shall be paid at the rate appropriate to such work and notwithstanding that he may work for less than the number of hours (excluding overtime) ordinarily worked by him on that day of the week a worker *other than a milk worker* shall be paid not less than the wages due for the number of hours (excluding overtime) ordinarily worked by him on that day of the week, *and a milk worker shall be paid not less than the wages due for 8 hours' work.* The worker shall also be allowed another day of holiday in lieu.

(*b*) A worker other than a regular worker who is employed on any of the days mentioned in (i) of sub-paragraph (*a*) of this paragraph shall be paid for such work at double the rate otherwise appropriate thereto and, notwithstanding that he may work for less than 8 hours on any such day, he shall, except as specified in sub-paragraph (*c*) of this paragraph be paid not less than twice the amount due, under the provisions of paragraph 7, for a guaranteed day of 8 hours.

(*c*) Notwithstanding the provisions of sub-paragraphs (*a*) and (*b*) of this paragraph, the following provisions shall apply to a worker who is employed on any holiday indicated below for not more than 3 hours during a spell of duty commencing on the day before the holiday and finishing on the holiday or commencing on the holiday and finishing on the following day:—

(i) A regular worker employed on any holiday mentioned in (i) or (iii) of sub-paragraph (*a*) above shall in addition to the payments provided in sub-paragraph (iii) below receive payment in respect of the holiday on the basis of the wages due for a day of customary holiday under the provisions of sub-paragraph (*a*) of this paragraph.

(ii) A regular worker employed on any holiday mentioned in (ii) of sub-paragraph (*a*) above shall be paid in accordance with sub-paragraph (iii) below and shall also be allowed another day of holiday in lieu for which he shall receive payment on the basis of the wages due for a day of customary holiday under the provisions of sub-paragraph (*a*) of this paragraph.

(iii) A worker, whether a regular worker or otherwise, whose hours entail a spell of duty commencing on the day before any holiday mentioned in (i), (ii) or (iii) of sub-paragraph (*a*) of this paragraph and finishing on any such holiday or commencing on any such holiday and finishing on the following day and whose hours of employment on the holiday are up to 1 hour, over 1 hour but not over 2 hours, or over 2 hours but not over 3 hours, shall be paid for 1 hour or 2 hours or 3 hours as the case may be at double the rate appropriate to the work; and, for the purpose of paragraph 4, a regular worker shall be deemed to have worked for 2 hours, 4 hours or 6 hours as the case may be."

6. The following paragraph shall be inserted after paragraph 33:—

" ***Milk worker***

33A. A milk worker is a regular worker who is employed on six days a week and who is exclusively engaged in the collection of milk from farms and its delivery to dairies.

Provided that a worker shall not cease to be a milk worker solely by reason of the fact that, exceptionally, he is required to work on the duties specified above on the remaining day of the week."

7. The following paragraph shall be substituted for paragraph 34:—

" **Ordinary working hours**

34. The expression " number of hours (excluding overtime) ordinarily worked by the worker on that day of the week " means—

(*a*) in the case of a regular worker *other than a milk worker*—

(i) in respect of a six-day worker 8 hours on any day Monday to Friday and (subject to the provisions of paragraph 23), 4 hours on Saturday;

(ii) in respect of a five-day worker, 9 hours on any day Monday to Thursday, and 8 hours on Friday.

Provided that 9 hours may be substituted for 8 hours on Friday and 8 hours substituted for 9 hours on any specific day Monday to Thursday.

(*b*) *in the case of a milk worker, seven hours twenty minutes."*

EXPLANATORY NOTE

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

1. This Order, which has effect from the 6th September, 1948, amends the Road Haulage Wages Order, 1948 (Order R.H. (24)), which fixed the statutory remuneration payable to road haulage workers in Great Britain employed in connection with goods vehicles operating under A or B licences or A or B defence permits, and the holidays required to be allowed to those workers by their employers.

2. The provisions of the Schedule to this Order, which differ substantially from those in the Schedule to Order R.H. (24), are set out **in italics.**