EXPLANATORY NOTE

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

This Order, which has effect from the 6th July, 1951, sets out the annual holidays and certain other days of holiday which an employer is required to allow to workers (other than home workers) in relation to whom the Rubber Manufacturing Wages Council (Great Britain) operates and the remuneration payable to such workers for those holidays. It supersedes Order RU. (30) which is revoked. New provisions in the Schedule are printed in italics.

The Rubber Reclamation Wages Council (Great Britain) Wages Regulation Order, 1951

1951 No. 1102

Made - - - -	*25th June*, 1951
Coming into Operation	*16th July*, 1951

R.R. (27)

Whereas the Minister of Labour and National Service (hereinafter in this Order referred to as "the Minister") has received from the Rubber Reclamation Wages Council (Great Britain) (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 Rubber Reclamation Wages Council (Great Britain) Wages Regulation Order, 1947(**a**) (hereinafter in this Order referred to as "Order R.R. (19)") as amended by the Rubber Reclamation Wages Council (Great Britain) Wages Regulation Order, 1949(**b**) (hereinafter in this Order referred to as "Order R.R. (24)") and

(*b*) the wages regulation proposals set out in the Second Schedule hereto being proposals for amending the Rubber Reclamation Wages Council (Great Britain) Wages Regulation (Holidays) Order 1947(**c**) (hereinafter in this Order referred to as "Order R.R. (20)") 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(**d**), 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 Rubber Reclamation Wages Council (Great Britain) Wages Regulation Order, 1951.

(**a**) S.R. & O. 1947 (No. 1687) I, p. 2611.
(**b**) S.I. 1949 (No. 1063) I, p. 4647.
(**c**) S.R. & O. 1947 (No. 1688) I, p. 2617.
(**d**) 8 & 9 Geo. 6. c. 17.

(2) In this Order the expression "the specified date" means the 16th day of July, 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(a), applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Fixing of statutory minimum remuneration and revocation of Order R.R. (19) *and Order R.R.* (24)

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 R.R. (19)(b) and Order R.R. (24)(c) shall cease to have effect.

Amendment of Order R.R. (20) *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 25th day of June, 1951.

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

FIRST SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by Order R.R. (19) as amended by Order R.R. (24).

STATUTORY MINIMUM REMUNERATION

PART I

GENERAL

Paragraph 1

(1) Subject to the provisions of the next following sub-paragraph, the minimum remuneration payable to a worker to whom this Schedule applies is as follows:—

(*a*) in the case of a time worker, the *general minimum* time rate applicable to him under Part II of this Schedule;

(*b*) in the case of a piece worker, 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 one and a quarter times the *general minimum* time rate which would be applicable to the worker under Part II of this Schedule if he were a time worker; or

(a) 52 & 53 Vict. c. 63. (b) S.R. & O. 1947 (No. 1687) I, p. 2611.
(c) S.I. 1949 (No. 1063) I, p. 4647.

(*c*) in the case of a worker remunerated on a system of payment by results, not being a piece worker, such time rates with the addition of bonus rates as would yield to an ordinary worker, in the circumstances of the case, at least the same amount of money as one and a quarter times the *general minimum* time rate which would be applicable to the worker under Part II of this Schedule if he were a time worker.

(2) The minimum remuneration specified in sub-paragraph (1) of this paragraph shall be increased as follows:—

(*a*) in respect of any time to which a supplemental overtime rate applies under paragraph 5 or paragraph 6 of this Schedule, by that rate;

(*b*) in respect of any time to which the night worker's supplemental rate applies under paragraph 8 of this Schedule, by that rate;

(*c*) where the shift worker's supplemental payment is payable under paragraph 9 of this Schedule, by that amount.

Paragraph 2

In this Schedule, unless the context otherwise requires,

(*a*) "ordinary worker" means a worker of ordinary skill and experience in the class of work in question;

(*b*) "system of payment by results" means a system of payment which, in addition to remuneration related to time worked, includes an amount related to output or saving of time over a standard time, whether such amount is calculated on an individual or a collective basis;

(*c*) "time worker" means any worker who is not a piece worker and who is not remunerated on any other system of payment by results;

(*d*) "shift worker" means a worker who is employed on a shift system whereby a period of 24 hours or a lesser period is divided into two or three fixed turns of duty and the worker is employed for not less than five out of seven days in any week on the same turn and changes turns periodically in accordance with a pre-arranged plan; and the expressions "three shift system" and "turn of duty" shall be construed accordingly.

WAITING TIME

Paragraph 3

(1) Subject to the provisions of this Schedule, a worker is entitled to payment of the minimum remuneration specified in this Part of 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 worker employed on piece work, or on a system of payment by results other than piece work, when not engaged on such work, is that which would be payable if he were a time worker.

PART II

(New Part II substit. by S.I. 1951 No. 2295, p. 1287 below.)

PART III

SUPPLEMENTAL OVERTIME AND NIGHT WORKERS' RATES AND SHIFT WORKERS' SUPPLEMENTAL PAYMENTS

SUPPLEMENTAL OVERTIME RATES FOR WORKERS OTHER THAN SHIFT WORKERS

Paragraph 5

(1) Subject to the provisions of this paragraph, the supplemental overtime rates applicable to any worker other than a shift worker are as follows:—

(*a*) On any day other than a Saturday, Sunday or customary holiday—

(i) for the first 2 hours worked in excess of 9 hours ... ... QUARTER TIME

(ii) thereafter ... ... HALF TIME

Provided that where the worker normally attends on five days only in the week, the said rates of quarter time and half time shall apply to time worked in excess of 10 and 12 hours respectively.

(*b*) On a Saturday, not being a customary holiday—

(i) for the first 2 hours worked in excess of 5 hours ... ... QUARTER TIME

(ii) thereafter ... ... HALF TIME

Provided that where the worker normally attends on five days only in the week the said rate of quarter time shall apply in respect of the first 7 hours worked and the said rate of half time thereafter.

(*c*) On a Sunday or customary holiday, for all time worked ... ... SINGLE TIME

(*d*) In any week. exclusive of any time for which any overtime rate is payable under the foregoing provisions of this paragraph, for all time worked in excess of 45 hours ... ... QUARTER TIME

(2) Notwithstanding the provisions of (*b*) of the last preceding sub-paragraph, where the worker is regularly employed on a turn of duty which commences on Friday and ends before noon on Saturday, the supplemental overtime rates of quarter time and half time shall not apply to time worked on Saturday until the worker has worked 9 and 11 hours respectively on such turn of duty.

SUPPLEMENTAL OVERTIME RATES FOR SHIFT WORKERS

Paragraph 6

The supplemental overtime rates applicable to a shift worker are as follows:—

(*a*) For time worked on any day or days in the week in addition to the worker's turn of duty (except where the turn and such additional time are worked wholly on a Sunday or a customary holiday)—

(i) for the first 2 hours so worked ... ... QUARTER TIME

(ii) thereafter ... ... HALF TIME

Provided that where the work in addition to the worker's turn of duty is occasioned by the late arrival of a worker on the next following shift, the said overtime rates of quarter time and half time shall not apply until the worker has worked, in addition to the turn of duty, 2 hours and 4 hours respectively.

(*b*) For a turn of duty (including any additional time) which both starts and ends on a Sunday or a customary holiday ... ... SINGLE TIME

(*c*) For the time worked in any week (exclusive of any time for which an overtime rate applies under (*a*) or (*b*) of this paragraph and exclusive also of any other time worked in the circumstances described in the proviso to (*a*) of this paragraph) in excess of 45 hours—

(i) for the first 4 hours so worked ... ... QUARTER TIME

(ii) thereafter ... ... HALF TIME

Provided that in the case of a worker employed on a three-shift system under which there is not less than one week in the cycle of shifts in which the hours of work are less than 45 and not less than one week in which the hours of work exceed 45, the said weekly overtime rates shall not be payable in the week or weeks in which the hours of work exceed 45.

Paragraph 7

In this Part of this Schedule

(1) the expression "customary holiday" means:—

(*a*) (i) in England and Wales, Christmas Day (or, if Christmas Day falls on a Sunday, such week day as may be appointed by national proclamation or, if none is so appointed, the next following Tuesday); Boxing Day; Good Friday; Easter Monday; Whit Monday and August Bank Holiday;

(ii) in Scotland, six week days each of which shall be fixed by the employer and notified by means of a notice posted in the factory throughout not less than three weeks before the holiday;

Provided that in a burgh, two of the said week days shall be those fixed by the Town Council under section 78 of the Factories Act, 1937(a);

or (*b*) in the case of each of the said days, a day substituted by the employer therefor, being either a day recognised by local custom as a day of holiday in substitution for the said day or a day agreed between the employer and the worker or his representative.

(2) the expressions "quarter time," "half time" and "single time" mean respectively one quarter, one half and the whole of the *general minimum* time rate which is applicable to the worker under Part II of this Schedule or which would be so applicable if he were a time worker.

NIGHT WORKER'S SUPPLEMENTAL RATE

Paragraph 8

The night worker's supplemental rate is applicable to any shift worker in respect of all time worked on any turn of duty which commences between the hours of 6 p.m. and 4 a.m. (inclusive) and any time worked in addition to such turn and the amount of such rate is one-fifth of the *general minimum* time rate applicable to the worker under Part II of this Schedule or which would be so applicable if the worker were a time worker.

Provided that the night worker's supplemental rate shall not apply to a worker for any time worked on a Sunday or a customary holiday, for which single time is payable under paragraph 6 of this Schedule.

(a) 1 Edw. 8 & 1 Geo. 6. c. 67.

SHIFT WORKER'S SUPPLEMENTAL PAYMENT

Paragraph 9

The shift worker's supplemental payment is payable to any worker employed on a three shift system in respect of the meal break or breaks occurring during any turn of duty and the amount thereof, in respect of each turn of duty in which such a break or breaks occur, is a sum equal to remuneration for half an hour at the *general minimum* time rate applicable to him under Part II of this Schedule or which would be applicable to him if he were a time worker.

PART IV

APPLICATION

Paragraph 10

This Schedule does not apply to canteen workers, clerks and bookers, commissionaires, engineers (including workers employed as stokers and boiler firemen in raising steam), maintenance workers, sweepers and cleaners of premises, lift attendants, lavatory attendants or watchmen, but save as aforesaid, this Schedule applies to workers in relation to whom the Rubber Reclamation Wages Council (Great Britain) operates, that is to say, workers employed in Great Britain in the Rubber Reclamation Branch of the Rubber Manufacturing Trade, which branch is specified in the Schedule to the Trade Boards (Rubber Reclamation Trade, Great Britain) (Constitution and Proceedings) Regulations, 1939(a), which Schedule reads as follows :—

"1. Subject to the provisions of this Schedule the Rubber Reclamation Branch of the Rubber Manufacturing Trade consists of the regeneration of used or waste rubber and work incidental thereto.

2. The above operations are not included in the Rubber Reclamation Branch aforesaid when performed :—

(*a*) in a department of a factory if the factory as a whole is mainly engaged on operations other than those specified in paragraph 1 hereof or paragraph 1 of the Schedule to the Trade Boards (Rubber Manufacturing Trade, Great Britain) (Constitution and Proceedings) Regulations, 1939(b), and the reclaimed rubber is used in the manufacture or repair of articles made or repaired in the factory, not being rubber articles ;

(*b*) in association or in conjunction with the manufacture of articles made from asbestos, or the manufacture of electric cables if the reclaimed rubber is for use in connection with such manufacture.

3. For the purposes of this Schedule :—

'rubber articles' includes articles commonly known in the trade as rubber articles, gutta percha or balata articles :

'work incidental' includes the work of general factory labourers and storemen."

SECOND SCHEDULE

HOLIDAYS AND HOLIDAY REMUNERATION

Order R.R. (20) shall have effect as if in the Schedule thereto there were substituted :—

1. for sub-paragraph (1) of paragraph 6 the following sub-paragraph :—

"(1) Subject to the condition that the worker is in attendance during his normal working hours on the seven days immediately preceding and the three working days immediately following the holiday, a worker shall be paid by his employer in respect of each day which he is entitled to be allowed as a customary holiday under paragraph 2 of

(a) S.R. & O. 1939 (No. 1211) II, p. 3189. (b) S.R. & O. 1939 (No. 236) II, p. 3186.

this Schedule, holiday remuneration equal to the statutory minimum remuneration to which he would have been entitled as a time worker if the day had not been a day of holiday and he had been employed on work to which statutory minimum remuneration applies—

(*a*) in the case of a shift worker, for 7½ hours;

or (*b*) in the case of any worker other than a shift worker, for the time (exclusive of overtime) usually worked by him on that day of the week."

2. for sub-paragraphs (1) and (2) of paragraph 7 the following sub-paragraphs:—

"(1) Subject to the provisions of this Schedule, a worker qualified to be allowed an annual holiday under this Schedule shall be paid by his employer in respect thereof, not later than the pay-day in the week following the return to work after the holiday, holiday remuneration equal to 15/16ths of the sum obtained by multiplying the hourly rate of statutory minimum remuneration by the number of weeks (not exceeding 50) which constitutes the period of employment for the purpose of determining the duration of the holiday.

(2) For the purpose of this paragraph the hourly rate of statutory minimum remuneration is the *general minimum time rate* (being a rate of statutory minimum remuneration) applicable to the worker at the date when the holiday remuneration is payable or which would then be applicable to the worker if he were a time worker."

3. for sub-paragraphs (1) and (2) of paragraph 9 the following sub-paragraphs:—

"(1) Subject to the provisions of this paragraph and of paragraph 11 of this Schedule, accrued holiday remuneration shall be payable to a worker in respect of his employment with the employer in the twelve months immediately preceding the termination of his employment, and the amount thereof shall be equal to 15/16ths of the sum obtained by multiplying the hourly rate of statutory minimum remuneration to which he is normally entitled by the number of weeks of his employment (not exceeding 50) in the said period of twelve months.
Provided that—

(*a*) accrued holiday remuneration is not payable in respect of any period of employment for which the worker has been allowed or become entitled to be allowed an annual holiday under the provisions of this Schedule;

(*b*) accrued holiday remuneration shall not be payable to a worker if his total employment with the employer during the said period of twelve months is less than eight weeks.

(2) For the purpose of this paragraph the hourly rate of statutory minimum remuneration is the *general minimum time rate* (being a rate of statutory minimum remuneration) applicable to the worker at the date when the accrued holiday remuneration is payable or which would then be applicable to the worker if he were a time worker."

4. for sub-paragraph (1) of paragraph 11 the following sub-paragraph:—

"(1) Notwithstanding the foregoing provisions of this Schedule, the holiday remuneration or accrued holiday remuneration payable to a worker who is employed as a part-time worker, in respect of any annual holiday, shall be that proportion of the amount to which the worker is otherwise entitled under the provisions of paragraphs 7 and 9 of this Schedule which his normal number of hours of employment in the week as a part-time worker bears to 45."

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 16th July, 1951, to workers in relation to whom the Rubber Reclamation Wages Council (Great Britain) operates. It supersedes Order R.R. (19), as amended by Order R.R. (24).

The Second Schedule amends Order R.R. (20) which relates to holidays and holiday remuneration.

New provisions in both Schedules are printed in italics. Order R.R. (19) and Order R.R. (24) are revoked.

The Rubber Reclamation Wages Council (Great Britain) Wages Regulation (Amendment) Order, 1951

1951 No. 2295

Made - - - - 21*st December*, 1951
Coming into Operation 11*th January*, 1952

R.R. (29)

Whereas the Minister of Labour and National Service (hereinafter in this Order referred to as "the Minister") has received from the Rubber Reclamation Wages Council (Great Britain) (hereinafter in this Order referred to as "the Council") the wages regulation proposals set out in the Schedule hereto, being proposals for amending the Rubber Reclamation Wages Council (Great Britain) Wages Regulation Order, 1951(a) (hereinafter in this Order referred to as "Order R.R. (27)") which fixed the remuneration to be paid by their employers to workers in relation to whom the Council operates;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 10 of the Wages Councils Act, 1945(b), 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 Rubber Reclamation Wages Council (Great Britain) Wages Regulation (Amendment) Order, 1951.

(2) In this Order the expression "the specified date" means the 11th day of January, 1952, 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(c), applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(a) S.I. 1951 No. 1102, p. 1280 above. (b) 8 & 9 Geo. 6. c. 17. (c) 52 & 53 Vict. c. 63.