STATUTORY INSTRUMENTS

1964 No. 1897

WAGES COUNCILS

The Wages Regulation (Aerated Waters) (Scotland) (No. 2) Order 1964

Made - - - - 30*th November* 1964
Coming into Operation 18*th December* 1964

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Aerated Waters Wages Council (Scotland) the wages regulation proposals set out in the Schedule hereto;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a), and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Wages Regulation (Aerated Waters) (Scotland) (No. 2) Order 1964.

2.—(1) In this Order the expression "the specified date" means the 18th December 1964, 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.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Aerated Waters) (Scotland) Order 1964(c), shall cease to have effect.

Dated 30th November 1964.

R. J. Gunter,
Minister of Labour.

(a) 7 & 8 Eliz. 2. c. 69. (b) 52 & 53 Vict. c. 63.
(c) S.I. 1964/420 (1964 I, p. 698).

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Aerated Waters) (Scotland) Order 1964(a) (Order A.S. (56)).

STATUTORY MINIMUM REMUNERATION

PART I

GENERAL

1. 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 III, is—

   (1) in the case of a time worker, the hourly general minimum time rate payable to the worker under Part II of this Schedule;

   (2) 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 payable to the worker under Part II of this Schedule if he were a time worker.

PART II

GENERAL MINIMUM TIME RATES

ALL WORKERS EXCEPT WORKERS IN THE ORKNEY OR SHETLAND ISLANDS

2. The general minimum time rates payable to all workers except workers in the Orkney or Shetland Islands are as follows:—

	Per hour	Per week of *43 hours*
	s. d.	s. d.
(1) Male workers aged:—		
21 years or over	*4* *0½*	*173* *9½*
20 and under 21 years	*3* *3*	*139* *9*
19 „ „ 20 „	*2* *11½*	*127* *2½*
18 „ „ 19 „	*2* *7*	*111* *1*
17 „ „ 18 „	*2* *2½*	*94* *1*
16 „ „ 17 „	*1* *10½*	*79* *9*
Under 16 years	*1* *5¾*	*63* *7½*
(2) Female workers aged:—		
19 years or over	*2* *10¾*	*124* *6½*
18 and under 19 years	*2* *5¼*	*104* *10*
17 „ „ 18 „	*2* *1¼*	*90* *6*
16 „ „ 17 „	*1* *9*	*75* *3*
Under 16 years	*1* *5¼*	*61* *10*

(a) S.I. 1964/420 (1964 I, p. 698).

WORKERS IN THE ORKNEY OR SHETLAND ISLANDS

3. The general minimum time rates payable to male or female workers in the Orkney or Shetland Islands are, in each case, 1d. per hour less than the general minimum time rates specified in paragraph 2.

PART III

OVERTIME AND WAITING TIME

MINIMUM OVERTIME RATES

4.—(1) Minimum overtime rates are payable to a worker to whom this Schedule applies as follows:—

(*a*) on a Sunday or a customary holiday, for all time worked ... ... double time

(*b*) in any week, exclusive of any time in respect of which an overtime rate is payable under the provisions of (*a*) of this sub-paragraph, for all time worked in excess of *43 hours* ... ... time-and-a-half

(2) In this Part of this Schedule—

(*a*) the expressions "time-and-a-half" and "double time" mean respectively:—

(i) in the case of a time worker, one and a half times and twice the hourly general minimum time rate otherwise payable to the worker;

(ii) in the case of a worker employed on piece work, one and a half times and twice the piece rates otherwise payable to the worker under paragraph 1(2);

(*b*) the expression "customary holiday" means—

(i) New Year's Day (or, if New Year's Day falls on a Sunday, the following Monday); the local Spring holiday; the local Autumn holiday; and three other days (being days on which the worker would normally work) in the course of a calendar year to be fixed by the employer and notified to the worker not less than three weeks before the holiday; or

(ii) in the case of each of the said days (other than a day fixed by the employer and notified to the worker as aforesaid) a day substituted by the employer therefor, being a day recognised by local custom as a day of holiday in substitution for the said day.

WAITING TIME

5.—(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

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

6. This Schedule applies to workers in relation to whom the Aerated Waters Wages Council (Scotland) operates, that is to say, workers employed in Scotland in the trade specified in the Schedule to the Trade Boards (Aerated Waters Trade, Scotland) (Constitution and Proceedings) Regulations 1939(a), namely:—

The manufacture, wherever carried on, of mineral or aerated waters, non-alcoholic cordials, flavoured syrups, unfermented sweet drinks, and other similar beverages, and the manufacture in unlicensed premises of brewed liquors,

including:—

(*a*) the operations of bottle washing, bottling and filling, and all other operations preparatory to the sale of any of the aforesaid liquors in bottles, jars, syphons, casks, or other similar receptacles;

and including also:—

(*b*) the operations of bottle washing, bottling and filling, and all subsidiary operations preparatory to the sale in bottles, jars or other similar receptacles of cider, ale, stout, porter and other alcoholic beers, where all or any of such last-mentioned operations are, or is, conducted or carried on in association with or in conjunction with all or any of the operations specified under (*a*) above so as to form a common or interchangeable form of employment for workers, and whether the two sets of operations or any of them are, or is, carried on simultaneously or not.

EXPLANATORY NOTE

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

This Order, which has effect from 18th December 1964, sets out the statutory minimum remuneration payable in substitution for that fixed by the Wages Regulation (Aerated Waters) (Scotland) Order 1964 (Order A.S. (56)), which is revoked.

New provisions are printed in italics.

(a) S.R. & O. 1939/1367 (1939 II, p. 3178).