STATUTORY INSTRUMENTS

1974 No. 2067

WAGES COUNCILS

The Wages Regulation (Aerated Waters) (Scotland) (No. 2) Order 1974

Made - - - -	*9th December* 1974
Coming into Operation	*9th January* 1975

Whereas the Secretary of State has received from the Aerated Waters Wages Council (Scotland) the wages regulation proposals set out in the Schedule hereto;

Now, therefore, the Secretary of State in exercise of powers conferred by section 11 of the Wages Councils Act 1959**(a)**, and now vested in him**(b)**, 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 1974.

2.—(1) In this Order the expression "the specified date" means the 9th January 1975, 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**(c)** 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 1974**(d)**, shall cease to have effect.

Signed by order of the Secretary of State.
9th December 1975.

D. J. Derx,
Deputy Secretary,
Department of Employment.

(a) 1959 c. 69.
(b) S.I. 1959/1769, 1968/729 (1959 I, p. 1795; 1968 II, p. 2108).
(c) 1889 c. 63.
(d) S.I. 1974/1542 (1974 III, p. 5835).

Article 3

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Aerated Waters) (Scotland) Order 1974 (Order A.S. (82)).

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.

COST OF LIVING PAYMENT

2.—(1) In addition to the minimum remuneration specified in paragraph 1 of this Schedule, additional remuneration hereinafter referred to as a "cost of living payment" shall be payable to all workers to whom that paragraph applies.

(2) The cost of living payment shall not be treated as part of the general minimum time rate for the purpose of calculating payment for overtime under paragraph 4 of this Schedule.

(3)(a) The cost of living payment payable in respect of each complete pay week shall be the appropriate amount shown in the relevant column of the following table—

Age of Worker	*Full-time Workers*	*Part-time Workers*	
	£	*p*	
All workers aged—			
18 years or over ...	*4·40*	*11·00*	*multiplied by the number of hours worked (excluding overtime) in the pay week for which remuneration is applicable*
17 and under 18 years	*3·30*	*8·25*	
Under 17 years ...	*2·20*	*5·50*	

(b) Up to the end of the first complete pay week following the publication of the Retail Price Index figure for December 1974 for each additional increase of 1·85 points in the Retail Price Index figure above 216·9 the cost of living payment shall be increased in respect of each complete pay week by the appropriate amount shown in the relevant column of the following table:—

Age of Worker	*Full-time Workers*	*Part-time Workers*	
	p	*p*	
All workers aged—			
18 years or over ...	*40·00*	*1·00*	*multiplied by the number of hours worked (excluding overtime) in the pay week for which remuneration is applicable*
17 and under 18 years	*30·00*	*0·75*	
Under 17 years ...	*20·00*	*0·50*	

(4) *For the purposes of this paragraph—*

"full-time worker" means a worker who works for the employer for 40 hours or more in the relevant week;

"part-time worker" means a worker who works for the employer for less than 40 hours in the relevant week.

(5) *After the end of the first complete pay week following the publication of the Retail Price Index figure for December 1974, the cost of living payment payable in respect of each complete pay week shall be at the rate that was payable in respect of the first-mentioned complete pay week.*

PART II

GENERAL MINIMUM TIME RATES

3. The general minimum time rates payable to all male and female workers are as follows:—

	Per hour	Per week of 40 hours
	p	£
(1) Male workers aged 19 years or over	45·63	18·25
(2) Female workers aged 19 years or over	45·63	18·25
(3) All workers aged—		
18 and under 19 years	33·94	13·57
17 and under 18 years	29·45	11·78
Under 17 years	24·95	9·98

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 40 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—
1st and 2nd January (or, if either of these days falls on a Sunday, 3rd January shall be substituted for such day); the local Spring holiday, the local Summer holiday and the local Autumn holiday, each to be allowed on a Monday fixed by the employer and notified to the worker not less than three weeks before the holiday; and Christmas Day (or, if Christmas Day falls on a Sunday, 26th December shall be substituted).

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.*)

This Order, which has effect from 9th January 1975, sets out the statutory minimum remuneration including cost of living payments payable to workers in relation to whom the Aerated Waters Wages Council (Scotland) operates, in substitution for the cost of living payments set out in the Wages Regulation (Aerated Waters) (Scotland) Order 1974 (Order A.S. (82)). Order A.S. (82) is revoked.

New provisions are printed in italics.

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

SI 1974/2067
ISBN 0-11-042067-5

