STATUTORY INSTRUMENTS

1962 No. 2563

WAGES COUNCILS

The Wages Regulation (Baking) (England and Wales) Order 1962

Made - - - - 22*nd November* 1962

Coming into Operation 17*th December* 1962

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Baking Wages Council (England and Wales) the wages regulation proposals set out in Schedules 1 and 2 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 (Baking) (England and Wales) Order 1962.

2.—(1) In this Order the expression "the specified date" means the 17th December 1962, 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 Orders hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in Schedules 1 and 2 hereto shall have effect as from the specified date and as from that date the Wages Regulation (Baking) (England and Wales) (No. 2) Order 1960(c) and the Wages Regulation (Baking) (England and Wales) (Amendment) Order 1962(d), shall cease to have effect.

Dated 22nd November 1962.

John Hare,
Minister of Labour.

(a) 7 & 8 Eliz. 2. c. 69.
(b) 52 & 53 Vict. c. 63.
(c) S.I. 1960/2295 (1960 III, p. 3329).
(d) S.I. 1962/327 (1962 I, p. 309).

ARRANGEMENT OF SCHEDULE 1

Part		Paragraphs
I.	General	1
II.	Male and female workers: general minimum time rates and rates for workers on special classes of work	2-6
III.	Overtime, work on a customary holiday and waiting time ...	7-9
IV.	Guaranteed weekly remuneration	10
V.	Classes of workers, Areas and other definitions	11-13
VI.	Workers to whom the Schedule applies	14

SCHEDULE 2

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Baking) (England and Wales) (No. 2) Order 1960(a) (Order BK (63)) as amended by the Wages Regulation (Baking) (England and Wales) (Amendment) Order 1962(b) (Order BK (65)).

STATUTORY MINIMUM REMUNERATION

PART I

GENERAL

1.—(1) Subject to the provisions of Part IV of this Schedule relating to guaranteed weekly remuneration, the minimum remuneration payable to a worker to whom this Schedule applies is as follows:—

(*a*) for all work except work on a customary holiday and work to which a minimum overtime rate applies under Part III of this Schedule—

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

(ii) 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:

Provided that, where the remuneration of a worker calculated on a time-work basis at the hourly general minimum time rate which would be payable to him under Part II of this Schedule if he were a time worker exceeds the remuneration calculated under sub-paragraph (*a*) (ii) of this paragraph on the basis of the said piece rates, the worker shall be paid not less than that hourly general minimum time rate;

(*b*) for any work to which a minimum overtime rate applies under Part III of this Schedule, that minimum overtime rate;

(*c*) for any work on a customary holiday the remuneration specified in Part III of this Schedule.

(2) In this Schedule the expression "hourly general minimum time rate" means the general minimum time rate applicable to the worker under Part II of this Schedule divided by 44.

(a) S.I. 1960/2295 (1960 III, p. 3329). (b) S.I. 1962/327 (1962 I, p. 309).

PART II

GENERAL MINIMUM TIME RATES
MALE WORKERS (NOT BEING NIGHT WORKERS) AND FEMALE WORKERS (NOT BEING WORKERS SPECIFIED IN PARAGRAPH 3)

2. Subject to the provisions of this Part of this Schedule, the general minimum time rates set out in the next following Table apply to male workers (not being night workers) and to female workers (not being workers specified in paragraph 3):

Provided that the general minimum time rate applicable to a male or female certificated worker aged under 21 years who performs the work of any one of the descriptions of workers appearing in the next following Table shall be that of an adult worker of that description in the same area who is aged 21 and under 23 years.

DESCRIPTION OF WORKERS	Column 1	Column 2	Column 3
	The respective areas are defined in paragraph 12		
	All workers in LONDON AREA	All workers in PROVINCIAL AREA A and workers in wholesale cake and flour confectionery branch in PROVINCIAL AREA B	All workers in PROVINCIAL AREA B except those in wholesale cake and flour confectionery branch
	Per week of 44 hours s. d.	Per week of 44 hours s. d.	Per week of 44 hours s. d.
(1) MALE WORKERS (not being night workers)			
(*a*) FOREMAN CONFECTIONER	*205 7*	*203 8*	*199 10*
(*b*) FOREMAN BAKER	*205 7*	*203 8*	*199 10*
(*c*) FIRST HAND	*194 1*	*192 2*	*188 4*
(*d*) SINGLE HAND	*192 2*	*190 3*	*186 5*
(*e*) SECOND HAND	*188 4*	*186 5*	*182 7*
(*f*) DOUGHMAKER	*188 4*	*186 5*	*182 7*
(*g*) CONFECTIONERY MIXER ...	*188 4*	*186 5*	*182 7*
(*h*) OVENMAN	*188 4*	*186 5*	*182 7*
(*i*) CONFECTIONER or TABLE HAND, aged 21 years or over, other than a worker to whom (1) (*j*) applies	*181 7*	*179 8*	*175 10*

DESCRIPTION OF WORKERS	Column 1	Column 2	Column 3
	The respective areas are defined in paragraph 12		
	All workers in LONDON AREA	All workers in PROVINCIAL AREA A and workers in wholesale cake and flour confectionery branch in PROVINCIAL AREA B	All workers in PROVINCIAL AREA B except those in wholesale cake and flour confectionery branch
	Per week of 44 hours s. d.	Per week of 44 hours s. d.	Per week of 44 hours s. d.
(*j*) CONFECTIONER or TABLE HAND, aged 21 and under 23 years who is employed, wholly or mainly, in making bread and flour confectionery, or either of them, without the use of power machinery other than one dough-kneader or one cake mixer, or both, and has completed less than 5 years' employment in the trade	*173 0*	*171 1*	*167 3*
(*k*) STOKER	*176 10*	*174 0*	*170 1*
(*l*) CHARGE HAND (packing and despatch department)	1½d. per hour in addition to the rate appropriate to his age as specified in Column 1, 2 or 3 of (1) (*m*).		
(*m*) OTHER MALE WORKERS, being aged—			
21 years or over	*174 0*	*172 0*	*168 2*
20½ and under 21 years	*160 6*	*158 7*	*154 9*
20 „ „ 20½ „	*147 1*	*145 2*	*141 4*
19½ „ „ 20 „	*140 4*	*138 5*	*134 7*
19 „ „ 19½ „	*133 8*	*131 9*	*127 11*
18½ „ „ 19 „	*126 0*	*124 1*	*120 3*
18 „ „ 18½ „	*118 4*	*116 5*	*112 7*
17½ „ „ 18 „	*103 3*	*101 4*	*97 6*
17 „ „ 17½ „	*93 8*	*91 9*	*87 11*
16½ „ „ 17 „	*90 9*	*88 10*	*85 0*
16 „ „ 16½ „	*87 11*	*86 0*	*82 2*
Under 16 years	*81 3*	*79 4*	*75 6*
(*n*) Workers employed as JOBBERS	2d. per hour in addition to the rate otherwise payable under (1) (*a*) to (*m*).		
(2) FEMALE WORKERS (not being workers specified in paragraph 3)			
(*a*) FOREWOMAN	*154 9*	*152 10*	*148 1*
(*b*) CHARGE HAND other than a charge hand (packing and despatch department)	*145 2*	*143 3*	*138 6*

DESCRIPTION OF WORKERS	Column 1	Column 2	Column 3
	The respective areas are defined in paragraph 12		
	All workers in LONDON AREA	All workers in PROVINCIAL AREA A and workers in wholesale cake and flour confectionery branch in PROVINCIAL AREA B	All workers in PROVINCIAL AREA B except those in wholesale cake and flour confectionery branch
	Per week of 44 hours s. d.	Per week of 44 hours s. d.	Per week of 44 hours s. d.
(*c*) CHARGE HAND (packing and despatch department)	1½d. per hour in addition to the rate appropriate to her age as specified in Column 1, 2 or 3 of (2) (*f*).		
(*d*) SINGLE HAND	*139 5*	*137 6*	*132 9*
(*e*) CONFECTIONER, being aged—			
21 years or over	*135 7*	*133 8*	*128 11*
20½ and under 21 years	*126 6*	*124 7*	*120 9*
20 " " 20½ "	*117 5*	*115 6*	*111 8*
19½ " " 20 "	*114 0*	*112 1*	*108 3*
19 " " 19½ "	*110 8*	*108 9*	*104 11*
(*f*) OTHER FEMALE WORKERS, being aged—			
21 years or over	*127 0*	*125 1*	*121 3*
20½ and under 21 years	*120 9*	*118 10*	*115 0*
20 " " 20½ "	*114 6*	*112 7*	*108 9*
19½ " " 20 "	*111 2*	*109 3*	*105 5*
19 " " 19½ "	*107 10*	*105 11*	*102 1*
18½ " " 19 "	*106 4*	*104 5*	*99 8*
18 " " 18½ "	*104 11*	*103 0*	*98 3*
17½ " " 18 "	*93 8*	*91 9*	*87 11*
17 " " 17½ "	*87 11*	*86 0*	*82 2*
16½ " " 17 "	*86 0*	*84 1*	*80 3*
16 " " 16½ "	*84 1*	*82 2*	*78 4*
Under 16 years	*80 3*	*78 4*	*74 6*
(*g*) Workers employed as JOBBERS	1½d. per hour in addition to the rate otherwise payable under (2) (*a*) to (*f*).		

FEMALE WORKERS EMPLOYED AS SUBSTITUTES FOR MALE WORKERS IN MAKING BREAD

3.—(1) The general minimum time rate applicable to a female worker who is employed—

(*a*) as a war time substitute for a male worker, or

(*b*) on a class of work which before the war was normally undertaken by men

and who is engaged, wholly or mainly, in one or more of the operations of the making of bread (including the operations mentioned as part of "making" in the definition of the baking trade set out in paragraph 14), is

(i) in the case of a female worker who performs in full the duties of the male worker whom she replaces (or the full duties which before the war were performed by a male worker), the general minimum time rate which would be applicable to a male worker of her age employed on the work; or

(ii) in the case of a female worker who does not perform in full the duties of the male worker whom she replaces (or the full duties which before the war were performed by a male worker), three quarters of the general minimum time rate which would be applicable to a male worker of her age employed on the work.

(2) For the purposes of this paragraph the expression "before the war" means "during the six months immediately preceding 3rd September 1939".

MALE LATE ENTRANTS

4. Notwithstanding the provisions of paragraph 2, where a male worker specified in (1) (*l*) or (1) (*m*) of the Table in the said paragraph (including such a worker when employed as a jobber but not as a night worker), enters or has entered the trade for the first time between the ages of 17 and 20 years, the general minimum time rate applicable to him until he completes 12 months' employment in the trade or until he reaches the age of 20 years, whichever period is the less, shall be that applicable to a male worker one year his junior employed on the same work.

NIGHT WORKERS

5.—(1) For the purposes of this Schedule:—

(*a*) *a night worker is a worker who is employed for not less than a total of three hours between the hours of 6 p.m. on one day and 6 a.m. on the next following day and the night worker's rate shall apply to such a worker in respect of that spell of duty or those spells of duty which include some period or periods between the said hours;*

(*b*) "night worker's rate" means the general minimum time rate applicable to a night worker;

(*c*) "corresponding day rate" means as respects any night worker the general minimum time rate which would be payable to that worker under the provisions of paragraph 2 in respect of the same work in the same area.

(2) Subject to the provisions of this sub-paragraph, the night worker's rate is the corresponding day rate increased by 15 per cent.:

Provided that—

(*a*) in the case of a male night worker aged 18 and under 21 years, other than a certificated worker, the night worker's rate shall be the corresponding day rate increased by 2s. 6d. per week of 44 hours, such increased rate being further increased by 15 per cent.;

(*b*) in the case of a night worker whose corresponding day rate is that specified in (1) (*j*) of the Table in paragraph 2, the night worker's rate shall be the rate under (1) (*i*) of the said Table for a day worker in the same area increased by 15 per cent.

WORKER IN DIFFERENT AREAS

6. In the case of a worker whose duties take him into more than one area, the appropriate rate shall be that applicable to workers in the area where the bakehouse is situated.

PART III

OVERTIME, WORK ON A CUSTOMARY HOLIDAY AND WAITING TIME

MINIMUM OVERTIME RATES

7.—(1) Subject to the provisions of this paragraph, overtime is payable at the following minimum rates:—

(*a*) on any day other than a Sunday or customary holiday—

(i) for the first 2 hours worked in excess of 10 hours	Time-and-a-quarter
(ii) thereafter	Time-and-a-half

(*b*) on a Sunday—

for all time worked between midnight of the preceding day and midnight of the Sunday ...	Double time

Provided that where in accordance with his usual practice a worker (other than a night worker) works for one hour or less on Sunday afternoon or evening on a preliminary doughing operation he shall be paid the appropriate general minimum time rate.

(*c*) in any week (exclusive of any time in respect of which any minimum overtime rate is payable under the foregoing provisions of this sub-paragraph and any time worked on a customary holiday)—

(i) in the case of a worker who works for less than 22 hours in the bakehouse and for the remainder of his time on delivery—	
for all time worked in excess of 50 hours	Time-and-a-quarter
(ii) in the case of any other worker —	
for the first 4 hours worked in excess of 44 hours	Time-and-a-quarter
thereafter	Time-and-a-half

(2) Notwithstanding the provisions of (*a*) (i) and (*c*) (ii) of sub-paragraph (1) of this paragraph, overtime at the rate of time-and-a-quarter shall not be paid for more than an aggregate of four hours worked in any week and any overtime so worked in excess of four hours in the aggregate shall be paid for at the overtime rate of time-and-a-half.

(3) In calculating the time worked in any week for the purposes of this Part of this Schedule a worker who has been allowed, and has taken, a customary holiday or a holiday in lieu of a customary holiday, in that week under a wages regulation (holidays) order shall be treated as having worked 7 hours 20 minutes on any such customary holiday or holiday in lieu of a customary holiday.

WORK ON A CUSTOMARY HOLIDAY

8. The remuneration payable to a worker for work on a customary holiday shall be not less than the amount calculated as follows:—

Circumstances	Calculation of Remuneration
(1) where, under the provisions of a wages regulation (holidays) order, the worker is entitled to and is to be allowed a holiday in lieu of a customary holiday on a day other than a Sunday	Time-and-a-half for all time worked.
(2) where, under the provisions of a wages regulation (holidays) order, it is mutually agreed between the employer and the worker that a holiday in lieu of a customary holiday shall not be allowed to the worker	Time-and-a-half for all time worked on the customary holiday to which such agreement relates and, in addition, an amount equal to the holiday remuneration to which the worker would have been entitled under the provisions of a wages regulation (holidays) order had he been allowed a holiday on that day.
(3) where a worker who is ordinarily employed on a spell of duty which starts before and ends after midnight has been allowed a holiday for the period of 24 hours commencing at noon on the day prior to a customary holiday	Double time for all time worked up to midnight of the spell of duty commencing on the customary holiday.
(4) in any other circumstances	Double time for all time worked:

Provided that in the case of a worker who is ordinarily employed on a spell of duty which starts before and ends after midnight the provisions of (1), (2) and (4) of this paragraph shall be applicable to time worked during the period of 24 hours commencing at noon on the day prior to the customary holiday.

WAITING TIME

9.—(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 to him if he were a time worker.

PART IV

GUARANTEED WEEKLY REMUNERATION

10.—(1) Notwithstanding the foregoing provisions of this Schedule, where in any week the total amount of the minimum remuneration payable to any worker—

(*a*) under those provisions; and

(*b*) by way of holiday remuneration under any wages regulation (holidays) order;

would be less than the guaranteed weekly remuneration provided for by this paragraph, the minimum remuneration payable to that worker for that week shall, in lieu of the minimum remuneration which would otherwise be payable under those provisions and that order, be the guaranteed weekly remuneration provided for by this paragraph.

(2) Subject to the provisions of this paragraph, a worker (other than a jobber) who ordinarily works for the employer for at least 36 hours weekly on work to which this Schedule applies shall be entitled to be paid in respect of any week not less than the guaranteed weekly remuneration for 44 hours:

Provided that where the worker normally works for the employer on work to which this Schedule applies for less than 44 hours in the week, by reason only of the fact that he does not hold himself out as normally available for work for more than the number of hours he normally works in the week, the guaranteed weekly remuneration shall be for the number of hours in the week normally worked by the worker for the employer on work to which this Schedule applies.

(3) Guaranteed weekly remuneration shall be calculated at the minimum rate or rates ordinarily applicable to the worker in respect of time ordinarily worked by him (excluding overtime, except on Sunday) on work to which this Schedule applies in the following manner, that is to say—

(*a*) at double time in respect of Sunday work in excess of 4 hours; and

(*b*) at the night worker's rate in respect of work to which that rate is ordinarily applicable; and

(*c*) as to any other time, at the hourly general minimum time rate ordinarily applicable to the worker:

Provided that where the ordinary working week of a night worker or of a worker (including a night worker) who ordinarily works overtime on Sunday is less than 44 hours and the worker is not a worker to whom the proviso to sub-paragraph (2) of this paragraph applies, the guaranteed weekly remuneration in respect of a week shall be whichever of the two following amounts is the greater, that is to say—

(i) the amount due in respect of the worker's ordinary weekly working hours calculated in accordance with the foregoing provisions of this sub-paragraph; or

(ii) an amount equal to 44 hours' pay calculated at the minimum rate or rates applicable to a worker of the corresponding class and area who is solely employed on day work other than overtime.

(4) Guaranteed weekly remuneration is not payable in respect of any week unless the worker throughout his normal working hours in that week, excluding any day allowed to him as a holiday, is—

(*a*) capable of and available for work, and

(*b*) willing to perform such duties outside his normal occupation as the employer may reasonably require if his normal work is not available in the establishment in which he is employed.

(5) If the employer is unable to provide the worker with work during the worker's normal working hours by reason of a strike, failure of supplies, or any cause beyond the employer's control and gives the worker four clear days' notice that work will not be available, guaranteed weekly remuneration shall not be payable after the expiry of such notice in respect of any week during which or part of which the employer continues to be unable to provide work as aforesaid:

Provided that the guaranteed weekly remuneration payable to a worker in respect of the week in which the said notice expires shall be such proportion of the guaranteed weekly remuneration payable to the worker under the foregoing provisions of this paragraph as the number of the worker's normal working hours on work to which this Schedule applies, falling in that week up to the expiry of the notice, bears to the number of hours in the week normally worked by the worker for the employer on work to which this Schedule applies.

(6) The guaranteed weekly remuneration applicable to a piece worker shall be the sum to which he would be entitled if he were a time worker.

(7) In this paragraph the expression "week" means "pay week".

PART V

INTERPRETATION

CLASSES OF WORKERS

11.—(1) In this Schedule, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

(*a*) in the case of a male worker:

A FOREMAN is an adult worker with four or more workers under him.

A FIRST HAND is an adult worker in charge of a department, working under the instruction of a foreman, or in charge of a bakery where less than five workers including himself are employed.

A SECOND HAND is an adult worker who takes charge in the absence of the foreman or first hand, where four or more workers are employed.

A DOUGHMAKER is an adult worker wholly or mainly engaged in doughmaking in the making of bread.

A CONFECTIONERY MIXER is an adult worker wholly or mainly engaged in the mixing of dough for flour confectionery and in the mixing of flour confectionery or either of those operations.

An OVENMAN is an adult worker responsible for, and wholly or mainly engaged in, the baking of bread and flour confectionery, or either of them, including the regulating of an oven.

A CONFECTIONER is a worker wholly or mainly engaged in the manufacture, including mixing, moulding, scaling and handling, of unbaked flour confectionery, cake mixings or paste, or in decorating, or finishing, flour confectionery.

A TABLE HAND is a worker wholly or mainly engaged in one or more of the operations of moulding, scaling and handling of dough, or in feeding an oven or ovens with full or empty tins or in clearing an oven or ovens.

A STOKER is an adult worker wholly or mainly engaged in the firing and regulating of ovens.

(*b*) in the case of a female worker:

A FOREWOMAN is an adult worker with four or more workers under her.

A CHARGE HAND, other than a charge hand (packing and despatch department), is an adult worker in charge of a department, working under the instruction of a foreman or forewoman, or in charge of a bakery where less than five workers including herself are employed.

A CONFECTIONER is a worker wholly or mainly engaged in mixing, scaling, moulding or baking with unbaked flour confectionery, cake mixings or paste, or a decorator engaged in icing and piping.

(*c*) in the case of a male or female worker:

A SINGLE HAND is an adult worker in charge of production with no other adult worker or certificated worker.

A CHARGE HAND (packing and despatch department) is a worker who is wholly or mainly employed in, and is in charge of, a packing or despatch department, having not less than two workers (excluding vanmen) under him and working under the instruction of a foreman or manager.

A JOBBER is a member of the class of worker, known in the trade as jobbers, who undertake short engagements on a day to day basis.

A CERTIFICATED WORKER is a worker who has received from the National Joint Apprenticeship Council for the Baking Industry (England and Wales) a certificate of completion of satisfactory apprenticeship.

(*d*) in the case of a male or female worker, ADULT WORKER means a worker aged 21 years or over.

(2) For the purpose of the definition of first hand, single hand (male or female), second hand or charge hand, including a charge hand (packing and despatch department), account shall be taken in the calculation of the numbers of workers employed only of workers who are working during the hours of work of the worker in question, provided that the temporary absence of a worker shall not be regarded as reducing the number of workers employed at any time.

(3) The wholesale cake and flour confectionery branch of the Baking Trade is that branch of the trade in which the production of cake and other flour confectionery is carried on in an undertaking supplying six or more retail establishments and employing ten or more workers on such work.

AREAS

12. In this Schedule—

(1) "London Area" comprises the City of London and the Metropolitan Police District.

(2) In England (other than the London Area and Monmouthshire)

(*a*) "Provincial A Area" comprises all areas other than those in "Provincial B Area";

(*b*) "Provincial B Area" comprises all areas which on 1st January 1939 were administered by Rural District Councils.

(3) In Wales and Monmouthshire

(*a*) "Provincial A Area" comprises

(i) The county boroughs of Cardiff, Merthyr, Newport and Swansea.

(ii) The municipal boroughs of Abergavenny, Aberystwyth, Bangor, Barry, Carmarthen, Colwyn Bay, Flint, Haverfordwest, Llanelly, Neath, Pembroke, Port Talbot and Wrexham.

(iii) The urban districts of Abercarn, Aberdare, Abertillery, Bedwas and Machen, Bedwellty, Blaenavon, Bridgend, Brynmawr, Caerphilly, Connah's Quay, Cwmbran, Ebbw Vale, Gelligaer, Glyncorrwg, Holyhead, Llandudno, Llwchwr, Maesteg, Milford Haven, Mountain Ash, Mynyddislwyn, Nantyglo and Blaina, Ogmore and Garw, Penarth, Pontypool, Pontypridd, Porthcawl, Rhondda, Rhyl, Rhymney, Risca and Tredegar.

(iv) The rural districts of Cardiff, Cowbridge, Gower, Hawarden, Llantrisant and Llantwit-Fardre, Neath, Penybont, Pontardawe, Pontypool and Wrexham.

(*b*) "Provincial B Area" comprises all other areas.

OTHER DEFINITIONS

13. In this Schedule—

(1) "time-and-a-quarter", "time-and-a-half" and "double time" mean respectively—

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

(*b*) in the case of a worker employed on piece work, a time rate equal respectively to one quarter, one half and the whole of the hourly general minimum time rate which would be payable to the worker if he were a time worker and neither a minimum overtime rate nor a rate for work on a customary holiday applied and, in addition thereto, the minimum remuneration otherwise payable to the worker under paragraph 1 (1) (*a*) (ii);

(2) "customary holiday" means—

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, the first Monday in August and any day proclaimed as an additional Bank Holiday or as a public holiday, or, in the case of each of the said days, such week day (other than a weekly short day) as may be substituted therefor, being a day on which the worker normally works and which is by local custom recognised as a day of holiday.

(3) "spell of duty" means a period of work broken only by intervals for meals.

(4) "wages regulation (holidays) order" means a wages regulation order made by the Minister to give effect to proposals relating to holidays and holiday remuneration submitted to him by the Baking Wages Council (England and Wales).

PART VI

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

14. This Schedule applies to workers in relation to whom the Baking Wages Council (England and Wales) operates, that is to say, workers employed in England and Wales in the Baking Trade as defined in the Schedule to the Baking Wages Council, England and Wales (Constitution) Order 1947(a), which Schedule reads as follows:—

"1. Subject to the provisions of this Schedule the Baking Trade consists of the following operations:—

(1) the making of bread, pastry, and flour confectionery and work incidental thereto;

(a) S.R. & O. 1947/887 (Rev. XXIII, p. 456: 1947 I, p. 2215).

(2) the making of other articles of food and work incidental thereto in an undertaking, or branch or department thereof, mainly engaged on one or more of the operations specified in paragraph 1 (1);

(3) the sale and distribution of any of the articles of food referred to in the preceding sub-paragraphs by a worker who in the same week is also engaged in any of the work specified in those sub-paragraphs.

2. Notwithstanding anything in this Schedule the following operations are not operations in the Baking Trade:—

(1) the making of biscuits in an undertaking, or a branch or department of an undertaking, mainly engaged in the making of biscuits, and the making of any other article of food therein by workers mainly engaged in the making of biscuits;

(2) the making of any of the articles of food referred to in paragraph 1 hereof:—

(*a*) in an hotel, boarding house, restaurant, café or similar establishment:—

(i) for consumption on the premises; or

(ii) for consumption off the premises at meals served by persons ordinarily employed on the premises;

(*b*) by a railway undertaking for consumption on its trains, restaurant cars, ships or premises;

(3) the making of:—

(*a*) meat pies, sausage rolls or similar articles of pastry (including bread for use therein); or

(*b*) bread for use in sausages or similar articles of food

in an undertaking where no bread, pastry or flour confectionery is made other than that specified in this sub-paragraph;

(4) operations included in:—

(*a*) the Trade Boards (Milk Distributive) Order 1928(a);

(*b*) the Trade Boards (Sugar Confectionery and Food Preserving) Order 1913(b);

(*c*) the Trade Boards (Grocery and Provisions) Order 1920(c);

or any amendments or variations of the aforesaid Orders.

3. For the purpose of this Schedule "pastry" and "articles of pastry" include articles of food made wholly or partly of pastry; "meat" includes game, poultry, egg or fish; "flour confectionery" includes cakes, oatcakes, shortbread and biscuits; "biscuits" do not include oatcakes or shortbread; and "making" includes the packing, wrapping and other handling of the articles of food when made before their first despatch for sale or distribution."

SCHEDULE 2

HOLIDAYS AND HOLIDAY REMUNERATION

The Wages Regulation (Baking) (England and Wales) (Holidays) Order 1957(d) (Order BK (57)) shall have effect as if in the Schedule thereto:—

1. In the proviso to Column 2 of the Table in paragraph 7 (which relates to customary holiday remuneration), in the proviso to Column 3 of the Table in paragraph 8 (which relates to annual holiday remuneration) and in the proviso to Column 3 of the Table in paragraph 10 (which relates to accrued holiday remuneration) for the expression "46 hours'" there were in each case substituted the expression "44 hours'".

(a) S.R. & O. 1928/475 (1928, p. 1262).
(b) Scheduled to, and confirmed by, 3 & 4 Geo. 5. c. clxii.
(c) S.R. & O. 1920/958 (1920 II, p. 774).
(d) S.I. 1957/594 (1957 II, p. 2609).

2. In paragraph 10 (which relates to accrued holiday remuneration payable on termination of employment) the following proviso were inserted at the end of sub-paragraph (1):

" Provided that if during the period or periods in respect of which the said accrued holiday remuneration is payable the worker (at his request in writing) has been allowed any day or days of holiday for which he has not qualified under the provisions of this Schedule, any accrued holiday remuneration payable as aforesaid may be reduced by the amount of any sum paid by the employer to the worker in respect of such day or days of holiday."

EXPLANATORY NOTE

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

This Order has effect from 17th December 1962. Schedule 1 sets out the statutory minimum remuneration payable in substitution for that fixed by the Wages Regulation (Baking) (England and Wales) (No. 2) Order 1960 (Order BK (63)) as amended by the Wages Regulation (Baking) (England and Wales) (Amendment) Order 1962 (Order BK (65)) which Orders are revoked.

Schedule 2 amends the Wages Regulation (Baking) (England and Wales) (Holidays) Order 1957 (Order BK (57)), by varying the provisions relating to holiday remuneration.

New provisions are printed in italics.