STATUTORY INSTRUMENTS

1961 No. 953

WAGES COUNCILS

The Wages Regulation (Baking) (Scotland) Order, 1961

Made - - - -	17*th May*, 1961
Coming into Operation	12*th June*, 1961

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Baking 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 (Baking) (Scotland) Order, 1961.

2.—(1) In this Order the expression "the specified date" means the 12th day of June, 1961, 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 (Baking) (Scotland) Order, 1959(c), shall cease to have effect.

Signed by order of the Minister of Labour this 17th day of May, 1961.

Peter Thomas,
Parliamentary Secretary,
Ministry of Labour.

(a) 7 & 8 Eliz. 2. c. 69. (b) 52 & 53 Vict. c. 63. (c) S.I. 1959/1376 (1959 II, p. 2712).

ARRANGEMENT OF SCHEDULE

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SCHEDULE

The following minimum remuneration and provisions as to holidays and holiday remuneration shall be substituted for the statutory minimum remuneration and provisions as to holidays and holiday remuneration fixed by the Wages Regulation (Baking) (Scotland) Order, 1959 (hereinafter referred to as "Order BKS (41)").

PART I

STATUTORY MINIMUM REMUNERATION

APPLICATION

1. Subject to the provisions as to guaranteed weekly remuneration set out in paragraph 11, the minimum remuneration payable to a worker to whom this Schedule applies is:—

   (*a*) for all work except work to which a minimum overtime rate applies under paragraph 7:—

   (i) the minimum weekly remuneration specified in paragraph 2 or 5 and, in addition thereto, any hourly rate payable under sub-paragraph (2) or sub-paragraph (4) of paragraph 3; or

   (ii) where minimum weekly remuneration is not payable to the worker at the hourly minimum rate specified in paragraph 6;

   (*b*) for any work to which a minimum overtime rate applies and for any waiting time, the amounts payable under paragraphs 7 and 10.

MALE WORKERS

MINIMUM WEEKLY REMUNERATION

2. Subject to the provisions of this paragraph and paragraphs 3 and 4, the minimum weekly remuneration payable to a male worker specified in Column 1 of the following Table for the normal working week (excluding overtime) is:—

(*a*) in the case of a worker who is not usually required to work on a Sunday (except on preparatory work such as the setting of sponges or the heating of ovens) the remuneration specified under the heading "A" in such one of the columns numbered 2 to 7 in the said Table as is applicable to the worker;

(*b*) in the case of any other worker, the remuneration set out under the heading "B" in such one of the said columns as is applicable to the worker.

TABLE

Class of Workers	Workers who are employed otherwise than on a shift system—						Workers employed on a shift system					
	Where the working days of the week ordinarily commence											
	Before 5 a.m.		At or after 5 a.m. and before 6 a.m.		At or after 6 a.m.		First shift		Second shift		Third shift	
Column 1	Column 2		Column 3		Column 4		Column 5		Column 6		Column 7	
	A.	B.	A.	B.	A.	B.	A.	B.	A.	B.	A.	B.
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
(*a*) Journeyman baker, not being a worker to whom (*b*), (*c*) or (*d*) of this Table applies	234 6	234 6	206 6	224 0	204 0	221 6	204 0	221 6	234 6	234 6	234 6	234 6
(*b*) Doughmaker	241 6	241 6	213 6	231 0	211 0	228 6	211 0	228 6	241 6	241 6	241 6	241 6
(*c*) Ovensman	241 6	241 6	213 6	231 0	211 0	228 6	211 0	228 6	241 6	241 6	241 6	241 6
(*d*) Bread runner	238 6	238 6	210 6	228 0	208 0	225 6	208 0	225 6	238 6	238 6	238 6	238 6

MINIMUM WEEKLY REMUNERATION—*continued*

Class of Workers	Workers who are employed otherwise than on a shift system—						Workers employed on a shift system					
	Where the working days of the week ordinarily commence						First shift		Second shift		Third shift	
	Before 5 a.m.		At or after 5 a.m. and before 6 a.m.		At or after 6 a.m.							
Column 1	Column 2		Column 3		Column 4		Column 5		Column 6		Column 7	
	A.	B.	A.	B.	A.	B.	A.	B.	A.	B.	A.	B.
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
(*e*) A male worker who is employed on the work of an ovensman, doughmaker, bread runner or journeyman baker, who has not qualified by apprenticeship or period of service to be classed as a journeyman baker—												
(i) Where the worker entered the baking trade before the 22nd February, 1943	The remuneration at (*a*), (*b*), (*c*) or (*d*) above, as the case may be, to which the worker would be entitled if he were so qualified.											

(ii) Where the worker entered the baking trade on or after 22nd February, 1943	215	0	215	0	190	0	207	6	187	0	204	6	187	0	204	6	215	0	215	0	215	0	215	0
(*f*) Apprentice baker during the following years of apprenticeship—																								
1st year of apprenticeship ...	105	6	105	6	94	6	112	0	92	0	109	6	92	0	109	6	105	6	105	6	105	6	105	6
2nd " " " ...	117	0	117	0	104	6	122	0	102	0	119	6	102	0	119	6	117	0	117	0	117	0	117	0
3rd " " " ...	140	0	140	0	124	6	142	0	122	0	139	6	122	0	139	6	140	0	140	0	140	0	140	0
4th " " " ...	152	6	152	6	135	0	152	6	132	6	150	0	132	6	150	0	152	6	152	6	152	6	152	6
5th " " " ...	176	0	176	0	155	6	173	0	153	0	170	6	153	0	170	6	176	0	176	0	176	0	176	0
(*g*) Storeman	210	0	210	0	185	0	202	6	182	6	200	0	182	6	200	0	210	0	210	0	210	0	210	0
(*h*) Ingredient storekeeper charge hand	207	0	207	0	182	6	200	0	180	0	197	6	180	0	197	6	207	0	207	0	207	0	207	0
(*i*) Male bakery worker or ingredient storekeeper—																								
Aged under 16 years	—		—		—		—		65	6	—		65	6	—		—		—		—		—	
" 16 and under 17 years ...	—		—		—		—		75	6	—		75	6	—		87	0	—		—		—	
" 17 " " 18 " ...	—		—		—		—		84	0	—		84	0	—		96	6	—		—		—	
" 18 " " 19 " ...	142	0	142	0	127	0	144	6	122	0	139	6	122	0	139	6	142	0	142	0	142	0	142	0
" 19 " " 20 " ...	152	0	152	0	137	0	154	6	132	0	149	6	132	0	149	6	152	0	152	0	152	0	152	0
" 20 " " 21 " ...	163	6	163	6	147	0	164	6	142	0	159	6	142	0	159	6	163	6	163	6	163	6	163	6
" 21 years or over	198	6	198	6	175	0	192	6	172	6	190	0	172	6	190	0	198	6	198	6	198	6	198	6

Provided that—

(1) the minimum weekly remuneration payable to a foreman baker shall be the amount which would be payable to him if employed as a journeyman baker (to whom (*a*) of the foregoing Table applies), increased by 20s.;

(2) the minimum weekly remuneration payable to a charge hand other than an ingredient storekeeper charge hand shall be the amount which would be payable to him if employed as a male bakery worker, increased by 10s.

3. Notwithstanding the provisions of paragraph 2—

(1) Where a worker is employed otherwise than on a shift system and his working day ordinarily commences on a Saturday or on the day before a customary holiday not earlier than 4 a.m., and on the other working days in the week at or after 5 a.m. and before 6 a.m., the minimum weekly remuneration payable is that appropriate under column 3 of the Table to paragraph 2.

(2) *Where a worker entitled to minimum weekly remuneration under column 2, 3 or 4 of the said Table is required to commence work before his normal starting hour he shall, in addition to the minimum weekly remuneration payable thereunder, be paid—*

(a) in the case of a worker to whom column 2 applies 3s. 0d. per hour or part of an hour for all time worked before midnight on a Friday or on the night of the day preceding the day before a customary holiday;

(b) in the case of a worker to whom column 3 applies (i) 1s. 6d. per hour or part of an hour for all time worked before 5 a.m.; or (ii) on a Saturday or on the day before a customary holiday, 1s. 6d. per hour or part of an hour for all time worked between midnight and 4 a.m., and if the spell of duty starts before midnight on the Friday night, or on the night of the day preceding the day before a customary holiday 3s. 0d. per hour or part of an hour for all time worked before midnight;

(c) in the case of a worker to whom column 4 applies 1s. 6d. per hour or part of an hour for all time worked before 5 a.m.

(3) Where a worker works—

(a) on a regularly alternating shift system providing for an equal period of work in one of the first, second or third shifts referred to in paragraph 4, and in one other of those shifts, or

(b) on a regularly rotating shift system providing for two periods of two weeks on the first shift, one period of two weeks on the second shift and one period of two weeks on the third shift,

the minimum weekly remuneration payable to him for work other than overtime in each consecutive week of such employment shall be the amount that would be payable to him if he worked throughout the complete number of working weeks required to be worked to complete a whole period of alternation or rotation as aforesaid and that amount were divided by the said number of weeks.

(4) Where a worker employed on a shift system who is engaged on first shift is required to commence work on a Saturday (but not on any other day of the week) before 5 a.m., he shall be paid in addition to the weekly minimum remuneration payable in accordance with this Part of this Schedule 1s. 6d. per hour *or part of an hour* for all time worked by him before 6 a.m.

(5) Where the ordinary hours of work of a worker (not being a worker to whom sub-paragraph (4) of this paragraph applies) employed on a shift system do not fall wholly within the first, second or third shift the minimum weekly remuneration payable to him shall be that appropriate to the third shift.

(6) An apprentice baker shall be treated for the purpose of the foregoing Table as though he were in his fifth year of apprenticeship if the number of apprentices employed in the establishment in which he is employed exceeds the maximum number specified in paragraph 20.

DEFINITION OF SHIFTS

4. For the purposes of paragraphs 2 and 3—

(*a*) "shift system" means a system of working which involves successive turns of duty for different groups of workers in the establishment in which they are employed;

(*b*) "first shift" means, in the case of a worker employed on a shift system, the period of work which ordinarily commences not earlier than 6 a.m. and finishes not later than 6 p.m.;

(*c*) "second shift" means, in the case of a worker employed on a shift system, the period of work which ordinarily commences not earlier than 10 a.m. and finishes after 6 p.m. but not later than 11 p.m.;

(*d*) "third shift" means, in the case of a worker employed on a shift system, the period of work which ordinarily commences (i) in the case of a doughmaker, ovensman or bread runner not earlier than 8 p.m. on days other than a Friday and not earlier than 7 p.m. on a Friday, and (ii) in all other cases not earlier than 11 p.m. on days other than a Friday and not earlier than 10 p.m. on a Friday, but in all cases earlier than 6 a.m. on the next day.

FEMALE WORKERS
MINIMUM WEEKLY REMUNERATION

5. The minimum weekly remuneration payable to a female worker for the normal working week (excluding overtime) is that specified in the following Table:—

TABLE

	s.	d.
(*a*) Female assistant baker charge hand	*151*	*0*
(*b*) Female ingredient storekeeper charge hand	*148*	*6*
(*c*) Female ingredient storekeeper (not being a charge hand) or female assistant baker—		
Aged under 16 years	*63*	*6*
„ 16 and under 17 years	*69*	*6*
„ 17 „ „ 18 „	*79*	*0*
„ 18 „ „ 19 „	*106*	*6*
„ 19 „ „ 20 „	*115*	*0*
„ 20 „ „ 21 „	*122*	*6*
„ 21 years or over	*141*	*0*
(*d*) Female bakery worker charge hand	*135*	*6*
(*e*) Female bakery worker—		
Aged under 16 years	*63*	*6*
„ 16 and under 17 years	*69*	*6*
„ 17 „ „ 18 „	*76*	*6*
„ 18 „ „ 19 „	*99*	*0*
„ 19 „ „ 20 „	*105*	*0*
„ 20 „ „ 21 „	*110*	*0*
„ 21 years or over	*125*	*6*

HOURLY MINIMUM RATE

6.—(1) Where minimum weekly remuneration is not applicable to a worker he shall be paid for all time worked, except overtime, at the hourly minimum rate applicable to him.

(2) The hourly minimum rate applicable to any worker is the amount obtained by dividing the minimum weekly remuneration which would be payable to him if employed for the normal working week by the number of hours constituting the normal working week.

MINIMUM OVERTIME RATES

7. Minimum overtime rates are payable to any worker as follows:—

(*a*) for any time worked on the worker's rest day ...	Double time for four hours or double time for all time worked, whichever is the greater
Provided that if on his rest day the worker is employed solely on preparatory work (such as the setting of sponges or the heating of ovens) the minimum overtime rate for all time worked on that day shall be	Double time
(*b*) for any time worked on any such preparatory work on a day allowed to the worker by the employer as a customary holiday under the provisions of paragraph 12	Double time
(*c*) for any time worked in excess of the normal working day on the 6th day in the worker's normal working week, or on the 5th day where the worker's normal working week is one of five days—	
for the first two hours so worked	Time-and-a-half
thereafter	Double time
(*d*) for any time worked on any other day in excess of the normal working day	Time-and-a-half

8. For the purposes of paragraph 7 and paragraph 11 the expression "normal working day" means in relation to any worker one-sixth of the period of the normal working week, *or in the case of a 5-day week, one-fifth of the period of the normal working week:*

Provided that—

(*a*) where the worker normally works—

(i) on a Saturday for a period which is less than, but not more than two hours less than, the normal working day calculated as aforesaid; and

(ii) on other working days in the week in addition to the said normal working day for a period or periods which in the aggregate amount to the number of hours by which his said normal working day on a Saturday is reduced, but so that the additional time so worked does not exceed one hour on any one day,

the expression "normal working day" means, in relation to that Saturday and to the days on which additional work is done as aforesaid, the number of hours normally worked on that Saturday and those other days, respectively.

(*b*) where the worker normally works on six days in the week and his work on one of those days is normally a period not exceeding 5 hours the said expression means, in relation to that short day, the said period and, in relation to each of the remaining 5 days, one-fifth of the remaining period of his normal working week.

(*c*) *where the worker normally works on six days in the week and his work on four days of the week is normally a period of 7 hours and on the remaining two days a period of 7½ hours, the expression "normal working day" means in relation to those days, the number of hours normally worked.*

9. In ascertaining whether overtime has been worked regard shall be had to the whole of the worker's turn of duty, and where the normal working day extends beyond midnight, the turn of duty shall be treated as worked wholly on the day on which it ends.

WAITING TIME

10. 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.

GUARANTEED WEEKLY REMUNERATION

11.—(1) This paragraph applies to a worker who is employed by the employer by the week or longer period and who ordinarily works for the employer for the period of the normal working week wholly or mainly on work for which statutory minimum remuneration is payable under the provisions of this Schedule.

(2) Notwithstanding the foregoing provisions of this Schedule and subject to the provisions of this paragraph, where in any week in which the worker performs some work for the employer for which the said statutory minimum remuneration is payable the total amount of the minimum remuneration (not being remuneration for overtime) payable to that worker

(*a*) under the foregoing provisions of this Schedule (other than paragraph 7) and

(*b*) by way of holiday remuneration under Part II of this Schedule,

would be less than the guaranteed weekly remuneration provided for by this paragraph, the minimum remuneration payable to that worker in lieu of the amount aforesaid for that week shall be the guaranteed weekly remuneration aforesaid.

(3) The amount of the guaranteed weekly remuneration is the minimum weekly remuneration which would be payable under the provisions of paragraphs 2 and 3 or paragraph 5 if the worker worked the normal working week in his usual occupation.

(4) Payment of the guaranteed weekly remuneration in respect of any week shall be subject to the condition that the worker throughout the period of his ordinary employment in that week, excluding any day allowed to him as a holiday or any time during which he is absent with the leave of the employer, is—

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

(*b*) willing to perform any services outside his usual occupation which may reasonably be required by the employer when work is not available for him in his usual occupation.

(5) Where the employer is prevented from providing employment by reason of a strike, failure of supplies or other circumstances outside his control and has given to the worker not less than four clear days' notice of his inability to provide such employment and the notice has expired, guaranteed weekly remuneration shall not, subject as is hereinafter provided, be payable in that week or in any week during which or during part of which such inability to give employment continues after the expiry of the notice:

Provided that, notwithstanding that the worker may not have performed for the employer in the week in which the said notice expires any work for which statutory minimum remuneration is payable under this Schedule, guaranteed weekly remuneration shall be payable to the worker in respect of that week and the amount thereof shall be as follows:—

(*a*) in respect of any time (other than overtime) worked by the worker for the employer in that week on work for which statutory minimum remuneration is payable, the minimum remuneration payable to the worker in respect thereof under the provisions of this Schedule other than this paragraph,

(*b*) in respect of any remaining time which the worker would have worked in that week had he worked the period of the normal working day on each day prior to expiry of the said notice, the hourly minimum rate applicable to the worker.

(6) A worker shall be paid, in addition to any guaranteed weekly remuneration payable to him in any week, any minimum remuneration for overtime payable to him in that week under the provisions of paragraph 7.

PART II

HOLIDAYS AND HOLIDAY REMUNERATION

CUSTOMARY HOLIDAYS

12.—(1) Subject to the provisions of this paragraph, an employer shall allow to every worker in his employment to whom this Schedule applies a holiday (in this Schedule referred to as a "customary holiday") in each year on each of the days specified in the next following sub-paragraph provided that the worker shall have been in his employment on the last working day preceding the holiday.

(2) The said customary holidays are—

(*a*) New Year's Day (or where New Year's Day falls on the worker's rest day the working day following) and one other day being the working day either immediately preceding or immediately following the day allowed as the New Year's Day holiday;

(*b*) four other days observed by local custom as holidays to be fixed by the employer and notified to the worker not less than three weeks before the holiday; and in addition any day proclaimed as a public holiday throughout Scotland.

(3) For the purpose of this Schedule a customary holiday allowed by an employer shall not cease to be a holiday by reason only of the fact that the worker is required to perform thereon preparatory work (such as the setting of sponges or the heating of ovens).

(4) In the case of a night worker the day of customary holiday shall be the period of 24 hours commencing at noon on the day prior to the customary holiday.

ANNUAL HOLIDAY

13.—(1) In addition to the holidays specified in paragraph 12 an employer shall between the date on which this Schedule becomes effective and 30th September, 1961, and in each succeeding year between 15th April and 30th September allow a holiday (hereinafter referred to as an "annual holiday") to every worker in his employment to whom this Schedule applies who was employed by him during the 12 months immediately preceding the commencement of the holiday season for any of the periods specified below, and the duration of the annual holiday shall be related to his period of employment during that 12 months as follows:—

Period of Employment	Duration of Annual Holiday
At least 48 weeks	12 days
„ „ 44 „	11 „
„ „ 40 „	10 „
„ „ 36 „	9 „
„ „ 32 „	8 „
„ „ 28 „	7 „
„ „ 24 „	6 „
„ „ 20 „	5 „
„ „ 16 „	4 „
„ „ 12 „	3 „
„ „ 8 „	2 „
„ „ 4 „	1 day

Provided that—

(*a*) the number of days of annual holiday which an employer is required to allow to a worker under this Schedule shall not exceed twice the number of days constituting the worker's normal working week;

(*b*) a worker who has been allowed his annual holiday or any part thereof during April or September in one holiday season shall not be allowed his annual holiday or any part thereof during April or September in the next following holiday season, except at his own written request;

(*c*) the duration of the worker's annual holiday during the holiday season ending on 30th September, 1961, shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of Order BKS (41) between 15th April, 1961, and the date on which this Schedule becomes effective.

(2) In this Schedule the expression "holiday season" means in any year, the period commencing on 15th April and ending on 30th September in that year.

14.—(1) Subject to the provisions of this paragraph an annual holiday shall be allowed on consecutive working days being days on which the worker is normally called upon to work for the employer.

(2) Where the number of days of annual holiday for which a worker has qualified exceeds the number of days constituting his normal working week, the holiday may at his request be allowed in two periods of consecutive working days, provided that one of the periods shall be of not less duration than the number of days constituting the worker's normal working week.

(3) For the purposes of this paragraph, days of annual holiday shall be treated as consecutive notwithstanding that a customary holiday or a rest day or a day on which he does not normally work for the employer intervenes.

(4) A day of annual holiday under this Schedule shall not be allowed on any day on which the worker is entitled to a day of holiday or to a half-holiday under any enactment other than the Wages Councils Act, 1959.

15. An employer shall give to a worker reasonable notice of the commencing date and duration of his annual holiday in respect of the holiday season commencing on 15th April, 1961, and in respect of any subsequent holiday season shall give to the worker such notice not later than 1st February last preceding the holiday season. Such notice may be given individually to the worker or by the posting of a notice in the place where the worker is employed.

REMUNERATION FOR CUSTOMARY HOLIDAYS

16.—(1) Subject to the provisions of this paragraph, for each customary holiday which a worker is allowed under this Schedule he shall be paid by his employer holiday remuneration equal to the statutory minimum remuneration (exclusive of overtime) 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 for the number of hours usually worked by him on that day of the week.

(2) Holiday remuneration in respect of any customary holiday shall be paid to the worker on the day on which the wages for the pay week including the holiday are paid.

(3) A worker who is allowed by his employer a customary holiday shall be paid in addition to the holiday remuneration payable in respect thereof under sub-paragraph (1) of this paragraph, the appropriate minimum overtime rate in respect of any preparatory work (such as the setting of sponges or the heating of ovens) performed by him thereon.

REMUNERATION FOR ANNUAL HOLIDAY

17.—(1) Subject to the provisions of this paragraph, a worker qualified to be allowed an annual holiday under this Schedule shall be paid by his employer in respect thereof, on the last pay day preceding such annual holiday, remuneration in accordance with the following Table:—

TABLE OF HOLIDAY REMUNERATION

Column 1	Column 2					Column 3
Period of annual holiday	Holiday remuneration for workers with a normal working week of—					
	6 days	5 days	4 days	3 days	2 days or less	
12 days	The amount in Column 3	—	—	—	—	The amount which the worker would be entitled to receive from his employer, at the date of the holiday, for two weeks' work, if working his normal working week and the number of daily hours usually worked by him (exclusive of overtime), and if paid at the appropriate statutory minimum remuneration, fixed by a wages regulation order in respect of the worker, for work to which that order applies and at the same rate for work (if any) to which that order does not apply.
11 days	Eleven-twelfths of the amount in Column 3	—	—	—	—	
10 days	Five-sixths of the amount in Column 3	The amount in Column 3	—	—	—	
9 days	Three - quarters of the amount in Column 3	Nine-tenths of the amount in Column 3	—	—	—	
8 days	Two - thirds of the amount in Column 3	Four - fifths of the amount in Column 3	The amount in Column 3	—	—	
7 days	Seven-twelfths of the amount in Column 3	Seven - tenths of the amount in Column 3	Seven-eighths of the amount in Column 3	—	—	
6 days	One-half of the amount in Column 3	Three - fifths of the amount in Column 3	Three - quarters of the amount in Column 3	The amount in Column 3	—	
5 days	Five-twelfths of the amount in Column 3	One-half of the amount in Column 3	Five-eighths of the amount in Column 3	Five-sixths of the amount in Column 3	—	
4 days	One-third of the amount in Column 3	Two-fifths of the amount in Column 3	One-half of the amount in Column 3	Two-thirds of the amount in Column 3	The amount in Column 3	
3 days	One-quarter of the amount in Column 3	Three - tenths of the amount in Column 3	Three-eighths of the amount in Column 3	One-half of the amount in Column 3	Three-quarters of the amount in Column 3	
2 days	One-sixth of the amount in Column 3	One-fifth of the amount in Column 3	One - quarter of the amount in Column 3	One-third of the amount in Column 3	One-half of the amount in Column 3	
1 day	One-twelfth of the amount in Column 3	One-tenth of the amount in Column 3	One-eighth of the amount in Column 3	One-sixth of the amount in Column 3	One-quarter of the amount in Column 3	

(2) Where an annual holiday is allowed in more than one period the holiday remuneration shall be apportioned accordingly.

(3) Where any accrued holiday remuneration has been paid by the employer to the worker (in accordance with paragraph 18 of this Schedule, or with Order BKS (41)) in respect of employment during the periods referred to in that paragraph or that Order, the amount of holiday remuneration payable by the employer in respect of any annual holiday for which the worker has qualified by reason of employment during the said period shall be reduced by the amount of the said accrued holiday remuneration, unless that remuneration has been deducted from a previous payment of holiday remuneration made under the provisions of this Schedule or of Order BKS (41).

ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

18. Where a worker ceases to be employed by an employer after the provisions of this Schedule become effective, the employer shall, immediately on the termination of the employment (hereinafter called the "termination date"), pay to the worker as accrued holiday remuneration:—

(1) in respect of employment occurring in the twelve months up to and including 14th April immediately preceding the termination date, a sum equal to the holiday remuneration which would be payable for any days of annual holiday for which he has qualified (except days of annual holiday which he has been allowed or has become entitled to be allowed before leaving the employment) if they were allowed at the termination date; and

(2) in respect of any employment since 14th April immediately preceding the termination date, a sum equal to the holiday remuneration which would have been payable to him if he could have been allowed an annual holiday in respect of that employment at the time of leaving it:

Provided that where a worker is employed under a contract of service under which he is required to give not less than one week's notice before terminating his employment and the worker without the consent of his employer terminates his employment—

(*a*) without having given not less than one week's notice, or

(*b*) before one week has expired from the beginning of such notice,

the amount of accrued holiday remuneration payable to the worker shall be the amount payable under the foregoing provisions of this paragraph, less an amount equal to the holiday remuneration which would be payable to the worker for one day of annual holiday multiplied, in the case of (*a*), by the number of days constituting the worker's normal working week or, in the case of (*b*), by the number of days which at the termination of the employment would complete a normal working week commencing at the beginning of the notice.

CALCULATION OF EMPLOYMENT

19. For the purpose of calculating any period of employment qualifying a worker for an annual holiday or for any accrued holiday remuneration, the worker shall be treated as having been employed—

(*a*) for a week in respect of any week in which—

(i) he has worked for the employer for not less than 16 hours and has performed some work to which statutory minimum remuneration applies; or

(ii) he has worked for the employer for less than 16 hours or has been absent throughout the week by reason of proved illness or accident, provided that the number of weeks which may be treated

as weeks of employment for such reason shall not exceed six in the aggregate in the period of twelve months immediately preceding the commencement of the holiday season; or

(iii) he has been suspended throughout the week owing to shortage of work, provided that the number of weeks which may be treated as weeks of employment for such reason shall not exceed six in the aggregate in the period of twelve months last mentioned; and

(*b*) on any day of holiday allowed to him by his employer under the provisions of this Schedule or Order BKS (41) and, for the purposes of the provisions of sub-paragraph (*a*) of this paragraph, a worker who is allowed such a holiday shall be treated as having worked thereon for the employer the number of hours (exclusive of overtime) ordinarily worked by the worker on that day of the week on work to which statutory minimum remuneration applies.

PART III
GENERAL
DEFINITIONS

20. For the purposes of this Schedule—

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

"APPRENTICE BAKER" means a worker serving in the Baking Trade a five years' apprenticeship, which commences not earlier than his fifteenth and not later than his nineteenth birthday, and employed in an establishment in which the number of apprentice bakers is limited in proportion to the number of journeymen bakers, doughmakers and ovensmen regularly employed as follows:—

Number of journeymen regularly employed	Maximum number of apprentices employed
Not more than 3	1
4 or 5	2
6 to 10...	3
More than 10	1 additional apprentice for each group of 5 journeymen in excess of 10

Provided that in any establishment where by reason only of the reinstatement of one or more apprentices in accordance with the provisions of the National Service Acts, 1948 to 1950, the Reinstatement in Civil Employment Act, 1944(a), or the Reinstatement in Civil Employment Act, 1950(b), the number of apprentices employed is greater than the maximum number specified in the Table above, having regard to the number of journeymen regularly employed, the number of apprentices so employed shall be substituted for the maximum number specified in the said Table.

"BREAD RUNNER" means a journeyman baker who is wholly or mainly engaged in the placing of unfired batch or square bread on the firing surface of the oven for baking.

"CHARGE HAND" means a worker (other than a foreman baker) in any department who has control over three or more other workers.

"DOUGHMAKER" means a journeyman baker who is engaged for more than one hour daily in the stirring or doughing (excluding sponging) of bread and morning rolls or of either of those articles of food in an establishment in which at least four journeymen bakers are regularly employed in their production.

(a) 7 & 8 Geo. 6. c. 15. (b) 14 & 15 Geo. 6. c. 10.

"FOREMAN BAKER" means a journeyman baker who has at least four workers under his control in any department of a bakery.

"JOURNEYMAN BAKER" means a worker aged 21 years or over who is engaged in the production of bread, cake or flour confectionery, including any part of the baking processes incidental to the production of the complete article of food or the feeding and drawing of ovens, and who has either (i) served an apprenticeship of five years in the Baking Trade, (ii) been employed in the said work for a continuous period of five years prior to 1st January, 1939, or (iii) in the case of a worker whose apprenticeship has been interrupted by war service has served the period of apprenticeship or training entitling him to be recognised as a journeyman or fully qualified adult worker under the scheme for the training of apprentices entitled I.A.S./Scheme No. 41, prepared by the National Joint Committee for the Baking Industry (Scotland) and approved by the Minister.

"MALE BAKERY WORKER", "INGREDIENT STOREKEEPER" means a worker (other than a journeyman baker, ingredient storekeeper charge hand, storeman or apprentice baker) who is not engaged in the making of bread or flour confectionery but is engaged in work incidental thereto or in the packaging, storage, loading and other handling of goods to the stage of the first despatch of the finished products for sale or distribution, but nothing in this definition shall be interpreted as classifying as a male bakery worker or an ingredient storekeeper, any worker of any other trade engaged on tasks such as office, administrative or welfare work or maintenance and servicing of plant, buildings, or equipment.

"OVENSMAN" means a journeyman baker who is in charge of at least one oven.

"STOREMAN" means a male worker aged 21 years or over who is wholly or mainly engaged in the first receipt, storage or issue of flour or other raw materials.

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

"FEMALE ASSISTANT BAKER" means a worker who is wholly or mainly engaged—

(i) in the actual production of oatcakes, scones, pancakes and other hot plate goods or of any of those articles of food, or

(ii) in work incidental to that of a journeyman baker such as the preparation of pie and tart shells and lining shapes, or

(iii) in confectionery finishing work.

"FEMALE ASSISTANT BAKER CHARGE HAND" means a worker aged 21 years or over who is in charge of—

(i) a department of a bakery under a foreman baker; or,

(ii) a bakery where not less than 5 workers, including herself, are employed, and who is herself a female assistant baker or who supervises one or more female assistant bakers.

"FEMALE BAKERY WORKER" means a female worker employed on any work other than that of a female assistant baker, but nothing in this definition shall be interpreted as classifying as a female bakery worker any female worker of any other trade engaged on tasks such as office, administrative or welfare work or maintenance and servicing of plant, buildings or equipment.

"FEMALE BAKERY WORKER CHARGE HAND" means a female bakery worker aged 21 years or over who is in charge, under a foreman baker, of a department of a bakery in which no female assistant bakers are employed, or is in charge of a bakery where not less than 5 workers, including herself, not being female assistant bakers, are employed.

"FEMALE INGREDIENT STOREKEEPER" means a worker who generally assists an ingredient storekeeper charge hand in the receipt, storage and issue of raw materials, provided that nothing in this definition shall be interpreted as classifying as an ingredient storekeeper a worker employed solely in the handling of flour.

(c) in the case of any worker,

"INGREDIENT STOREKEEPER CHARGE HAND" means a bakery worker (male or female) who is wholly or mainly in charge of an ingredient stock-room or store in a bakery.

"NORMAL WORKING WEEK" means—

(1) for the purposes of Part I of this Schedule—
a week of 43 hours.

(2) for the purposes of Part II of this Schedule—
the number of days on which it has been usual for the worker to work in a week in the employment of the employer allowing the holiday in the twelve months immediately preceding the commencement of the holiday season, or where accrued holiday remuneration is payable on the termination of the employment, in the twelve months immediately preceding the date of the termination of the employment:

Provided that—

(i) part of a day shall count as a day;

(ii) no account shall be taken of any week in which the worker did not perform work for which statutory minimum remuneration has been fixed.

"OVERTIME" means any time in respect of which a minimum overtime rate applies under paragraph 7.

"REST DAY" means Sunday, or, in the case of a male worker who normally works on six days in the week including Sunday, the day of the week on which he does not normally work.

"TIME-AND-A-HALF" and "DOUBLE TIME" mean, respectively, one and a half times and twice the hourly minimum rate applicable to the worker under paragraph 6.

"WEEK" means "pay week".

WORKERS TO WHOM THIS SCHEDULE APPLIES

21. This Schedule applies to workers in relation to whom the Baking Wages Council (Scotland) operates, that is to say, workers employed in Scotland in the trade specified in the Schedule to the Trade Boards (Baking Trade, Scotland) (Constitution and Proceedings) Regulations, 1939(a), which reads as follows:—

"Definition of the Baking Trade as specified in the Appendix to the Trade Boards (Baking) Order, 1938(b).

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

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

(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);

(a) S.R. & O. 1939/109 (1939 II, p. 3182). (b) S.R. & O. 1938/519 (1938 II, p. 3227).

(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 Appendix 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 Appendix "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".

EXPLANATORY NOTE

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

This Order, which has effect from 12th June, 1961, sets out the statutory minimum remuneration payable and the holidays to be allowed in substitution for the statutory minimum remuneration and holidays set out in the Wages Regulation (Baking) (Scotland) Order, 1959 (Order BKS (41)), which is revoked.

New provisions are printed in italics.

(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).