STATUTORY INSTRUMENTS

1974 No. 1559

WAGES COUNCILS

The Wages Regulation (Boot and Shoe Repairing) (Amendment) Order 1974

Made - - - - 17*th September* 1974

Coming into Operation 9*th October* 1974

Whereas the Secretary of State has received from the Boot and Shoe Repairing Wages Council (Great Britain) the wages regulation proposals set out in Schedules 1 and 2 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 (Boot and Shoe Repairing) (Amendment) Order 1974.

2.—(1) In this Order the expression "the specified date" means the 9th October 1974, 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.

3. The wages regulation proposals set out in Schedules 1 and 2 hereto shall have effect as from the specified date.

Signed by order of the Secretary of State.
17th September 1974.

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.

Article 3

SCHEDULE I

STATUTORY MINIMUM REMUNERATION

The Wages Regulation (Boot and Shoe Repairing) Order 1973(a) (Order D. (164)) shall have effect as if in the Schedule thereto:—

1. after paragraph 1 there were inserted the following paragraph:—

"COST OF LIVING PAYMENT

1A.—(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 in accordance with this paragraph.

(2)(a) The cost of living payment payable in respect of each complete pay week shall be—

(i) £2·80 in the case of full-time workers,

(ii) 7p multiplied by the number of hours worked in that week (excluding overtime) in the case of part-time workers.

(b) Up to and including 15th November 1974, for each increase of 1·85 points in the Index of Retail Prices published by the Department of Employment above 209·5, the cost of living payment payable in respect of each complete pay week shall be increased in respect of each complete pay week following the increase by 40p per week in the case of full-time workers and by 1p multiplied by the number of hours worked (excluding overtime) in that week in the case of part-time workers.

(3) 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 10 of this Schedule.

(4) On and after 16th November 1974 the cost of living payment to be payable under this paragraph shall be that which was payable in respect of the last complete pay week before that date.

(5) In this paragraph—

'full-time worker' means a worker who normally works for the employer for 40 hours or more a week.

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

2. for sub-paragraph (3) of paragraph 2 there were substituted the following sub-paragraph:—

"2.—(3) For the purpose of this Schedule a 'boot and shoe repairing undertaking' means any undertaking or any part of an undertaking which is wholly or mainly engaged by way of trade on any of the following operations, including operations incidental or ancillary thereto, that is to say—

(i) the repairing of leather footwear;

(ii) the making of bespoke footwear:

Provided that as regards trainees who under arrangements made pursuant to section 2 of the Employment and Training Act 1973(b), have been placed with, and are being trained by, an employer for a period of approved training, this Schedule shall not (subject to the condition that the requirements of the Training Scheme are complied with) apply during the period in respect of which the trainees are in receipt of allowances as provided under the Scheme."

(a) S.I. 1973/2134 (1973 III, p. 7353). (b) 1973 c. 50.

3. for sub-paragraph (2) of paragraph 11, which relates to customary holidays, there were substituted the following sub-paragraph:—

"11.—(2) the expression 'customary holiday' means—

(*a*) in England and Wales

(i) Christmas Day, 26th December if it be not a Sunday, 27th December in a year when 25th or 26th December is a Sunday, *New Year's Day, if it be not a Sunday or, if it be a Sunday, 2nd January*, Good Friday, Easter Monday, the last Monday in May, the last Monday in August and any day proclaimed as a public holiday or additional bank holiday, or

(ii) in the case of each of the named holidays, such other day (not being a day on which a rest period occurs) as may be substituted therefor by the employer by a notice posted in the factory throughout the three weeks immediately preceding the holiday for which it is substituted;

(*b*) in Scotland

(i) New Year's Day, if it be not a Sunday or, if it be a Sunday, 2nd January, Good Friday, the local Spring holiday, the day observed as Victoria Day or Queen's Birthday, the local Autumn holiday, Christmas Day, if it be not a Sunday or, if it be a Sunday, 26th December, *and one other day, being a day 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*, and any day, proclaimed as a public holiday or additional bank holiday, or

(ii) in the case of each of the named holidays, such other day (not being a day on which a rest period occurs) as may be substituted therefor by the employer by a notice posted in the factory throughout the three weeks immediately preceding the holiday for which it is substituted:

Provided that notification of days of holiday made by the employer for the purpose of section 94 of the Factories Act 1961(**a**), shall be treated for the purposes of this sub-paragraph as effective notice of substitution."

Article 3

SCHEDULE 2

HOLIDAYS AND HOLIDAY REMUNERATION

The Wages Regulation (Boot and Shoe Repairing) (Holidays) Order 1972(**b**) (Order D. (162)) shall have effect as if in the Schedule thereto for sub-paragraph (2) of paragraph 2, which relates to customary holidays, there were substituted the following sub-paragraph:—

"2.—(2) The said customary holidays are:—

(*a*) in England and Wales

(i) Christmas Day, 26th December if it be not a Sunday, 27th December in a year when 25th or 26th December is a Sunday, *New Year's Day, if it be not a Sunday or, if it be a Sunday, 2nd January*, Good Friday, Easter Monday, the last Monday in May, the last Monday in August and any day proclaimed as a public holiday or additional bank holiday, or

(ii) in the case of each of the named holidays, such other day (not being a day on which a rest period occurs) as may be substituted therefor by the employer by a notice posted in the factory throughout the three weeks immediately preceding the holiday for which it is substituted;

(**a**) 1961 c. 34.

(**b**) S.I. 1972/1431 (1972 III, p. 4340).

(*b*) in Scotland

(i) New Year's Day, if it be not a Sunday or, if it be a Sunday, 2nd January, Good Friday, the local Spring holiday, the day observed as Victoria Day or Queen's Birthday, the local Autumn holiday, Christmas Day, if it be not a Sunday or, if it be a Sunday, 26th December, *and one other day, being a day 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*, and any day, proclaimed as a public holiday or additional bank holiday, or

(ii) in the case of each of the named holidays, such other day (not being a day on which a rest period occurs) as may be substituted therefor by the employer by a notice posted in the factory throughout the three weeks immediately preceding the holiday for which it is substituted:

Provided that notification of days of holiday made by the employer for the purpose of section 94 of the Factories Act 1961(a), shall be treated for the purposes of this sub-paragraph as effective notice of substitution."

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order, which has effect from 9th October 1974, amends the Wages Regulation (Boot and Shoe Repairing Order 1973 (Order D. (164)). Schedule 1 introduces a cost of living payment to be allowed to workers in relation to whom the Boot and Shoe Repairing Wages Council (Great Britain) operates.

Schedule 2 amends the Wages Regulation (Boot and Shoe Repairing) (Holidays) Order 1972 (Order D. (162)) by providing for an additional day of customary holiday.

New provisions are printed in italics.

(a) 1961 c. 34.

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