STATUTORY INSTRUMENTS

1975 No. 2248

WAGES COUNCILS

The Wages Regulation (Boot and Shoe Repairing) (Amendment) Order 1975

Made - - - - 31*st December* 1975

Coming into Operation 12*th February* 1976

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 1975.

2.—(1) In this Order the expression "the specified date" means the 12th February 1976, 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.
31st December 1975.

R. J. Dawe,
Assistant 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. (168)]

Article 3

SCHEDULE 1

STATUTORY MINIMUM REMUNERATION

The Wages Regulation (Boot and Shoe Repairing) Order 1975(a) (Order D. (166)) shall have effect as if in the Schedule thereto:—

1. After paragraph 2 there were inserted the following paragraph:—

"*EARNINGS SUPPLEMENT*

2A.—(1) In addition to the minimum remuneration specified in paragraph 1 of this Schedule, additional remuneration, hereinafter referred to as the 'earnings supplement', shall be payable to all workers in respect of all time worked up to a maximum of 40 hours per week, in accordance with the following table:—

		per hour	*per week of 40 hours*
		p	£
(*a*)	*Workers aged 18 years or over*	*15·00*	*6·00*
(*b*)	*Workers to whom paragraph 6 of this Schedule applies aged:—*		
	17 and under 18 years	*13·10*	*5·24*
	under 17 years	*11·90*	*4·76*
(*c*)	*Workers to whom paragraph 7 of this Schedule applies aged:—*		
	17 and under 18 years	*13·10*	*5·24*
	under 17 years	*11·70*	*4·68*

(2) The earnings supplement shall not be treated as part of the hourly general minimum time rate for the purpose of calculating payment for overtime under paragraph 10 of this Schedule."

2. For paragraph 13 there were substituted the following paragraph:—

"13.—(1) This paragraph applies to a worker (other than a casual worker) who ordinarily works for the employer for at least 36 hours weekly on work to which this Schedule applies.

(2) Notwithstanding anything in this Schedule contained, where in any week:—

(*a*) no remuneration is payable to the worker under the foregoing provisions of this Schedule or by way of holiday remuneration under any wages regulation order made by the Secretary of State to give effect to the proposals of the Wages Council, or

(*b*) the total amount of any such remuneration (*excluding any amount payable by way of earnings supplement in accordance with paragraph 2A of this Schedule*) is less than the guaranteed weekly remuneration provided for by this paragraph,

the minimum remuneration payable to that worker for that week in lieu of any amount aforesaid shall, subject to the provisions of this paragraph, be the guaranteed weekly remuneration.

(3) Subject to the provisions of the next following sub-paragraph the amount of the guaranteed weekly remuneration is as follows:—

(*a*) in the case of a worker who ordinarily works for the employer on work to which this Schedule applies for at least 40 hours weekly, 32 hours' pay calculated at the general minimum time rate ordinarily applicable to the worker, or

(a) S.I. 1975/66 (1975 I, p. 185).

(*b*) in the case of a worker who ordinarily works for the employer for less than 40 but not less than 36 hours weekly on such work, 32/40ths of the amount payable at the said rate for the hours ordinarily worked by the worker in a week for the employer on such work.

(4) Payment of the guaranteed weekly remuneration in any week is 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, 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 to him in the establishment in which he is employed:

Provided that guaranteed weekly remuneration shall not cease to be payable to a worker in respect of any week by reason only of the fact that he is absent during any part of that week by reason of proved illness or with the consent of the employer but, in the case of such absence (other than absence on holiday with pay allowed under the provisions of a wages regulation order) the amount of the guaranteed weekly remuneration shall be reduced by the amount to which he would have been entitled under this Schedule as a time worker had he worked the number of hours ordinarily worked by him during the period of such absence in that week.

(5) If the employer is unable to provide the worker with work by reason of a strike, failure of supplies or any cause (other than shortage of work) outside the control of the employer, guaranteed weekly remuneration shall not be payable in respect of any week during which, or part of which, the employer is unable to provide work as aforesaid.

(6) The amount of 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'."

Article 3

SCHEDULE 2

HOLIDAYS AND HOLIDAY REMUNERATION

The Wages Regulation (Boot and Shoe Repairing) (Holidays) Order 1975(**a**) (Order D. (167)) shall have effect as if in the Schedule thereto for the definition "ONE DAY'S HOLIDAY PAY" in paragraph 12 there were substituted the following:—

" 'ONE DAY'S HOLIDAY PAY' means the appropriate proportion of the remuneration which the worker would be entitled to receive from his employer at the date of the annual holiday (or where the holiday is taken in more than one period at the date of the first period) or at the termination date, as the case may be, for one week's work if working his normal working week and the number of daily hours normally worked by him (exclusive of overtime) and if he were paid *as follows:*—

Time Worker

the amount which the worker would be entitled to receive from the employer under the arrangement current immediately prior to the holiday (*including any amount payable by way of earnings supplement in accordance with the Wages Regulation* (*Boot and Shoe Repairing*) *Order 1975* (*Order D.* (*166*)), *as amended by the Wages Regulation* (*Boot and Shoe Repairing*) (*Amendment*) *Order 1975* (*Order D. 168*));

(**a**) S.I. 1975/67 (1975 I, p. 229).

Piece Worker

(*1*) the hourly general minimum time rate applicable to the worker (or which would be applicable if he were a time worker) increased by ten per cent., for work to which statutory minimum remuneration applies and at the same rate (increased as aforesaid) for any work for the same employer to which such remuneration does not apply; *and* (*2*) *any amount payable by way of earnings supplement in accordance with the said Order D.* (*166*) *as amended by the said Order D.* (*168*);

and in this definition 'appropriate proportion' means—

where the worker's normal working week is 6 days	...	one-sixth
,, ,, ,, ,, ,, ,, ,, 5 ,,	...	one-fifth
,, ,, ,, ,, ,, ,, ,, 4 ,,	...	one-quarter
,, ,, ,, ,, ,, ,, ,, 3 ,,	...	one-third
,, ,, ,, ,, ,, ,, ,, 2 ,,	...	one-half
,, ,, ,, ,, ,, ,, ,, 1 day	...	the whole"

EXPLANATORY NOTE

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

This Order comes into effect on 12th February 1976. Schedule 1 amends the statutory minimum remuneration payable to workers in relation to the Boot and Shoe Repairing Wage Council (Great Britain) fixed by the Wages Regulation (Boot and Shoe Repairing) Order 1975 (D. (166)).

Schedule 2 amends the provisions relating to holiday remuneration contained in Order D. (167), so as to take account of the earnings supplement.

New provisions are printed in italics.

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