STATUTORY INSTRUMENTS

1974 No. 1612

WAGES COUNCILS

The Wages Regulation (Cotton Waste Reclamation) Order 1974

Made - - - -	*26th September* 1974
Coming into Operation	*21st October* 1974

Whereas the Secretary of State has received from the Cotton Waste Reclamation Wages Council (Great Britain) the wages regulation proposals set out in the Schedule hereto;

Now, therefore, the Secretary of State in exercise of powers conferred by section 11 of the Wages Councils Act 1959(a), and now vested in him(b), and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Wages Regulation (Cotton Waste Reclamation) Order 1974.

2.—(1) In this Order the expression "the specified date" means the 21st 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 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 (Cotton Waste Reclamation) Order 1970(d) shall cease to have effect.

Signed by order of the Secretary of State.
26th September 1974.

John Locke,
Deputy Secretary,
Department of Employment.

(a) 1959 c. 69.
(b) S.I. 1959/1769, 1968/729 (1959 I, p. 1795; 1968 II, p. 2108).
(c) 1889 c. 63.
(d) S.I. 1970/1336 (1970 III, p. 4475).

Article 3

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Cotton Waste Reclamation) Order 1970 (Order C.W. (83)).

STATUTORY MINIMUM REMUNERATION

PART I

GENERAL

1. The minimum remuneration payable to a worker to whom this Schedule applies for all work except work to which a minimum overtime rate applies under Part III of this Schedule is:—

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

(2) in the case of a worker employed on piece work, piece rates each of which would yield, in the circumstances of the case, to an ordinary worker at least the same amount of money as the general minimum time rate which would be payable to the worker under Part II of this Schedule if he were a time worker.

COST OF LIVING PAYMENT

2.—(1) In addition to the minimum remuneration specified in paragraph 1 of this Schedule, additional remuneration hereinafter referred to as a "cost of living payment" shall be payable to all workers 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 respect of full-time workers and by 1p multiplied by the number of hours worked (excluding overtime) in that week in respect of part-time workers.

(3) The cost of living payment shall not be treated as part of the minimum remuneration for the purpose of calculating payment for overtime under paragraph 6 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.

PART II

GENERAL MINIMUM TIME RATES

MALE WORKERS

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

	per hour
	p
Aged 18 years or over	*38·05*
„ 17 and under 18 years	*30·347*
„ 16 „ „ 17 „	*27·489*

FEMALE WORKERS

4. The general minimum time rates payable to female workers are as follows:—

	per hour
	p
Aged 18 years or over	*34·48*
„ 17 and under 18 years	*30·347*
„ 16 „ „ 17 „	*27·489*

ADDITIONAL REMUNERATION FOR WORK PERFORMED AT NIGHT AND WEEKENDS

5. The employer shall, in addition to the minimum remuneration payable to a worker under the provisions of paragraphs 3 and 4 of this Schedule, pay to the worker, in respect of each hour worked between 8 p.m. and 6 a.m. on any day other than Saturday or Sunday, and in respect of all hours worked on Saturday or Sunday, an amount equal to one-fifth of the general minimum time rate for each hour worked for which a minimum overtime rate is not payable under the provisions of paragraph 6 of this Schedule.

PART III

OVERTIME AND WAITING TIME—ALL WORKERS

MINIMUM OVERTIME RATES

6.—(1) Subject to the provisions of this paragraph, minimum overtime rates are payable to any worker as follows:—

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

(i) for the first 2 hours worked in excess of 9 hours ... time-and-a-quarter

(ii) thereafter ... ... time-and-a-half

(*b*) on a Saturday—

(i) for the first two hours worked ... ... time-and-a-quarter

(ii) thereafter ... ... time-and-a-half

(*c*) on a Sunday or a customary holiday, for all time worked ... ... double time

(*d*) 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)—

(i) for the first 2 hours worked in excess of 40 hours ... time-and-a-quarter

(ii) thereafter ... ... time-and-a-half

(2) Notwithstanding the provisions of (*a*)(i), (*b*)(i) and (*d*)(i) 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 2 hours worked in any week and any overtime so worked in excess of 2 hours in the aggregate shall be paid for at the overtime rate of time-and-a-half.

(3) In this paragraph the expression "customary holiday" means:—

(*a*) (i) In England and Wales—

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 (or if New Year's Day falls on a Sunday, the following Monday);

Good Friday;

Easter Monday;

the last Monday in May;

the last Monday in August;

or where a day is substituted for any of the above days by national proclamation, that day; and one other day (being a day on which the worker normally works) 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.

(ii) In Scotland—

New Year's Day (or, if New Year's Day falls on a Sunday, the following Monday);

the local Spring Holiday;

the local Autumn Holiday; and

five other days (being days on which the worker normally works for the employer) 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;

or (*b*) In the case of each of the said days (other than a day fixed by the employer in Scotland and notified to the worker as aforesaid) a day substituted by the employer therefor, being a day recognised by local custom as a day of holiday in substitution for the said day, or a day substituted by agreement between the employer and the worker or his representative.

(4) In this paragraph the expressions "time-and-a-quarter", "time-and-a-half" and "double time" mean respectively one and a quarter times, one and a half times, and twice the minimum remuneration payable to the worker for work to which a minimum overtime rate does not apply.

WAITING TIME

7.—(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 if he were a time worker.

PART IV

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

8. This Schedule applies to workers in relation to whom the Cotton Waste Reclamation Wages Council (Great Britain) operates, that is to say, workers employed

in Great Britain in the Cotton Waste branch of the Waste Materials Reclamation trade as specified in the Schedule to the Trade Boards (Waste Materials Reclamation Trade, Great Britain) (Cotton Waste Branch) (Constitution and Proceedings) Regulations 1929(a), which Schedule is as follows:—

"1. For the purposes of this Schedule the expression 'reclamation' means all operations (including the operations of willowing and garnetting) performed on any waste material or waste article.

The expression 'cotton waste establishment' means an establishment in which the operations specified in paragraphs 2(*a*) and 2(*b*) hereof and operations connected therewith constitute the principal business carried on.

The expression 'establishment' means any establishment or any branch or department of an establishment.

2. Subject to the provisions of this Schedule the Cotton Waste branch of the Waste Materials Reclamation trade consists of the following operations:—

(*a*) reclamation wherever performed of cotton waste;

(*b*) making engine cleaning waste;

(*c*) reclamation of any other waste material or article where performed in or in connection with a cotton waste establishment;

(*d*) making (whether from new or waste material) or repairing sacks or bags in a cotton waste establishment except where the bags are made or repaired:—

(i) otherwise than for use in the establishment; and

(ii) in an establishment wholly or mainly engaged in the making or repairing of sacks or bags;

and operations connected therewith.

3. Notwithstanding anything in this Schedule the following operations are not operations in the Cotton Waste branch of the Waste Materials Reclamation trade:—

(*a*) reclamation of any waste material or waste article in an establishment (other than a cotton waste establishment) in which that material or article is produced or is used as material for manufacture or as a container or wrapper for other articles manufactured in the establishment, and operations connected therewith;

(*b*) production of shoddy or mungo or woollen flock or any operations performed in an establishment in which the production of shoddy or mungo or woollen flock is the principal business carried on;

(*c*) repairing or overhauling machinery or plant;

(*d*) collecting, transporting, packing, warehousing or despatching when performed by workers in the direct employment of an employer who is not otherwise engaged in the Waste Materials Reclamation trade;

(*e*) cleaning or washing when performed in an establishment where the cleaning or washing is mainly of articles other than those specified in paragraph 2 hereof;

(*f*) cleaning of premises by charwomen;

(*g*) caretaking;

(*h*) clerical work;

(*i*) reclamation of cotton waste and making engine cleaning waste when performed in, or in connection with, a general waste material establishment (as defined in the Schedule to the Trade Boards (Waste Materials Reclamation Trade, Great Britain) (General Waste Branch) (Constitution and Proceedings) Regulations 1933(b)), except where performed in or in connection with:—

(a) S.R. & O. 1929/3 (1929, p. 1378).
(b) S.R. & O. 1933/833 (Rev. XXIII, p. 497; 1933, p. 2056).

(i) a branch or department of a general waste materials establishment which constitutes a cotton waste establishment, or

(ii) a branch or department of a cotton waste establishment which constitutes a general waste materials establishment."

EXPLANATORY NOTE

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

This Order, which has effect from 21st October 1974, sets out the increased statutory minimum remuneration, including the cost of living payments, payable to workers in relation to whom the Cotton Waste Reclamation Wages Council (Great Britain) operates, in substitution for the statutory minimum remuneration set out in the Wages Regulation (Cotton Waste Reclamation) Order 1970 (Order C.W.(83)). Order C.W. (83) is revoked.

New provisions are printed in italics.

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