STATUTORY INSTRUMENTS

1961 No. 1209

WAGES COUNCILS

The Wages Regulation (Flax and Hemp) Order, 1961

Made - - - -	*26th June*, 1961
Coming into Operation	*14th July*, 1961

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Flax and Hemp Wages Council (Great Britain) (hereafter in this Order referred to as "the Wages Council") 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 (Flax and Hemp) Order, 1961.

2.—(1) In this Order the expression "the specified date" means the 14th day of July, 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 (Flax and Hemp) Order, 1960(c), shall cease to have effect.

Signed by Order of the Minister of Labour this 26th day of June, 1961.

Peter Thomas,
Parliamentary Secretary,
Ministry of Labour.

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Flax and Hemp) Order, 1960 (Order F.H. (93)).

(a) 7 & 8 Eliz. 2. c. 69. (b) 52 & 53 Vict. c. 63. (c) S.I. 1960/1713 (1960 III, p. 3463).

STATUTORY MINIMUM REMUNERATION

PART I

GENERAL

1.—(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 IV of this Schedule is:—

(*a*) in the case of a time worker, the hourly general minimum time rate applicable to the worker, under the provisions of this Schedule;

(*b*) 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 (that is to say, a worker of ordinary skill and experience in the work) at least the same amount of money as the hourly piece work basis time rate applicable to the worker or, where no such rate applies, at least the same amount of money as the hourly general minimum time rate which would be applicable if the worker were a time worker:

Provided that where an hourly guaranteed time rate is applicable to a piece worker under paragraph 5 or under paragraph 9 and the remuneration calculated on a time work basis at that rate exceeds the remuneration calculated on the basis of the said piece rates, the worker shall be paid not less than that guaranteed time rate.

(2) In this Schedule, the expressions "hourly general minimum time rate", "hourly guaranteed time rate" and "hourly piece work basis time rate" mean respectively the general minimum time rate, the guaranteed time rate and the piece work basis time rate applicable to a worker under Part II or Part III of this Schedule divided in each case by 43.

PART II

FEMALE WORKERS

GENERAL MINIMUM TIME RATES

	Per week of 43 hours s. d.
2.—(1) The following general minimum time rates are applicable to female workers:—	
(*a*) Spinners aged 18 years or over	*114 6*
(*b*) Spinners aged under 18 years who have completed two years' employment (including any period of learnership) in some or all of the processes of bobbin carrying, doffing, piecing, or assisting at spinning frame, and who are in charge of a frame	*108 2*
(*c*) Card-cutters aged 18 years or over	*114 6*
(*d*) Weavers, winders, reelers and warpers aged 18 years or over	*114 6*
(*e*) All other workers (except the learners to whom the minimum rates specified in paragraph 3 apply)—	
Workers aged—18 years or over	*105 4*
17 and under 18 years	*86 5*
16 „ „ 17 „	*74 9*
under 16 years	*61 10*

(2) For the purposes of this paragraph a winder is a worker (other than a bit or beating winder) who is employed wholly or mainly on winding from the reel, hank or bobbin.

LEARNERS AND WEAVING TEACHERS

	Per week of 43 hours s. d.
3.—(1) The following general minimum time rates are applicable to female learners:—	
(*a*) Learners employed in weaving, warping, winding, reeling or spinning for one period of learnership not exceeding six months where such learnership is commenced—	
(i) At 16 years of age or over	*57 5*
(ii) Under 16 years of age	*50 11*
(*b*) Learners employed in card-cutting for one period of learnership not exceeding twelve months where such learnership is commenced—	
(i) At 16 years of age or over—	
During the first six months of learnership	*57 5*
During the second six months of learnership ...	*63 11*
(ii) Under 16 years of age—	
During the first six months of learnership	*50 11*
During the second six months of learnership ...	*55 3*

(2) For the purposes of this paragraph a learner is a female worker who is employed during the whole or a substantial part of her time in learning weaving, warping, winding, reeling, spinning or card-cutting by an employer who ensures that she receives reasonable and proper facilities for such learning and, in the case of a learner employed in weaving, is placed under a competent worker to be taught.

(3) Notwithstanding the provisions of paragraph 2, the weekly remuneration applicable to a worker who is employed in teaching a learner weaving shall be not less than the sum of the following amounts, that is to say—

(*a*) the amount obtained by multiplying the worker's average hourly earnings during the previous eight weeks (exclusive of any week during which she was teaching a learner) by the number of hours constituting the worker's normal working week while teaching the learner;

(*b*) the amount (if any) by which the piece work basis time rate in paragraph 4 exceeds the piece work basis time rate which was applicable at the end of the period of eight weeks specified in (*a*); and

(*c*) twelve shillings a week.

PIECE WORK BASIS TIME RATE

	Per week of 43 hours s. d.
4. The piece work basis time rate applicable to female workers employed on piece work is	*116 1*

GUARANTEED TIME RATES FOR PIECE WORKERS

	Per week of 43 hours s. d.
5. The guaranteed time rates applicable to female workers employed on piece work (not being learners specified in paragraph 3) are as follows:—	
Workers aged—	
18 years or over	105 4
17 and under 18 years	86 5
16 „ „ 17 „	74 9
under 16 years	61 10

PART III

MALE WORKERS

GENERAL MINIMUM TIME RATES

	Per week of 43 hours s. d.
6. The following general minimum time rates are applicable to male workers:—	
(*a*) Tenters aged 21 years or over	187 8
(*b*) Under-tenters aged 21 years or over—	
(i) During the first year of employment as an under-tenter at or after the age of 21 years	143 3
(ii) During the second and third years of employment as an under-tenter after the age of 21 years ...	155 9
(iii) Thereafter	167 9
(*c*) Dressers, mounters, card-cutters and hacklers (hand-dressers) aged 21 years or over	177 11
(*d*) Hemp-rollers on non-reciprocating machines and hemp-breakers aged 21 years or over	181 2
(*e*) Day Shift spinners—	
Workers aged—	
21 years or over	159 2
20 and under 21 years	135 8
19 „ „ 20 „	122 2
18 „ „ 19 „	110 0
17 „ „ 18 „	82 11
(*f*) Night Shift spinners—	
Workers aged—	
21 years or over	161 6
20 and under 21 years	138 1
19 „ „ 20 „	124 5
18 „ „ 19 „	111 7
(*g*) Weavers aged 21 years or over—	
(i) During the first six months of employment as a weaver at or after the age of 21 years	155 9
(ii) Thereafter	167 9

	Per week of 43 hours s. d.
(*h*) All other workers (except the apprentices and improvers to tenting or dressing to whom paragraph 7 applies):—	
Workers aged—	
21 years or over	*158 0*
20 and under 21 years	*132 9*
19 „ „ 20 „	*119 9*
18 „ „ 19 „	*107 9*
17 „ „ 18 „	*86 5*
16 „ „ 17 „	*74 9*
under 16 years	*61 10*

APPRENTICES AND IMPROVERS TO TENTING OR DRESSING

	Per week of 43 hours s. d.
7.—(1) The following general minimum time rates are applicable to male workers:—	
(*a*) Apprentices to tenting, aged 16 years or over, whose employment complies with the provisions of Part V of this Schedule—	
During the—	
1st year of apprenticeship	*60 1*
2nd „ „	*72 0*
3rd „ „	*86 1*
4th „ „	*118 4*
(*b*) Improvers to tenting—	
During the 1st year of employment as an improver ...	*142 3*
During the 2nd year of employment as an improver	*173 4*
(*c*) Apprentices to dressing aged 16 years or over, whose employment complies with the provisions of Part V of this Schedule—	
During the—	
1st year of apprenticeship	*60 1*
2nd „ „	*72 0*
3rd „ „	*86 1*
(*d*) Improvers to dressing—	
During the one year of employment as an improver ...	*118 4*

(2) For the purposes of this paragraph:—

(*a*) an improver to tenting is a male worker who having completed 4 years' apprenticeship as an apprentice tenter in accordance with the provisions of Part V of this Schedule has had thereafter less than two years' employment in tenting and is the holder of a certificate of registration as an improver to tenting issued by, or on behalf of, the Wages Council or has made application for such certificate which has been acknowledged and is still under consideration;

(*b*) an improver to dressing is a male worker who having completed three years' apprenticeship as an apprentice dresser in accordance with the provisions of Part V of this Schedule has had thereafter less than one year's employment in dressing.

PIECE WORK BASIS TIME RATE

HOSE-PIPE WEAVERS

	Per week of 43 hours s. d.
8. The piece work basis time rate applicable to male hose-pipe weavers employed on piece work on power or hand looms is	*176 5*

GUARANTEED TIME RATES FOR PIECE WORKERS

WEAVERS

	Per week of 43 hours s. d.
9. The guaranteed time rates applicable to male weavers employed on piece work are as follows:—	
(*a*) During the first six months of employment as a weaver at or after the age of 21 years	*155 9*
(*b*) Thereafter	*167 9*

PART IV

OVERTIME AND WAITING TIME

MINIMUM OVERTIME RATES—ALL WORKERS

10.—(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 a customary holiday—

(i) for the first two hours worked in excess of 8½ hours ... ... TIME-AND-A-QUARTER

(ii) thereafter ... ... TIME-AND-A-HALF

Provided that where the worker normally attends on five days only in the week or on five shifts in the case of a shift worker the said minimum overtime rates of time-and-a-quarter and time-and-a-half shall be payable after 9 and 11 hours' work respectively.

(*b*) on a Saturday, not being a customary holiday—

for all time worked in excess of 3½ hours TIME-AND-A-HALF

Provided that where the worker normally attends on five days only in the week or on five shifts in the case of a shift worker the said minimum overtime rate of time-and-a-half shall be payable for all time worked on Saturday.

(*c*) on a Sunday or a customary holiday—

for all time worked ... ... DOUBLE TIME

(2) Subject to the provisions of sub-paragraph (3) of this paragraph, where the employer and the worker by agreement in writing fix in respect of each week-day or shift the number of hours after which a minimum overtime

rate shall be payable and the total number of such hours amounts to 43 weekly, the following minimum overtime rates shall be payable in substitution for those set out in sub-paragraph (1) of this paragraph—

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

(i) for the first two hours worked in excess of the agreed number of hours — TIME-AND-A-QUARTER

(ii) thereafter ... ... — TIME-AND-A-HALF

(*b*) on a Saturday, not being a customary holiday—

for all time worked in excess of the agreed number of hours ... ... — TIME-AND-A-HALF

Provided that where the said agreement provides that Saturday shall not normally be a working day, the said minimum overtime rate of time-and-a-half shall be payable for all time worked on Saturday.

(*c*) on a Sunday or a customary holiday—

for all time worked ... ... — DOUBLE TIME

(3) Where a worker is employed on a turn of duty which commences on one day and extends into the following day, the whole of that turn of duty shall, for the purposes of this paragraph, be treated as occurring on the day on which the worker was required to commence such turn of duty.

11. In this Part of this Schedule:—

(1) The expression "customary holiday" means—

(*a*) (i) In England and Wales—

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 and August Bank Holiday:

Provided that in the case of workers who normally work on each week-day except Saturday if Christmas Day falls on a Saturday the holiday shall be the next following Tuesday;

(ii) In Scotland—

New Year's Day and the following day:

Provided that if New Year's Day falls on a Sunday, the holidays shall be the following Monday and Tuesday; if New Year's Day falls on a Saturday then in the case of workers who normally work on each week-day except Saturday the holidays shall be the following Monday and Tuesday and in the case of all other workers, New Year's Day and the following Monday;

the local Spring holiday;

the local Autumn holiday;

and two 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 in consultation with the worker or his representative 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.

(2) The expressions "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 applicable to the worker;

(*b*) in the case of a female worker employed on piece work:—

(i) a time rate equal respectively to one quarter, one half and the whole of the hourly piece work basis time rate otherwise applicable to the worker, and, in addition thereto,

(ii) the minimum remuneration otherwise applicable to the worker under paragraph 1 (1) (*b*);

(*c*) in the case of a male hose-pipe weaver employed on piece work:—

(i) a time rate equal respectively to one quarter, one half and the whole of the hourly piece work basis time rate otherwise applicable to the worker, and, in addition thereto,

(ii) the minimum remuneration otherwise applicable to the worker under paragraph 1 (1) (*b*);

(*d*) in the case of any other male worker employed on piece work:—

(i) a time rate equal respectively to one quarter, one half and the whole of the hourly general minimum time rate which would be applicable to the worker if he were a time worker and a minimum overtime rate did not apply, and, in addition thereto,

(ii) the minimum remuneration otherwise applicable to the worker under paragraph 1 (1) (*b*).

WAITING TIME

12.—(1) A worker is entitled to payment of the minimum remuneration specified in this Schedule for all the time during which he is present on the premises of the employer, unless he is present thereon in any of the following circumstances, that is to say—

(*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; or

(*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 applicable to him if he were employed as a time worker.

PART V

CONDITIONS AS TO RATES FOR MALE APPRENTICES AND PROSPECTIVE APPRENTICES TO TENTING OR DRESSING

13. Subject to the provisions of this Part of this Schedule, the general minimum time rates applicable to apprentices to tenting or dressing under paragraph 7 apply only where the following conditions are fulfilled:—

(*a*) The apprentice shall be employed during the whole of his time under a written contract of apprenticeship, for a period of four years in the case of an apprenticeship to tenting or three years in the case of an apprenticeship to dressing, which has been duly executed and which contains the following provisions, or provisions substantially to the same effect, and no provisions contrary thereto:—

(i) the apprentice of his own free will and with the consent of the guardian binds himself to serve the employer as his apprentice in his trade for the term of 3 or 4 years as aforesaid;

(ii) the employer will employ the apprentice as his apprentice during the said term, and to the best of his power, skill and knowledge instruct the apprentice, or cause him to be instructed, in tenting or dressing as the case may be;

(iii) the employer will keep the apprentice under his own supervision or place him under the supervision of one or more fully qualified journeymen; and

(iv) the employer will, during the term of the apprenticeship, afford the apprentice reasonable facilities, during working hours if necessary, to attend classes at which technical instruction in the principles of the operation being taught is given, or, if at any time no such class exists in the district in which the apprentice is employed, the employer will place the apprentice under the charge of one of his own workers, who need not be a journeyman mentioned in (iii) of this sub-paragraph, but is competent to instruct the apprentice in the elementary principles of the operation being taught.

(*b*) The apprentice shall be the holder of a certificate of registration of apprenticeship issued by, or on behalf of, the Wages Council or shall have made application for such certificate which has been duly acknowledged and is still under consideration:

Provided that the Wages Council may decline to issue a certificate in any case where it is not satisfied that the said conditions have been complied with at the date of the application therefor, and the Wages Council may at any time thereafter cancel the certificate, if, in its opinion, any of the said conditions have not been complied with.

PROSPECTIVE APPRENTICES

14. Notwithstanding the foregoing provisions of this Schedule, where an employer employs a worker as a prospective apprentice to tenting or dressing for a probationary period not exceeding 12 weeks and all the conditions specified in the foregoing paragraph other than those with regard to employment under a written contract of apprenticeship and certification by the Wages Council are fulfilled, the minimum remuneration applicable to that worker during the said period shall be that applicable to an apprentice employed in accordance with the conditions specified in the said paragraph, and in the event of the worker being continued thereafter at his employment as an apprentice, the probationary period shall for the purposes of this Schedule be treated as part of the period of apprenticeship, whether or not it is included therein:

Provided that where the employer does not on or before the last day of the said probationary period enter into with the worker such a contract of apprenticeship as is mentioned in the said paragraph, the employer shall pay to the worker a sum equal to the difference between the minimum remuneration payable to him as a prospective apprentice and the amount that would have been payable to him had the provisions of this paragraph not applied.

PART VI

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

15. This Schedule applies to the workers in relation to whom the Wages Council operates, that is to say, workers employed in Great Britain in the trade specified in the Schedule to The Trade Boards (Flax and Hemp Trade, Great Britain) (Constitution and Proceedings) Regulations, 1940(a), that is to say:—

The preparing, spinning, and weaving (*a*) of scutched flax, (*b*) of hemp, (*c*) of a mixture of scutched flax and any other fibre, or (*d*) of a mixture of hemp and any other fibre;

including:—

(1) The preparing and spinning of waste reclaimed at any stage; and

(a) S.R. & O. 1940/1886 (1940 I, p. 1031).

(2) All packing, despatching, warehousing, storing, or other operations incidental to or appertaining to any of the above-mentioned work ;

but excluding :—

(1) The calendering, bleaching, dyeing or finishing of any of the above-mentioned materials ; and

(2) The preparing or spinning of materials required for the making or re-making of (*a*) rope (including driving rope and banding), (*b*) cord (including blind and window cord, but excluding silk, worsted and other fancy cords), (*c*) core for wire ropes, (*d*) lines, (*e*) twine (including binder and trawl twine), (*f*) lanyards, (*g*) net and similar articles when such spinning or preparing is carried on in the same factory or workshop as the said making or re-making ; and

(3) The making or repair of sacks or bags ; and also

(4) The weaving of carpets, rugs and mats.

EXPLANATORY NOTE

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

This Order, which has effect from 14th July, 1961, sets out the statutory minimum remuneration payable in substitution for that fixed by the Wages Regulation (Flax and Hemp) Order, 1960 (Order F.H. (93)), which is revoked.

New provisions are printed in italics.