STATUTORY INSTRUMENTS

1973 No. 1255

WAGES COUNCILS

The Wages Regulation (Flax and Hemp) Order 1973

Made - - -	18*th July* 1973
Coming into Operation	17*th August* 1973

Whereas the Secretary of State has received from the Flax and Hemp 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), as modified by Article 2 of the Counter-Inflation (Modification of Wages Councils Act 1959) Order 1973(b), and now vested in him(c), 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 1973.

2.—(1) In this Order the expression "the specified date" means the 17th August 1973, 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(d) 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 1972(e) shall cease to have effect.

Signed by order of the Secretary of State.
18th July 1973.

W. H. Marsh,
Assistant Secretary,
Department of Employment.

Article 3

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Flax and Hemp) Order 1972 (Order F.H. (130)).

(a) 1959 c. 69.
(b) S.I. 1973/661 (1973 I, p. 2141).
(c) S.I. 1959/1769, 1968/729 (1959 I, p. 1795; 1968 II, p. 2108).
(d) 1889 c. 63.
(e) S.I. 1972/928 (1972 II, p. 2916).

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 III 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 6 or under paragraph 7 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 of this Schedule divided in each case by 40.

PART II

ALL SECTIONS OF THE TRADE

GENERAL MINIMUM TIME RATES AND PIECE WORK BASIS TIME RATES

2.—(1) Subject to the provisions of this paragraph and of paragraphs 3 and 4 of this Schedule the general minimum time rates payable to male and female workers (in the occupations listed in sub-paragraph (2)) comprised in any of the groups specified in Column 1 of the next following Table are the rates set out in Column 2 or 3 of that Table as the case may be.

Column 1 *Time Workers*	*Column 2* *Adult male workers aged 19 years or over*	*Column 3* *Adult female workers aged 18 years or over*
	Per week of 40 hours £	*Per week of 40 hours* £
Group 1	*16·03*	*12·67*
Group 2	*16·16*	*13·00*
Group 3	*16·28*	*13·33*
Group 4	*16·40*	*13·67*
Spinners when employed on night shifts	*19·13*	—
Group 5	*16·52*	*14·00*
During the first six months of employment as a Weaver ...	*16·09*	*14·00*
Group 6	*17·50*	*14·85*
Group 7	*18·50*	*15·70*

(2) *The occupations of workers included in Groups 1 to 7 are as follows:—*

Group 1
Bobbin setter
Can transporter
Sweeper

Group 2
Back ender
Bank filler
Emulsion mixer (proofing)
Ingiver
Labourer—General
Lapper
Stamper and Sample cutter
Weft carrier

Group 3
Breaker Card attendant
Canvas darner
Cloth inspector
Cloth Starch Machine attendant
Cropper
Emulsion Machine 2nd operator (proofing)
Finisher card attendant
Fork lift driver
Hackling machine attendant
Hackling Piecer
Hosepipe darner
Hose warehouseman
Loose stock dyer

Group 3 (contd.)
Loose stock pan packer
Oiler
Packer—Press and Hand
Preparer
Tenter's helper
Twister Frame attendant
Warehouseman Tow and Flax
Yarn Examiner and Packer
Yarn Storeman

Group 4
Drawer
Emulsion Machine 1st operator (proofing)
Package Boiling plant operator
Reeler
Spinner
Warper
Winder

Group 5
Rubber liner
Weaver

Group 6
Yarn Dresser

Group 7
Tenter

(3) The following general minimum time rates are applicable to junior workers, except learners to whom the minimum rates specified in paragraph 3 apply, being aged:—

	Per week of 40 hours £ Male	Per week of 40 hours £ Female
18 and under 19 years	12·67	—
17½ and under 18 years	11·38	11·38
17 and under 17½ years	10·39	10·39
16½ and under 17 years	9·67	9·67
16 and under 16½ years	9·01	9·01
15½ and under 16 years	8·44	8·44
under 15½ years	7·99	7·99
Provided that:—		
(i) the rate for male spinners aged 18 and under 19 years when employed on night shift shall be ...	14·78	—
(ii) the rate for female workers 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 shall be	—	12·76

LEARNERS AND WEAVING TEACHERS

3.—(1) The following general minimum time rates are applicable to female learners:—

	Per week of 40 hours £
(*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	9·01
(ii) At 15½ years and under 16 years of age	8·44
(iii) Under 15½ years of age...	7·99
(*b*) Learners employed in card-cutting for one period of learnership not exceeding 12 months where such learnership is commenced—	
(i) At 16 years of age or over	9·01
(ii) At 15½ years and under 16 years of age	8·44
(iii) Under 15½ years of age...	7·99

(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 not be 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 5 exceeds the piece work basis time rate which was applicable at the end of the period of eight weeks specified in (*a*); and

(*c*) 60p a week.

APPRENTICES AND IMPROVERS TO TENTING OR DRESSING

	Per week of 40 hours £
4.—(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 IV of this Schedule—	
During the—	
1st six months of apprenticeship	9·01
2nd „ „ „ „	9·67
3rd „ „ „ „	10·39
4th „ „ „ „	11·38
3rd year of apprenticeship	12·67
4th „ „ „	16·09
(*b*) Improvers to tenting—	
During one year of employment as an improver	16·80

(*c*) Apprentices to dressing aged 16 years or over, whose employment complies with the provisions of Part IV of this Schedule—

During the—

1st six months of apprenticeship	9·01
2nd „ „ „ „	9·67
3rd „ „ „ „	10·39
4th „ „ „ „	11·38
3rd year of apprenticeship	12·67

(*d*) Improvers to dressing—

During one year of employment as an improver	16·09

(2) For the purposes of this paragraph:—

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

PIECE WORK BASIS TIME RATE

	Per week of 40 hours £
5. The piece work basis time rate applicable to female workers employed on piece work is	13·21

GUARANTEED TIME RATES FOR PIECE WORKERS

6. The guaranteed time rates applicable to female workers employed on piece work (except learners to whom the minimum rates specified in paragraph 3(1) apply) are as follows:—

	Per week of 40 hours £
Aged 18 years or over	12·67
„ 17½ years and under 18 years	11·38
„ 17 „ „ „ 17½ „	10·39
„ 16½ „ „ „ 17 „	9·67
„ 16 „ „ „ 16½ „	9·01
„ 15½ „ „ „ 16 „	8·44
„ under 15½ years	7·99

GUARANTEED TIME RATE FOR PIECE WORKERS WEAVERS

	Per week of 40 hours £
7. The guaranteed time rates applicable to male weavers employed on piece work are as follows:—	
(1) During the first six months of employment as a weaver at or after the age of 19 years	16·09
(2) Thereafter	16·52

PART III

OVERTIME AND WAITING TIME

MINIMUM OVERTIME RATES—ALL WORKERS

8.—(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 8¼ 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 3¾ 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 40 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:

Provided that where the worker is employed on regular night shifts for five nights in the week, and by agreement between the worker and his employer commences a turn of duty on Sunday, then the whole of that turn of duty shall be treated as occurring on Monday.

9. In this Part of this Schedule:—

(1) 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;* Good Friday; Easter Monday; *the last Monday in May; the last Monday in August;* or where another day is substituted for any of the above days by national proclamation, that day:

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 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

10.—(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 IV

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

11. Subject to the provisions of this Part of this Schedule, the general minimum time rates applicable to apprentices to tenting or dressing under paragraph 4 apply only where the following conditions are fulfilled:—

(1) 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:—

(*a*) 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 three or four years as aforesaid;

(*b*) 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;

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

(*d*) 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 (*c*) of this sub-paragraph, but is competent to instruct the apprentice in the elementary principles of the operation being taught.

(2) 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

12. 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 V

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

13. 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

(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.

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

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which has effect from 17th August 1973, amends the provisions of the Wages Regulation (Flax and Hemp) Order 1972 (Order F.H. (130)) by specifying in detail the occupations of workers for whom statutory minimum remuneration has been fixed.

It sets out the statutory minimum remuneration payable under the revised pay structure in substitution for that fixed by Order F.H. (130), which Order is revoked.

New provisions are printed in italics.

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