STATUTORY INSTRUMENTS

1961 No. 1926

WAGES COUNCILS

The Wages Regulation (General Waste Materials Reclamation) Order, 1961

Made - - - - 9*th October*, 1961
Coming into Operation 1*st January*, 1962

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the General Waste Materials Reclamation Wages Council (Great Britain) 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 (General Waste Materials Reclamation) Order, 1961.

2.—(1) In this Order the expression "the specified date" means the first day of January, 1962, 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 (General Waste Materials Reclamation) Order, 1960(c), shall cease to have effect.

Dated this 9th day of October, 1961.

John Hare,
Minister of Labour.

(a) 7 & 8 Eliz. 2. c. 69. (b) 52 & 53 Vict. c. 63. (c) S.I. 1960/809 (1960 III, p. 3473).

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (General Waste Materials Reclamation) Order, 1960(a) (Order D.B. (56)).

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 IV is:—

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

(2) in the case of a male 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;

(3) in the case of a female 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 piece work basis time rate applicable to the worker under Part III of this Schedule:

Provided that, where a guaranteed time rate is applicable to a female worker under paragraph 8 and the remuneration calculated on a time work basis at that rate exceeds the remuneration calculated under sub-paragraph (3) of this paragraph on the basis of the said piece rates, the worker shall be paid not less than that guaranteed time rate.

PART II

MALE WORKERS

GENERAL MINIMUM TIME RATES

2 The general minimum time rates payable to male workers employed in any section of the trade are:—

	Per hour s.	d.
Workers aged under 16 years	1	3½
„ „ 16 and under 17 years	1	9
„ „ 17 „ „ 18 „	2	1½
„ „ 18 „ „ 19 „	2	8½
„ „ 19 „ „ 20 „	3	2½
„ „ 20 „ „ 21 „	3	8
„ „ 21 years or over	3	10

PART III

FEMALE WORKERS

GENERAL MINIMUM TIME RATES

3. Subject to the provisions of paragraphs 4 and 9, the general minimum time rates payable to female workers employed—

(1) wholly or mainly on one or more of the operations of the sorting or grading of either woollen rags or woollen and worsted waste materials, or of both such rags and materials, to shade or quality or to both shade and quality, or

(a) S.I. 1960/809 (1960 III, p. 3473).

(2) in receiving, stripping, packing, compressing, teagling, craning, despatching or warehousing, when carried on in, or in association with, or in conjunction with, any establishment or department in which the sorting or grading of either woollen rags or woollen and worsted waste materials, or of both such rags and materials, to shade or quality or to both shade and quality, constitutes the sole or main work of the establishment or department,

are as follows:—

	Per hour s. d.
Workers aged under 16 years	1 4
„ „ 16 and under 16½ years	1 9
„ „ 16½ „ „ 17 „	2 3
„ „ 17 „ „ 17½ „	2 4
„ „ 17½ „ „ 18 „	2 9
„ „ 18 years or over	2 10½

4. Notwithstanding the provisions of paragraph 3, where a worker is employed for the first time after reaching the age of 18 years on any work therein mentioned and her employer causes her to be well and sufficiently instructed in the sorting and grading of woollen rags or woollen and worsted waste materials and of both such rags and materials, to shade or quality or to both shade and quality, the general minimum time rate payable during the periods following shall be:—

	Per hour s. d.
(1) during the first three months of such employment	2 8½
(2) during the second three months of such employment ...	2 9

5. Subject to the provisions of paragraphs 6 and 9, the general minimum time rates payable to female workers other than the workers specified in paragraph 3 or 4 are as follows:—

	Per hour s. d.
Workers aged under 16 years	1 4
„ „ 16 and under 16½ years	1 8
„ „ 16½ „ „ 17 „	2 1½
„ „ 17 „ „ 17½ „	2 2½
„ „ 17½ „ „ 18 „	2 7½
„ „ 18 years or over	2 9

6. Notwithstanding the provisions of paragraph 5, where a worker is employed for the first time after reaching the age of 18 years and her employer causes her to be well and sufficiently instructed in the sorting and grading of waste paper, rags, and paper-making materials, or of paper-making materials, the general minimum time rate payable during the periods following shall be:—

	Per hour s. d.
(1) during the first three months of such employment ...	2 7
(2) during the second three months of such employment ...	2 7½

PIECE WORK BASIS TIME RATES

7. The following piece work basis time rates are applicable to female workers employed on piece work:—

	Per hour s. d.
(1) the workers specified in paragraph 3 or 4	2 11½
(2) all other workers	2 10

GUARANTEED TIME RATE

8. The guaranteed time rate applicable to a female worker specified in paragraph 4 or 6 when employed on piece work during the period of six months therein mentioned is a rate equal to the general minimum time rate which would be payable to her if she were employed on time work.

DETERMINATION OF AGE RATES

9. The general minimum time rate payable under paragraph 3 or 5 to a female worker aged under 18 years shall be determined (1) during the period 1st January to 30th June in any year by reference to her age or prospective age on 31st March in that year; and (2) during the period 1st July to 31st December in any year by reference to her age or prospective age on 30th September in that year:

Provided that the rate for a female worker aged 17½ and under 18 years having become payable under the provisions of this paragraph shall continue to be payable only until her 18th birthday.

PART IV

OVERTIME AND WAITING TIME

MINIMUM OVERTIME RATES

10. Minimum overtime rates are payable to a worker to whom this Schedule applies as follows:—

(1) On any day other than a Saturday, Sunday or customary holiday—

(*a*) For the first 2 hours worked in excess of *7¾ hours*	Time-and-a-quarter
(*b*) Thereafter	Time-and-a-half

Provided that where it is, or may become, the established practice of the employer to require the worker's attendance only on Monday, Tuesday, Wednesday, Thursday and Friday in the week, the foregoing minimum overtime rates of time-and-a-quarter and time-and-a-half shall be payable after *8½* and *10¼ hours'* work respectively.

(2) On a Saturday, not being a customary holiday—

(*a*) For the first 2 hours worked in excess of *3¾ hours*	Time-and-a-quarter
(*b*) Thereafter	Time-and-a-half
(3) On a Sunday or a customary holiday, for all time worked	Double time
(4) In any week, for all time worked in excess of *42½ hours*, exclusive of any time for which a minimum overtime rate is payable under the foregoing provisions of this paragraph	Time-and-a-quarter

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 other 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, and any day proclaimed to be a national 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

three other days (being days 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, and any day proclaimed to be a national 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 either a day recognised by local custom as a day of holiday in substitution for the said day, or a day agreed between the employer and the worker or his representative.

(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 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 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 (3);

(*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 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 (2).

WAITING TIME

12.—(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 V

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

13. This Schedule does not apply to male workers engaged in the loading or discharging of water-borne craft in any section of the trade, but, save as aforesaid, this Schedule applies to workers in relation to whom the General Waste Materials Reclamation Wages Council (Great Britain) operates, that is to say, workers employed in Great Britain in the Waste Materials Reclamation Trade (General Waste Branch) specified in the Schedule to the Trade Boards (Waste Materials Reclamation Trade, Great Britain) (General Waste

Branch) (Constitution and Proceedings) Regulations, 1933(a), which Schedule reads 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 'general waste materials establishment' means an establishment in which the operations specified in paragraph 2 (*a*) 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 General Waste branch of the Waste Materials Reclamation trade consists of the following operations:—

(*a*) reclamation wherever performed of any of the following waste materials or waste articles, that is to say:—rags, waste paper and paper salvage (including paper damaged by fire, newspaper reel-ends, damaged paper reels, outer wrappers of reels and news off-cuts), paper stock, woollen, worsted, flax, or other textile waste (not being jute or cotton waste), textile clippings or cuttings, used bags, used sacks, used sackings, or used tares, scrap rubber, scrap iron or other scrap metals (other than unbroken heavy machinery or plant), fur cuttings, rabbit skins, bones and fat, used tins, used bottles or jars, old ropes or string and broken glass or earthenware;

(*b*) reclamation of any other waste material or article where performed in or in connection with a general waste materials establishment;

(*c*) making (whether from new or waste material) or repairing sacks or bags in a general waste materials 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 General Waste branch of the Waste Materials Reclamation trade:—

(*a*) reclamation of any waste material or waste article in an establishment (other than a general waste materials 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*) reclamation of any waste material or waste article produced in the business of breaking up ships or breaking up or dismantling buildings or machinery or tramway or railway installations or heavy plant when performed in the course of such business; and operations connected therewith;

(*c*) reclamation of scrap rubber in an establishment in which the scrap rubber is broken down or devulcanised; and operations connected therewith;

(*d*) reclamation of rabbit skins where performed in an establishment in which such reclamation constitutes the principal business carried on or in connection with an establishment in which the principal business carried on is the manufacture of hatters' fur; and operations connected therewith;

(a) S.R. & O. 1933/833 (Rev. XXIII, p. 497: 1933, p. 2056).

(*e*) reclamation of bottles or jars preliminary to their use in the same establishment as containers, or when such bottles or jars are the property of a trader and are used by him for the purpose of delivering the contents to a customer and are recovered when empty from the customer by or on behalf of the trader; and operations connected therewith;

(*f*) reclamation of jute textile cuttings and clippings where carried on in an establishment mainly engaged in operations included in the Trade Boards (Jute) Order, 1919(a), or any amendment thereof;

(*g*) 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;

(*h*) de-tinning of metal or refining of old gold or silver;

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

(*j*) 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;

(*k*) 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;

(*l*) cleaning of premises by charwomen;

(*m*) caretaking;

(*n*) clerical work;

(*o*) operations performed in or in connection with a cotton waste establishment as defined in the Schedule to the Trade Boards (Waste Materials Reclamation Trade, Great Britain) (Cotton Waste Branch) (Constitution and Proceedings) Regulations, 1929(b)."

EXPLANATORY NOTE

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

This Order, which has effect from 1st January, 1962, sets out the statutory minimum remuneration payable in substitution for that fixed by the Wages Regulation (General Waste Materials Reclamation) Order, 1960 (Order D.B. (56)), which is revoked.

New provisions are printed in italics.

(a) S.R. & O. 1919/859 (1919 II, p. 517). (b) S.R. & O. 1929/3 (1929, p. 1378).