STATUTORY INSTRUMENTS

1975 No. 1118

WAGES COUNCILS

The Wages Regulation (General Waste Materials Reclamation) Order 1975

Made - - - -	*7th July* 1975
Coming into Operation	*28th July* 1975

Whereas the Secretary of State 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 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 (General Waste Materials Reclamation) Order 1975.

2.—(1) In this Order the expression "the specified date" means the 28th July 1975, 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 Orders 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 1974(**d**) and the Wages Regulation (General Waste Materials Reclamation) (Amendment) Order 1975(**e**) shall cease to have effect.

Signed by order of the Secretary of State.

7th July 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**) S.I. 1974/1068 (1974 II, p. 3962).
(**e**) S.I. 1975/304 (1975 I, p. 815).

ARRANGEMENT OF SCHEDULE

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Article 3

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (General Waste Materials Reclamation) Order 1974 (Order D.B. (81)), as amended by the Wages Regulation (General Waste Materials Reclamation) (Amendment) Order 1975 (Order D.B. (85)).

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 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.

PART II

GENERAL MINIMUM TIME RATES

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

	Per hour p
Aged under 16½ years	*43*
,, 16½ and under 17 years	*45*
,, 17 ,, ,, 17½ ,, ...	*52*
,, 17½ ,, ,, 18 ,, ...	*57*
,, 18 years or over	*63*

PART III

OVERTIME AND WAITING TIME

MINIMUM OVERTIME RATES

3. 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—

for all time worked in excess of 7¼ hours ... ... 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 overtime rate of time-and-a-half shall be payable—

after 8 hours' work on any of these days.

(2) On a Saturday, not being a customary holiday—
for all time worked in excess of 3¾ hours ... ... 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 40 hours, exclusive of any time for which a minimum overtime rate is payable under the foregoing provisions of this paragraph ... time-and-a-half

4. 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;
New Year's Day if it be not a Sunday or, if it be a Sunday, 2nd January;
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 any day proclaimed as an additional bank holiday or as a public holiday throughout England and Wales;

(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;
four 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 as an additional bank holiday or as a public holiday throughout Scotland; 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-half" and "double time" mean respectively:—

(*a*) in the case of a time worker:—

one and a half times and twice the general minimum time rate otherwise applicable to the worker;

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

(i) a time rate equal respectively to 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

5.—(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

6. This Schedule does not apply to 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 General Waste Materials Reclamation Wages Council (Great Britain) (Variation) Order 1970(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 container or wrapper for other articles manufactured in the establishment; and operations connected therewith;

(a) S.I. 1970/1175 (1970 II, p. 3956).

(*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;

(*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 (including sorting, willowing or garnetting) 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**);

(*p*) all operations performed in an establishment in which the manual sorting to shade and quality of the wastes and by-products of the woollen and worsted textile processes is the sole or main activity."

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

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which has effect from 28th July 1975, sets out the increased statutory minimum remuneration payable to workers in relation to whom the General Waste Materials Reclamation Wages Council (Great Britain) operates, in substitution for the remuneration fixed by the Wages Regulation (General Waste Materials Reclamation) Order 1974 (Order D.B.(81)) as amended by the Wages Regulation (General Waste Materials Reclamation) (Amendment) Order 1975 (Order D.B.(85)). Order D.B.(81) and Order D.B.(85) are revoked.

New provisions are printed in italics.

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