STATUTORY INSTRUMENTS

1961 No. 653

WAGES COUNCILS

The Wages Regulation (Hat, Cap and Millinery) (England and Wales) Order, 1961

Made - - - -	*4th April*, 1961
Coming into Operation	*21st April*, 1961

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Hat, Cap and Millinery Wages Council (England and Wales) 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 (Hat, Cap and Millinery) (England and Wales) Order, 1961.

2.—(1) In this Order the expression "the specified date" means the 21st day of April, 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 (Hat, Cap and Millinery) (England and Wales) Order, 1960(c), shall cease to have effect.

Signed by order of the Minister of Labour this 4th day of April, 1961.

H. F. Rossetti,
Deputy Secretary,
Ministry of Labour.

(a) 7 & 8 Eliz. 2. c. 69. (b) 52 & 53 Vict. 63. (c) S.I. 1960/121 (1960 III, p. 3504).

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Hat, Cap and Millinery) (England and Wales) Order, 1960 (Order H.M. (54)).

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 V of this Schedule is:—

(*a*) in the case of a time worker, the *hourly* general minimum time rate;

(*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 at least the same amount of money as the *hourly* piece work basis time rate.

(2) *In this Schedule:—*

"HOURLY GENERAL MINIMUM TIME RATE" means the general minimum time rate applicable to the worker under Part II or Part III of this Schedule divided by 42.

"HOURLY PIECE WORK BASIS TIME RATE" means the piece work basis time rate applicable to the worker under Part II or Part III of this Schedule divided by 42.

PART II

MALE WORKERS

GENERAL MINIMUM TIME RATES

	Per week of 42 hours s.	d.
2. The general minimum time rates applicable to male workers are as follows:—		
(*a*) Cutters, blockers, body makers or finishers, stiffeners or shapers employed in a section of the trade other than the felt hat section	*163*	*2*
(*b*) Workers employed in the felt hat (wool) section of the trade on any of the operations of— hardening; planking processes of barrel twisting, hand planking or hand stretching; proofing (head man only); dyeing (head man only); blocking (other than coning when the operation is preparatory to blocking); pressing; finishing; curling; flanging; cutting; ironing and paring; velouring; if they have worked in any section of the trade on one or more of such operations for at least three years after the age of 18 years	*163*	*2*
(*c*) Workers employed in the felt hat (fur) section of the trade on any of the operations of— forming; hardening; planking; proofing (head man only); dyeing (head man only); blocking; pressing; finishing; brushing; curling and steaming; flanging; cutting; ironing and paring; trimming; velouring; if they have worked in any section of the trade on one or more of such operations for at least three years after the age of 18 years	*163*	*2*

	Per week of 42 hours s. d.
(*d*) All other workers—	
Workers aged 21 years or over	*146 8*
„ „ 20 and under 21 years	*129 3*
„ „ 19 „ „ 20 „	*116 5*
„ „ 18 „ „ 19 „	*104 6*
„ „ 17 „ „ 18 „	*91 8*
„ „ 16 „ „ 17 „	*77 11*
„ „ under 16 years	*63 3*
Provided that the general minimum time rate applicable during his first year's employment in the trade to a worker specified in this sub-paragraph, who enters, or has entered, the trade for the first time at or over the age of 19 years shall be:—	
During the first six months of such employment ...	*106 4*
„ „ second „ „ „ „ „ ...	*112 9*

PIECE WORK BASIS TIME RATES

3. The piece work basis time rates applicable to male workers of any age employed on piece work are—

	Per week of 42 hours s. d.
(*a*) Workers specified in sub-paragraph (*a*), (*b*) or (*c*) of paragraph 2	*174 2*
(*b*) All other workers	*157 8*

PART III

FEMALE WORKERS

GENERAL MINIMUM TIME RATES

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

	Per week of 42 hours s. d.
(*a*) Learners during the following periods of employment in the trade:—	
1st six months	*57 9*
2nd „ „	*64 2*
2nd year	*80 8*
3rd „	*92 7*
Provided that a learner who enters, or has entered, the trade for the first time at or over the age of 18 years, shall be treated for the purpose of this sub-paragraph as though she had, at the date of her entry, completed two years of employment as a learner in the trade.	
(*b*) All other workers (including home-workers)	*108 2*

PIECE WORK BASIS TIME RATE

	Per week of 42 hours s. d.
5. The piece work basis time rate applicable to a female worker of any age employed on piece work is	*117 4*

PART IV

EXPERIENCE UNDER THE GOVERNMENT VOCATIONAL TRAINING SCHEME

6. Where any worker has completed a full course of training as a machinist in the cloth hat and cap section of the trade under the Government Vocational Training Scheme for resettlement training, such period of training shall, for the purpose of reckoning the period of the worker's employment in the trade, be treated as if it were—

(*a*) in the case of a female worker, a period of 3 years' employment as a learner in the trade, or

(*b*) in the case of a male worker, a period of at least one year's employment in the trade at or over the age of 21 years.

PART V

OVERTIME RATES AND WAITING TIME

ALL BRANCHES OF THE TRADE OTHER THAN THE RETAIL BRANCH

OVERTIME

7. Subject to the provisions of this Part of this Schedule, the minimum overtime rates set out in paragraph 8 are payable to a worker other than a worker employed in the retail branch of the trade in respect of any time worked:—

(a) in excess of the hours following, that is to say:

(i) in any week ... ... 42 hours

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

where the normal working hours exceed 8½ ... ... 9 hours

or

where the normal working hours are not more than 8½ 8½ hours

(b) on a Saturday, Sunday or customary holiday.

MINIMUM OVERTIME RATES

8.—(1) Minimum overtime rates are payable to any worker other than a worker employed in the retail branch of the trade as follows:—

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

(i) for the first 2 hours of overtime worked ... Time-and-a-quarter

(ii) for the next 2 hours ... ... Time-and-a-half

(iii) thereafter ... ... Double time

(b) on a Sunday or customary holiday—

for all time worked... ... ... Double time

Provided that where it is the practice in a Jewish undertaking for the employer to require attendance on Sunday instead of Saturday the provisions of this paragraph shall apply as if in such provisions the word "Saturday" were substituted for "Sunday", except where such substitution is unlawful.

(c) 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—

for all time worked in excess of 42 hours ... Time-and-a-quarter

(2) The minimum overtime rates set out in sub-paragraph (1) (a) or (b) of this paragraph are payable in any week whether or not the minimum overtime rate set out in sub-paragraph (1) (c) is also payable.

RETAIL BRANCH

OVERTIME

9. Subject to the provisions of this Part of this Schedule, the minimum overtime rates set out in paragraph 10 are payable to workers in the retail branch of the trade as follows:—

(a) in any week,

for all time worked in excess of ... ... 42 hours

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

for all time worked in excess of ... ... 8 hours

Provided that where the worker normally attends on five days only in the week, minimum overtime rates shall apply to all time worked after ... ... 9 hours

(c) on a Saturday, not being a customary holiday,

(i) where the worker normally attends on six days in the week,

for all time worked in excess of ... ... 4 hours

(ii) where the worker normally attends on five days only in the week,

for all time worked;

(d) on a Sunday or a customary holiday,

for all time worked.

MINIMUM OVERTIME RATES

10.—(1) Subject to the provisions of this Part of this Schedule, minimum overtime rates are payable to a worker in the retail branch of the trade as follows:—

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

(i) for the first two hours worked in excess of 8 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, 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—

(i) where the worker normally attends on six days in the week—

for all time worked in excess of 4 hours ... Time-and-a-half

(ii) where the worker normally attends on five days only in the week—

for the first two hours worked ... ... Time-and-a-quarter
for the next two hours worked ... ... Time-and-a-half
thereafter ... ... Double time

(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 a minimum overtime rate is payable under the foregoing provisions of this sub-paragraph—

for all time worked in excess of 42 hours ... Time-and-a-quarter

(2) The minimum overtime rates set out in sub-paragraph (1) (a), (b) or (c) of this paragraph are payable in any week, whether or not the minimum overtime rate set out in sub-paragraph (1) (d) of this paragraph is also payable.

(3) Where the worker normally attends on Sunday and not on Saturday, for the purposes of this Part of this Schedule (except where such attendance is unlawful), Saturday shall be treated as a Sunday and subject to the provisions of sub-paragraph (4) of this paragraph, Sunday as a Saturday.

(4) Where the worker normally attends on six days in the week and an ordinary weekday is substituted for Saturday or, in a case where the provisions of sub-paragraph (3) of this paragraph apply, for Sunday, as the worker's weekly short day, for the purposes of this Part of this Schedule (except where such substitution is unlawful) that ordinary weekday shall be treated as a Saturday and Saturday or Sunday, as the case may be, as an ordinary weekday.

(5) Where the worker normally attends on five days only in the week, including Saturday, a weekday on which he normally does not attend shall, for the purposes of this Part of this Schedule, be treated as a Saturday, and Saturday as another weekday.

11. In this Part of this Schedule—

(1) the expression " customary holiday " means:—

(*a*) Christmas Day (or, if Christmas Day falls on a Sunday, such weekday 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; or

(*b*) in the case of each of the said days 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 payable to the worker;

(*b*) in the case of a piece worker—

(i) a time rate equal 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) 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 said *hourly* piece work basis time rate.

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 VI

INTERPRETATION

13. In this Schedule, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

(1) " the trade " means the trade specified in paragraph 15.

(2) *" the retail branch " means that branch of the trade in which the employer supplies the article direct to the individual wearer and employs the worker direct.*

(3) A cutter is a male person who—

(i) is employed in a section of the trade, other than the silk hat section, on one or more of the operations of marking in or cutting any kind of material, laying up, hooking up or stripping and,

(ii) for not less than 3 years after the age of 18 years has been employed in any section of the trade mainly on one or more of the last mentioned operations:

Provided that the work of a cutter shall not include the cutting of cloth or other textile materials for stitchers of hat leathers or for use as hat linings.

(4) A blocker, body maker, or finisher is a male person who is employed on one or more of the operations of—

(i) covering, pulling-on, or blocking hats or caps ; or

(ii) blocking straws, hoods or shapes, of any materials ; or

(iii) making shapes by means of a gas block ;

and for not less than 3 years after the age of 18 years has been employed in any section of the trade mainly on one or more of the last mentioned operations.

(5) A stiffener is a male person who is employed in stiffening and has been employed in any section of the trade mainly in stiffening for not less than 3 years after the age of 18 years.

(6) A shaper is a male person who is employed in putting into shape by hand work the brim part of any hat or helmet which is made on a body or foundation of any material, and has been so employed in any section of the trade for not less than 3 years after the age of 18 years.

(7) A learner means a female worker who is employed by an employer who provides her with reasonable facilities for learning, practically and efficiently, any branch of the trade or the various processes involved in the making of any of the articles specified in the definition of the trade referred to in paragraph 15.

PART VII

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

14. This Schedule shall not apply to workers employed as machinists in the cloth hat or cap section of the trade during any period in respect of which they are in receipt of allowances as provided under the Government Vocational Training Scheme for resettlement training if they are trainees who have been placed by the Ministry of Labour with the employer for a period of approved training and if the requirements of the said scheme are duly complied with.

15. Subject to the provisions of paragraph 14, this Schedule applies to workers in relation to whom the Hat, Cap and Millinery Wages Council (England and Wales) operates, that is to say, workers employed in England and Wales in the trade specified in Regulation 1 of the Trade Boards (Hat, Cap and

Millinery Trade, England and Wales) (Constitution and Proceedings) Regulations, 1928(a), that is to say:—

"The making from any material of men's, women's or children's headgear, or the trimming thereof;

including:—

Warehousing, packing or other operations incidental to or appertaining to the making or trimming of men's, women's or children's headgear;

but excluding:—

(1) The casting and making of solid metal helmets;

(2) The making of rubberised or oilskin headgear where carried on in association with or in conjunction with the making of other rubberised or oilskin articles;

(3) The making of nurses' or servants' caps, chefs' caps, hospital ward caps, or similar articles;

(4) The making of field bonnets, sun bonnets, boudoir caps, or infants' millinery where carried on in association with or in conjunction with the making of dresses, non-tailored skirts, wraps, blouses, blouse-robes, jumpers, sports coats, neckwear, tea-gowns, dressing gowns, dressing jackets, pyjamas, underclothing, under-skirts, aprons, overalls, nurses' and servants' caps, juvenile clothing, baby linen or similar articles;

(5) The making of fur hats, where made in association with or in conjunction with the manufacture of furs or furriers' skins into garments, rugs or similar articles;

(6) The making of knitted headgear and the making of headgear from knitted fabrics where carried on in association with or in conjunction with the manufacture of the knitted fabrics;

(7) Warehousing, and packing of men's, women's or children's headgear and other similar operations carried on in shops mainly engaged in the retail distribution of articles of any description that are not made or trimmed on the premises."

EXPLANATORY NOTE

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

This Order, which has effect from the 21st April, 1961, sets out the statutory minimum remuneration payable in substitution for that fixed by the Wages Regulation (Hat, Cap and Millinery) (England and Wales) Order, 1960 (Order H.M. (54)), which is revoked.

New provisions are printed in italics.

(a) S.R. & O. 1928/678 (1928,p. 1269).