STATUTORY INSTRUMENTS

1961 No. 661

WAGES COUNCILS

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

Made - - - -	*5th April*, 1961
Coming into Operation	*24th 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 (Scotland) 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) (Scotland) Order, 1961.

2.—(1) In this Order the expression "the specified date" means the 24th 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) (Scotland) Order, 1960(c), shall cease to have effect.

Dated this 5th day of April, 1961.

John Hare,
Minister of Labour.

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Hat, Cap and Millinery) (Scotland) Order, 1960 (Order H.M.S. (51)).

(a) 7 & 8 Eliz. 2. c. 69. (b) 52 & 53 Vict. c. 63. (c) S.I. 1960/501 (1960 III, p. 3512).

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 V of this Schedule is:—

   (*a*) in the case of a time worker, the general minimum time rate payable to the worker under Part II, Part III or Part IV 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 at least the same amount of money as the piece work basis time rate applicable to the worker under Part II, Part III or Part IV of this Schedule.

PART II

FEMALE WORKERS IN *THE RETAIL BRANCH* OF THE TRADE

GENERAL MINIMUM TIME RATES

2. The general minimum time rates payable to female workers employed in *the retail branch* of the trade, in Areas A and B respectively, are as follows:—

	Area A per hour s. d.	Area B per hour s. d.
(*a*) ALL WORKERS other than the learners specified in sub-paragraph (*b*) of this paragraph	*2 5½*	*2 4*
(*b*) LEARNERS, as defined in and whose employment complies with the conditions specified in paragraph 15, during the following periods of employment in *the retail branch* of the trade:—		
1st year	*1 1½*	*1 0½*
2nd „	*1 4½*	*1 3½*
3rd „	*1 8*	*1 6½*
4th „	*2 0*	*1 10*

PIECE WORK BASIS TIME RATES

	Area A per hour s. d.	Area B per hour s. d.
3. The piece work basis time rates applicable to female workers of any age employed on piece work in *the retail branch* of the trade, in Areas A and B respectively are...	*2 7½*	*2 6*

DEFINITION OF AREAS

4. For the purposes of this Part of this Schedule:—

   (1) AREA A comprises—

   (i) all Burghs which, according to the Annual Report of the Registrar-General for Scotland for 1946, had a population of ten thousand or more;

   (ii) the following Special Lighting Districts, the boundaries of which have been defined, namely Vale of Leven and Renton in the County of Dunbarton; Uphall in the County of West Lothian and Larbert in the County of Stirling;

   (iii) the following areas, the boundaries of which were defined as Special Lighting Districts prior to 10th March, 1943, namely Bellshill and Mossend, Blantyre, Cambuslang, Larkhall, Shotts and Dykehead, and Holytown, New Stevenston and Carfin, all in the County of Lanark; and

(iv) the following Burghs—

ANGUS COUNTY
Brechin
Forfar

ARGYLL COUNTY
Dunoon

AYR COUNTY
Troon

BUTE COUNTY
Rothesay

DUNBARTON COUNTY
Helensburgh

FIFE COUNTY
Leven
Lochgelly
St. Andrews

RENFREW COUNTY
Gourock

STIRLING COUNTY
Kilsyth

WEST LOTHIAN COUNTY
Armadale
Bo'ness.

(2) AREA B comprises the whole of Scotland other than Area A.

PART III

FEMALE WORKERS IN *THE WHOLESALE AND MANUFACTURING BRANCHES* OF THE TRADE

GENERAL MINIMUM TIME RATES

5. The general minimum time rates payable to female workers in *the wholesale and manufacturing branches* of the trade are as follows:—

	Per hour s. d.
(*a*) ALL WORKERS (including home-workers) other than the learners specified in sub-paragraph (*b*) of this paragraph ...	*2 7*
(*b*) LEARNERS, as defined in and whose employment complies with the conditions specified in paragraph 15, during the following periods of employment in the said branch:—	
1st six months	*1 5½*
2nd „ „	*1 7*
2nd year	*1 11½*
3rd „	*2 2½*

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.

PIECE WORK BASIS TIME RATE

	Per hour s. d.
6. The piece work basis time rate applicable to female workers of any age employed on piece work in *the wholesale and manufacturing branches* of the trade is	*2 10*

PART IV

MALE WORKERS IN ANY BRANCH OF THE TRADE

GENERAL MINIMUM TIME RATES

7. The general minimum time rates payable to male workers in any branch of the trade are as follows:—

	Per hour s. d.
(a) Workers employed in any branch other than the Felt Hat and Hood Manufacturing branch of the trade as cutters, blockers, body makers or finishers, stiffeners or shapers ...	*3 11*

	Per hour s. d.
(b) Workers employed in the Wool section of the Felt Hat and Hood Manufacturing branch 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	3 11
(c) Workers employed in the Fur section of the Felt Hat and Hood Manufacturing branch 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	3 11
(d) All other workers :—	
Aged 21 years or over	3 6
„ 20 and under 21 years	3 1
„ 19 „ „ 20 „	2 10
„ 18 „ „ 19 „	2 6½
„ 17 „ „ 18 „	2 3
„ 16 „ „ 17 „	1 11½
„ under 16 years	1 7½
Provided that the general minimum time rate payable 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 1st six months of such employment	2 7
„ „ 2nd „ „ „ „ „	2 8½

PIECE WORK BASIS TIME RATES

8. The piece work basis time rates applicable to male workers of any age employed on piece work in any branch of the trade are :—

	Per hour s. d.
(a) Workers specified in sub-paragraph (b) or (c) of paragraph 7	4 2
(b) All other workers	3 9½

PART V

OVERTIME AND WAITING TIME

RETAIL BRANCH

Overtime

9.—(1) 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 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	8½ hours
Provided that where the worker normally attends on five days only in the week minimum overtime rates shall apply after	9 hours

(iii) on a Saturday, not being a customary holiday, where the worker normally attends on six days in the week... ... 4 hours

(b) on a Sunday or a customary holiday or, where the worker normally attends on five days only in the week, on a Saturday.

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

(3) Where the worker normally attends on six days in the week and an ordinary week-day is substituted for Saturday or, in a case where the provisions of (2) of this paragraph apply, for Sunday, as the worker's weekly short day (except where such substitution is unlawful), that ordinary week-day shall be treated as a Saturday, and Saturday or Sunday (as the case may be) as an ordinary week-day.

(4) Where the worker normally attends on five days only in the week, including Saturday, a week-day 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 week-day.

MINIMUM OVERTIME RATES

10. 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 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 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

thereafter ... ... TIME-AND-A-HALF

(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 paragraph—

for all time worked in excess of 42 hours ... ... TIME-AND-A-QUARTER

WHOLESALE AND MANUFACTURING BRANCHES

OVERTIME

11. Subject to the provisions of this Part of this Schedule, the minimum overtime rates set out in paragraph 12 are payable to workers in the wholesale and manufacturing branches of the trade in respect of any time worked—

(1) in excess of the hours following, that is to say—

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

(b) 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

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

MINIMUM OVERTIME RATES

12. Minimum overtime rates are payable to a worker in the wholesale and manufacturing branches of the trade as follows:—

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

(a) for the first 2 hours of overtime worked ... ... TIME-AND-A-QUARTER

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

(2) on a Sunday or customary holiday—

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

Provided that where the worker normally attends on Sunday and not on Saturday (except where such attendance is unlawful) Saturday shall be treated as a Sunday and Sunday as a Saturday.

(3) in any week, exclusive of any time in respect of which a minimum overtime rate is payable under the foregoing provisions of this paragraph—

for all time worked in excess of 42 hours TIME-AND-A-QUARTER

13. In this Part of this Schedule—

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

(a) New Year's Day (or the following day if New Year's Day falls on a Sunday);

The local Spring holiday;

The local Autumn holiday; and

Any day proclaimed as an additional Bank Holiday or a general holiday throughout Scotland:

Provided that, where in any establishment it is not the custom or practice to observe all or any of such days as holidays, another day or other days, not fewer in number, may, by agreement between the employer and the worker, be substituted therefor;

(b) Three other days to be agreed between the employer and the worker.

(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 payable to the worker;

(b) in the case of a 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 piece rates otherwise applicable to the worker under paragraph 1 (b).

WAITING TIME

14.—(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 to him if he were a time worker.

PART VI

INTERPRETATION

15. 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 17.

(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) *" the wholesale and manufacturing branches" means branches of the trade other than the retail branch.*

(4) A cutter is a male person who—

(i) is employed 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.

(5) 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.

(6) 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.

(7) 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.

(8) 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:

Provided that a worker shall cease to be a learner and be entitled to the general minimum time rate applicable to workers other than learners—

(i) *if employed in the retail branch of the trade, on completion of 4 years' employment in that branch of the trade in which she has been a learner; or*

(ii) *if employed in the wholesale and manufacturing branches of the trade, on completion of 3 years' employment in those branches.*

16. The advances to be given to a learner under paragraph 2 or 5 shall become due on the completion of each of the specified periods of employment in that branch of the trade in which she is a learner.

PART VII

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

17. This Schedule applies to workers in relation to whom the Hat, Cap and Millinery Wages Council (Scotland) operates, that is to say, workers employed in Scotland in the trade specified in the Schedule to the Trade Boards (Hat, Cap and Millinery Trade, Scotland) (Constitution and Proceedings) Regulations, 1932(a), namely:—

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 fabric;

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 24th April, 1961, sets out the statutory minimum remuneration payable in substitution for that fixed by the Wages Regulation (Hat, Cap and Millinery) (Scotland) Order, 1960 (Order H.M.S. (51)), which is revoked.

New provisions are printed in italics.

(a) S.R. & O. 1932/1053 (1932, p. 1703).