STATUTORY INSTRUMENTS

# 1961 No. 1623

## WAGES COUNCILS

## The Wages Regulation (Hollow-ware) Order, 1961

*Made* - - - - 21*st August*, 1961
*Coming into Operation* 1*st September*, 1961

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Hollow-ware 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 (Hollow-ware) Order, 1961.

**2.**—(1) In this Order the expression "the specified date" means the 1st day of September, 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 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 (Hollow-ware) Order, 1960(c), and the Wages Regulation (Hollow-ware) (Amendment) Order, 1960(d), shall cease to have effect.

Signed by order of the Minister of Labour this 21st day of August, 1961.

*Alan Green*,
Parliamentary Secretary,
Ministry of Labour.

(a) 7 & 8 Eliz. 2. c. 69.
(b) 52 & 53 Vict. c. 63.
(c) S.I. 1960/1256 (1960 III, p. 3522).
(d) S.I. 1960/2368 (1960 III, p. 3529).

## SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Hollow-ware) Order, 1960 (Order H. (74)) as amended by the Wages Regulation (Hollow-ware) (Amendment) Order, 1960 (Order H. (76)).

## 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 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 or Part III of this Schedule.

### PART II

### MALE WORKERS

### TIME WORKERS

2. The general minimum time rates payable to male time workers are as follows:—

| | General minimum time rates per hour s. d. |
|---|---|
| (1) Workers aged 21 years or over and employed in the enamel ware section of the trade as— | |
| (*a*) Fusers' helpers who work in association with fusers | |
| (*b*) Annealers, or ... ... ... ... ... ... | *3 9½* |
| (*c*) Scalers ... ... ... ... ... ... ... | |
| (2) All other workers except learners ... ... ... | *3 7½* |
| (3) Learners, being aged— | |
| 20 and under 21 years ... ... ... ... ... | *2 11½* |
| 19 „ „ 20 „ ... ... ... ... ... | *2 5½* |
| 18 „ „ 19 „ ... ... ... ... ... | *2 2½* |
| 17 „ „ 18 „ ... ... ... ... ... | *1 10½* |
| 16 „ „ 17 „ ... ... ... ... ... | *1 6½* |
| under 16 years ... ... ... ... ... ... | *1 3½* |

Provided that the general minimum time rate otherwise payable to a learner who enters, or has entered, the trade for the first time when aged not less than 17 but less than 21 years shall, during his first twelve months' employment in the trade or until he attains the age of 21 years, whichever period is the lesser, be reduced as follows:—

(*a*) during the first six months of such employment or until he attains the age of 21 years, whichever period is the lesser, by 1d. per hour;

(*b*) during the second six months of such employment or until he attains the age of 21 years, whichever period is the lesser, by ½d. per hour.

## PIECE WORKERS

3. The piece work basis time rates applicable to male piece workers are as follows:—

| | Piece work basis time rates per hour s. | d. |
|---|---|---|
| (1) Workers (other than learners) employed— | | |
| (*a*) as fusers' helpers or dippers in the enamel ware section of the trade ... ... ... ... ... | 3 | 9½ |
| (*b*) otherwise than as such fusers' helpers or dippers | | |
| (2) Learners employed— | | |
| (*a*) as fusers' helpers or dippers in the enamel ware section of the trade, being aged— | | |
| 20 and under 21 years ... ... ... ... | 3 | 1½ |
| 19 „ „ 20 „ ... ... ... ... | 2 | 7½ |
| 18 „ „ 19 „ ... ... ... ... | 2 | 3½ |
| 17 „ „ 18 „ ... ... ... ... | 1 | 11½ |
| 16 „ „ 17 „ ... ... ... ... | 1 | 7½ |
| under 16 years ... ... ... ... ... | 1 | 4½ |
| (*b*) otherwise than as such fusers' helpers or dippers, being aged— | | |
| 20 and under 21 years ... ... ... ... | 3 | 1½ |
| 19 „ „ 20 „ ... ... ... ... | 2 | 7½ |
| 18 „ „ 19 „ ... ... ... ... | 2 | 3½ |
| 17 „ „ 18 „ ... ... ... ... | 1 | 11½ |
| 16 „ „ 17 „ ... ... ... ... | 1 | 7½ |
| under 16 years ... ... ... ... ... | 1 | 3½ |

## PART III

## FEMALE WORKERS

## TIME WORKERS

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

| | General minimum time rates per hour s. | d. |
|---|---|---|
| (1) Workers other than learners ... ... ... ... | 2 | 7½ |
| (2) Learners, being aged— | | |
| 17 and under 18 years ... ... ... ... | 2 | 2½ |
| 16 „ „ 17 „ ... ... ... ... | 1 | 7 |
| under 16 years ... ... ... ... ... ... | 1 | 4 |
| Provided that the general minimum time rates payable during her first twelve months' employment in the trade to a learner who enters, or has entered, the trade for the first time at or over the age of 16 years shall be— | | |
| during the first six months of such employment ... | 1 | 3½ |
| during the second six months of such employment ... | 1 | 4 |

## PIECE WORKERS

5. The piece work basis time rates applicable to female piece workers are as follows:—

| | Piece work basis time rates per hour s. | d. |
|---|---|---|
| (1) Workers other than learners ... ... ... ... | 2 | 8½ |
| (2) Learners, being aged— | | |
| 17 and under 18 years ... ... ... ... | 2 | 3½ |
| 16 „ „ 17 „ ... ... ... ... ... | 1 | 8½ |
| under 16 years ... ... ... ... ... ... | 1 | 4½ |
| Provided that the piece work basis time rates applicable during her first twelve months' employment in the trade to a learner who enters, or has entered, the trade for the first time at or over the age of 16 years shall be— | | |
| during the first six months of such employment ... ... | 1 | 4 |
| during the second six months of such employment ... | 1 | 4½ |

## PART IV

## OVERTIME AND WAITING TIME

### MINIMUM OVERTIME RATES

6.—(1) The following minimum overtime rates are payable to all workers other than male workers employed as fusers' helpers, dippers, annealers or scalers in the enamel ware section of the trade:—

(*a*) On a Sunday or a customary holiday—
for all time worked ... ... ... ... DOUBLE TIME

(*b*) On a Saturday, not being a customary holiday—
for all time worked in excess of 4 hours ... TIME-AND-A-HALF

(*c*) 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 following minimum overtime rates are payable to male workers employed as fusers' helpers, dippers, annealers or scalers in the enamel ware section of the trade:—

(*a*) On a Sunday or a customary holiday—
for all time worked in excess of 2 hours ... ... DOUBLE TIME

(*b*) In any week exclusive of any time in respect of which double time is payable under (*a*) of this sub-paragraph—
for all time worked in excess of 42 hours ... TIME-AND-A-QUARTER

7. 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 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;

(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;

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 therefor, being either a day recognised by local custom as a day of holiday in substitution for the said day, or a day fixed by agreement between the employer and the worker or his agent.

(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 piece worker, such piece rates as would each yield respectively, in the circumstances of the case, to an ordinary worker at least the same amount of money as one and a quarter times, one and a half times and twice the piece work basis time rate otherwise applicable to the worker.

## WAITING TIME

8.—(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 in piece work, is that which would be payable if the worker were a time worker.

## PART V

## INTERPRETATION

9. In this Schedule the expression "learner" means:—

(1) in the case of a male worker, a worker aged under 21 years and employed under conditions which, in the circumstances of the case, afford a reasonable prospect of advancement to the position of a worker other than a learner;

(2) in the case of a female worker, a worker aged under 18 years, or a worker aged 18 years or over having less than 12 months' experience in the trade, the worker being employed in either case under conditions which, in the circumstances of the case, afford a reasonable prospect of advancement to the position of a worker other than a learner.

## APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

10.—(1) This Schedule does not apply to workers employed as watchmen, but save as aforesaid applies to workers in relation to whom the Hollow-ware Wages Council (Great Britain) operates, that is to say, workers employed in Great Britain in the operations in the Hollow-ware Branch of the Hollow-ware Making trade specified in the Schedule to the Trade Boards (Hollow-ware Trade, Great Britain) (Constitution and Proceedings) Regulations, 1937(a), namely:—

(*a*) all work in connection with—

(i) the manufacture from sheet iron or sheet steel (hereinafter called black plate) of articles of hollow-ware or parts thereof;

(ii) the manufacture of baths and dustbins from black plate or from black plate coated with any metal, of an average thickness not exceeding ·0392 of an inch (20 Birmingham Gauge);

(iii) the manufacture from any iron or steel of forged, stamped or pressed mountings or fittings or parts thereof, for articles specified in (*a*) (i) and (ii) of this sub-paragraph when done by workers wholly or mainly so engaged, or in association or conjunction with the manufacture specified in (*a*) (i) and (ii) of this sub-paragraph;

(*b*) all work in connection with—

(i) the manufacture of kegs, drums, tapers, taper-necked cans and painters' pots, or parts thereof;

from black plate of an average thickness less than ·125 of an inch (10 Birmingham Gauge), or

from black plate coated with any metal and of an average thickness exceeding ·01745 of an inch (27 Birmingham Gauge) but less than ·125 of an inch (10 Birmingham Gauge),

and the repair thereof;

when done in a department mainly engaged on work specified in (*a*) of this sub-paragraph;

(ii) the manufacture from any iron or steel of forged, stamped or pressed mountings or fittings, or parts thereof, for the articles to the manufacture or repair of which (*b*) (i) of this sub-paragraph applies.

(2) Work in connection with the manufacture specified in sub-paragraph (1) of this paragraph includes—

(*a*) finishing;

(*b*) the work of persons employed in the factory or workshop in counting or weighing materials handed to workers and articles or parts thereof received from workers;

(*c*) packing, warehousing, despatching, the work of inside messengers, yard-workers and stokers and work of a similar nature.

(3) Notwithstanding anything in this paragraph the following operations are not operations in the Hollow-ware branch of the Hollow-ware making trade:—

(*a*) work specified in sub-paragraph (1) of this paragraph when performed in an establishment, branch or department mainly engaged on other work and in which the jointing and finishing of the articles or parts of articles specified in sub-paragraph (1) of this paragraph are done by workers mainly employed in jointing and finishing other articles;

(*b*) finishing (other than enamelling) when performed in a department mainly engaged in the finishing of articles other than articles specified in sub-paragraph (1) of this paragraph and in which no manufacture specified in sub-paragraph (1) of this paragraph is carried on;

(a) S.R. & O. 1937/325 (1937, p. 2335).

(*c*) packing, warehousing, despatching, the work of inside messengers, yard-workers and stokers, and work of a similar nature when performed in an establishment not otherwise engaged in operations in the hollow-ware branch of the hollow-ware making trade;

(*d*) the manufacture of baths or dustbins from black plate or from black plate coated with any metal, of an average thickness exceeding ·0392 of an inch (20 Birmingham Gauge);

(*e*) the manufacture referred to in (*a*) (ii) of sub-paragraph (1) of this paragraph in an establishment branch or department mainly engaged in the operations specified in (*d*) of this sub-paragraph or in operations other than those specified in sub-paragraph (1) of this paragraph or both in such operations and such manufacture;

(*f*) the manufacture of component parts of motor vehicles, motor plants, aircraft, cycles or motor cycles;

(*g*) the manufacture of any article or part of any article when made in an establishment mainly engaged in the manufacture of motor vehicles, motor plants, aircraft, cycles or motor cycles or of component parts thereof;

(*h*) all clerical work other than work specified in (*b*) of sub-paragraph (2) of this paragraph;

(*i*) the manufacture of tin rollers, tin roller drums, card cases, coiler cans and other articles for use with textile or other machinery;

(*j*) all work in connection with the maintenance or upkeep of premises, machinery or plant;

(*k*) all work included under the Trade Boards (Keg and Drum Trade, Great Britain) (Constitution and Proceedings) Regulations, 1928(a);

(*l*) all work included under the Trade Boards (Tin Box Trade, Great Britain) (Constitution and Proceedings) Regulations, 1928(b).

(4) The expression "finishing" includes operations of coating (including the processes of galvanising, tinning, enamelling, painting, japanning, lacquering and varnishing), polishing and cleaning articles.

## 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 September, 1961, sets out the statutory minimum remuneration payable in substitution for that fixed by the Wages Regulation (Hollow-ware) Order, 1960 (Order H. (74)), as amended by the Wages Regulation (Hollow-ware) (Amendment) Order, 1960 (Order H. (76)), which Orders are revoked.

New provisions are printed in italics.

(a) S.R. & O. 1928/844 (1928, p. 1276). (b) S.R. & O. 1928/847 (1928, p. 1289).