STATUTORY INSTRUMENTS

1971 No. 885

WAGES COUNCILS

The Wages Regulation (Keg and Drum) Order 1971

Made - - - -	*26th May* 1971
Coming into Operation	*17th June* 1971

Whereas the Secretary of State has received from the Keg and Drum Wages Council (Great Britain) the wages regulation proposals set out in the Schedule hereto;

Now, therefore, the Secretary of State in exercise of his powers under 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 (Keg and Drum) Order 1971.

2.—(1) In this Order the expression "the specified date" means the 17th June 1971, 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 Schedules 1 and 2 hereof shall have effect as from the specified date and as from that date the Wages Regulation (Keg and Drum) Order 1970(c) shall cease to have effect.

Signed by order of the Secretary of State.
26th May 1971.

J. R. Lloyd Davies,
Assistant Secretary,
Department of Employment.

Article 3

SCHEDULE 1

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Keg and Drum) Order 1970 (Order K.D. (84)).

(a) 1959 c. 69.
(b) 1889 c. 63.
(c) S.I. 1970/702 (1970 II, p. 2220).

STATUTORY MINIMUM REMUNERATION

PART I

GENERAL

1. The minimum remuneration payable to a worker to whom this Schedule applies is as follows:—

(1) where the worker is employed on time work,

(*a*) for all work except work to which a minimum overtime rate applies under Part III of this Schedule,

(i) the general minimum time rate payable to the worker under Part II of this Schedule, and in addition thereto,

(ii) in the case of a regular night worker, the supplemental time rate payable under paragraph 4;

(*b*) for all work to which a minimum overtime rate applies under Part III of this Schedule, that rate;

(2) where the worker is employed on piece work,

(*a*) 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 of this Schedule and, in addition thereto,

(*b*) in the case of a regular night worker, in respect of all time worked (except time to which a minimum overtime rate would apply under Part III of this Schedule if the worker were employed on time work) the supplemental time rate payable under paragraph 4.

DEFINITION OF REGULAR NIGHT WORKER

2. For the purposes of this Schedule, a regular night worker is a worker whose normal hours of work fall between the hours of 5 p.m. on one day and 7.30 a.m. on the next day.

PART II

GENERAL MINIMUM TIME RATES AND PIECE WORK BASIS TIME RATES

3. The general minimum time rates payable to male or female workers employed on time work and the piece work basis time rates applicable to such workers when employed on piece work are as follows:—

	General minimum time rates per hour *p*	Piece work basis time rates per hour *p*
(1) MALE WORKERS aged—		
21 years or over	*35·0*	*38·5*
20 and under 21 years	*30·4*	*33·4*
19 „ „ 20 „	*26·8*	*29·5*
18 „ „ 19 „	*23·2*	*25·5*
17 „ „ 18 „	*19·9*	*21·9*
16 „ „ 17 „	*16·4*	*18·0*
under 16 years	*13·2*	*14·5*

	General minimum time rates per hour *p*	Piece work basis time rates per hour *p*
(2) FEMALE WORKERS aged—		
21 years or over	*28·4*	*31·2*
20 and under 21 years	*26·3*	*28·9*
19 „ „ 20 „	*24·7*	*27·2*
18 „ „ 19	*24·2*	*26·6*
17 „ „ 18 „	*18·8*	*20·7*
16 „ „ 17 „	*16·4*	*18·0*
under 16 years	*13·2*	*14·5*

SUPPLEMENTAL TIME RATE FOR REGULAR NIGHT WORKERS

4. The supplemental time rate payable to a regular night worker is an amount equal to one-third of the following rate:—

(1) in the case of a worker employed on time work, the general minimum time rate payable to the worker;

(2) in the case of a worker employed on piece work, the general minimum time rate which would be payable if the worker were employed on time work.

PART III

OVERTIME AND WAITING TIME

MINIMUM OVERTIME RATES FOR TIME WORKERS

5.—(1) Subject to the provisions of this paragraph, minimum overtime rates are payable to a worker employed on time work as follows:—

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

(i) For the first 2 hours worked in excess of 8 hours ... time-and-a-third

(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-third and time-and-a-half shall be payable after 8½ and 10½ hours' work respectively.

(*b*) On a Saturday, not being a customary holiday:—

(i) For the first 2 hours worked in excess of 4 hours ... time-and-a-third

(ii) Thereafter ... ... time-and-a-half

Provided that where the worker normally attends on five days only in the week, the following minimum overtime rates shall apply:—

(i) For the first 2 hours worked ... ... time-and-a-third

(ii) Thereafter ... ... time-and-a-half

(*c*) On a Sunday or a customary holiday:—
For all time worked ... ... double time

(*d*) In any week for all time worked in excess of 40 hours (exclusive of any time in respect of which any minimum overtime rate is payable under the foregoing provisions of this sub-paragraph):—

(i) For the first 2 hours so worked ... ... time-and-a-third

(ii) Thereafter ... ... time-and-a-half

(2) In ascertaining whether any minimum overtime rate is payable, regard shall be had to the whole of the worker's turn of duty, which shall be treated as worked on the day upon which it commences, except that where the full turn of duty of a regular night worker ordinarily extends from one day to the next each such turn of duty in the week shall be treated as worked wholly on the day after it commences.

6. 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 (or where another day is substituted therefor by national proclamation, that day) 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 for the employer) 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 a 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 a day recognised by local custom as a day of holiday in substitution for the said day.

(2) the expressions "time-and-a-third", "time-and-a-half" and "double-time" mean respectively, one and a third times, one and a half times, and twice the general minimum time rate otherwise payable to the worker under paragraph 3.

WAITING TIME

7.—(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

8. This Schedule applies to workers in relation to whom the Keg and Drum Wages Council (Great Britain) operates, that is to say, workers employed in Great Britain in the Keg and Drum Branch of the Hollow-ware Making Trade as specified

in the Schedule to the Trade Boards (Keg and Drum Trade, Great Britain) (Constitution and Proceedings) Regulations 1928(a), which reads as follows:—

"1. Subject to the provisions of this Schedule the Keg and Drum Branch of the Hollow-ware Making Trade consists of the following operations:—

(*a*) All work in connection with—

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

from sheet iron or sheet steel (hereinafter called black plate) of an average thickness of 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;

(ii) the manufacture of boxes, canisters and bottles, or parts thereof from black plate whether coated or not with metal when carried on in a department mainly engaged in the manufacture or repair specified in paragraph 1 (*a*) (i) hereof;

(iii) the manufacture of kegs, drums, tapers, taper-necked cans and painters' pots, or parts thereof from black plate coated with any metal and of an average thickness not exceeding ·01745 of an inch (27 Birmingham Gauge) when carried on in a department mainly engaged in the manufacture or repair specified in paragraph 1 (*a*)(i) hereof;

and the repair thereof;

(iv) 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 paragraph 1 (*a*)(i) hereof applies when done by workers wholly or mainly so engaged or in association or conjunction with the said manufacture or repair.

(*b*) all work in connection with—

(i) the manufacture from 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 the articles specified in paragraph 1(*b*)(i) and (ii) hereof

when done in a department mainly engaged in the work specified in paragraph 1(*a*) hereof.

2. Work in connection with the manufacture specified in paragraph 1 hereof 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.

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

3. Notwithstanding anything in this Schedule the following operations are not operations in the Keg and Drum Branch of the Hollow-ware Making Trade:—

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

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

(*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 Keg and Drum Branch of the Hollow-ware Making Trade;

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

(*e*) 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;

(*f*) all clerical work other than work specified in paragraph 2 (*b*) hereof;

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

(*h*) all processes of lithographic printing and processes of varnishing or lacquering done in connection therewith;

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

(*j*) all work included under the Trade Boards (Hollow-ware Trade, Great Britain) (Constitution and Proceedings) Regulations 1928(a);

(*k*) 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, polishing and cleaning articles."

Article 3

SCHEDULE 2

HOLIDAYS AND HOLIDAY REMUNERATION

The Wages Regulation (Keg and Drum) (Holidays) Order 1970(c) (Order K.D. (85)) shall have effect as if in the Schedule thereto—

1. For paragraph 6 there were substituted the following:—

"HOLIDAY REMUNERATION

A—CUSTOMARY HOLIDAYS AND HOLIDAYS IN LIEU OF CUSTOMARY HOLIDAYS

6.—(1) For each day of holiday which a worker is allowed under Part II of this Schedule he shall be paid by the employer holiday remuneration equal to the amount to which he would have been entitled, calculated at the general minimum time rate applicable to the worker (or which would be applicable if he were a time worker) increased by *25* per cent, if the day had not been a day of holiday and he had been employed on work entitling him to statutory minimum remuneration for the time normally worked by him on that day of the week:

(a) S.R. & O. 1928/843 (1928, p. 1272). (b) S.R. & O. 1928/847 (1928, p. 1289).
(c) S.I. 1970/703 (1970 II, p. 2226).

Provided that payment of the said holiday remuneration is subject to the condition that the worker (unless excused by the employer or absent by reason of the proved illness of the worker) presents himself for employment at the usual commencing hour on the first working day following the holiday and works his normal hours of work on that day.

(2) Holiday remuneration in respect of any holiday allowed under Part II of this Schedule shall be paid to the worker not later than the pay day on which the wages are paid for the first working day following the holiday:

Provided that where a worker ceases to be employed before being allowed a holiday in lieu of a customary holiday or a holiday under sub-paragraph (3) of paragraph 2, he shall be paid the holiday remuneration for that day immediately upon the termination of his employment and in such a case the condition contained in the proviso to sub-paragraph (1) of this paragraph shall not apply."

2. For the definition of "ONE DAY'S HOLIDAY PAY" in paragraph 11 there were substituted the following definition:—

" 'ONE DAY'S HOLIDAY PAY' means the appropriate proportion of the remuneration which the worker would be entitled to receive from his employer at the date of the annual holiday (or where the holiday is allowed in more than one period at the date of the first period) or at the termination date, as the case may require, for one week's work if working his normal working week and the number of daily hours normally worked by him (exclusive of overtime) and if paid at the general minimum time rate applicable to the worker (or which would be applicable if he were a time worker) increased by *25* per cent, for work for which statutory minimum remuneration is payable and at the same rate (increased as aforesaid) for any work for which such remuneration is not payable, and in this definition 'appropriate proportion' means—

where the worker's normal working week is six days	one-sixth
where the worker's normal working week is five days ...	one-fifth
where the worker's normal working week is four days or less	one-quarter."

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order has effect from 17th June 1971. Schedule 1 sets out the statutory minimum remuneration payable in substitution for that fixed by the Wages Regulation (Keg and Drum) Order 1970 (Order K.D. (84)), which Order is revoked. Schedule 2 amends the Wages Regulation (Keg and Drum) (Holidays) Order 1970 (Order K.D. (85)) by providing for increased holiday remuneration.

New provisions are printed in italics.