STATUTORY INSTRUMENTS

1963 No. 1582

WAGES COUNCILS

The Wages Regulation (Milk Distributive) (Scotland) (Amendment) Order 1963

Made - - - - 17*th September* 1963
Coming into Operation 7*th October* 1963

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Milk Distributive 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 (Milk Distributive) (Scotland) (Amendment) Order 1963.

2.—(1) In this Order the expression "the specified date" means the 7th October 1963, 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.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date.

Dated 17th September 1963.

John Hare,
Minister of Labour.

SCHEDULE

STATUTORY MINIMUM REMUNERATION

The Wages Regulation (Milk Distributive) (Scotland) Order 1963(c) (Order M.D.S. (83)) shall have effect as if in the Schedule thereto for paragraphs 5 and 6 there were substituted the following paragraphs:—

"MINIMUM OVERTIME RATES

5. Subject to the provisions of paragraphs 4, 6, 7 and 8 minimum overtime rates are payable as follows:—

(1) to any worker who normally works for more than 24 hours per week—

(a) *on a Sunday not being the worker's rest day or a customary holiday*—

(i) *for any time worked not exceeding 5 hours* ... *Time-and-a-quarter for 5 hours;*

(ii) *for all time worked in excess of 5 hours* ... *Time-and-a-quarter*

(a) 7 & 8 Eliz. 2. c. 69. (b) 52 & 53 Vict. c. 63. (c) S.I. 1963/1027 (1963 II, p. 1750).

(*b*) on the worker's rest day (being a Sunday or a week-day) other than a rest day to which (*c*) applies—

(i) for any time worked not exceeding *5 hours*... Time-and-a-half for *5 hours*

(ii) for all time worked in excess of *5 hours* ... Time-and-a-half

(*c*) on the second rest day where the worker works on two consecutive rest days—

(i) for any time worked not exceeding *5 hours*... Double time for *5 hours*

(ii) for all time worked in excess of *5 hours* ... Double time

(2) to workers other than those referred to in sub-paragraph (1) above—

(*a*) for work on a customary holiday—
for all time worked ... ... Double time

(*b*) on the worker's rest day (being a Sunday or a week-day) other than a rest day to which (*c*) applies—

for all time worked ... ... Time-and-a-half

(*c*) on the second rest day where the worker works on two consecutive rest days—

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

(3) to any worker in any week exclusive of any time in respect of which a minimum overtime rate is payable under the foregoing provisions of this paragraph *or under the provisions of paragraph 6 (4)* for all time worked in excess of 45 hours (or 44 hours in the case of a worker under 16 years of age):—

(*a*) for the first 4 hours worked ... ... Time-and-a-quarter

(*b*) thereafter ... ... Time-and-a-half

REMUNERATION FOR CUSTOMARY HOLIDAYS

6.—(1) This paragraph applies to workers who normally work for the employer for more than 24 hours a week.

(2) Where a worker to whom this paragraph applies—

(*a*) is not required to work on a customary holiday,

(*b*) worked for the employer throughout the last working day on which work was available to him preceding a customary holiday, and

(*c*) presents himself for employment at the usual starting time on the first working day after a customary holiday,

he shall be paid for the customary holiday the amount to which he would have been entitled under paragraph 3 had the day not been a customary holiday, and had he worked on a day other than his rest day the number of hours ordinarily worked by him on that day of the week (or 7½ hours in the case of a worker who does not ordinarily work on that day of the week): Provided that the condition set out in (*b*) or (*c*) of this sub-paragraph shall be deemed to be satisfied where the worker is excused by his employer or is prevented by his proved illness or injury from working or presenting himself for employment as aforesaid.

(3) Where a worker to whom this paragraph applies works on a customary holiday and his employer has before the worker's pay day next following the customary holiday entered into an agreement with the worker to allow the worker a holiday in lieu of the customary holiday on a day other than the worker's rest day to be fixed on not less than 6 days' notice by the employer and to fall within 28 days of the customary holiday, the worker shall be paid for his work on the customary holiday as if it were not a customary holiday and for the holiday in lieu of the customary holiday as if it were a customary holiday on which he was not required to work.

(4) Where a worker to whom this paragraph applies works on a customary holiday and there is no such agreement as is mentioned in sub-paragraph (3) of this paragraph, the worker shall be paid the amount to which he would have been entitled under paragraph 3 had the day not been a customary holiday and had he worked on a day other than his rest day the number of hours ordinarily worked by him on the day of the week on which the customary holiday falls (or 7½ hours in the case of a worker who does not ordinarily work on that day of the week), and in addition:—

(*a*) where the customary holiday is not the worker's rest day

(i) for any time worked not exceeding *5 hours*...	Time rate for *5 hours*
(ii) for all time worked in excess of *5 hours* ...	Time rate

or

(*b*) where the customary holiday falls on the worker's rest day other than a rest day to which (*c*) applies

(i) for any time worked not exceeding *5 hours*...	Time-and-a-half for *5 hours*
(ii) for all time worked in excess of *5 hours* ...	Time-and-a-half

or

(*c*) where the customary holiday falls on the worker's second rest day, where the worker works on two consecutive rest days

(i) for any time worked not exceeding *5 hours*...	Double time for *5 hours*
(ii) for all time worked in excess of *5 hours* ...	Double time"

EXPLANATORY NOTE

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

This Order, which has effect from 7th October 1963, amends the Wages Regulation (Milk Distributive) (Scotland) Order 1963 (Order M.D.S. (83)) by varying the provisions relating to overtime for workers who normally work for the employer for more than 24 hours per week.