1960 No. 867

The Wages Regulation (Milk Distributive) (Scotland) Order, 1960

Made - - - - 13*th May*, 1960
Coming into Operation 1*st June*, 1960

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) Order, 1960.

2.—(1) In this Order the expression "the specified date" means the 1st day of June, 1960, 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 (Milk Distributive) (Scotland) Order, 1958(c), and the Wages Regulation (Milk Distributive) (Scotland) (Amendment) Order, 1959(d), shall cease to have effect.

Signed by order of the Minister of Labour this 13th day of May, 1960.

L. N. Helsby,
Secretary,
Ministry of Labour.

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Milk Distributive) (Scotland) Order, 1958 (Order M.D.S. (73)) as amended by the Wages Regulation (Milk Distributive) (Scotland) (Amendment) Order, 1959 (Order M.D.S. (75)).

(a) 7 & 8 Eliz. 2. c. 69. (b) 52 & 53 Vict. c. 63. (c) S.I. 1958/2044 (1958 II, p. 2522).
(d) S.I. 1959/960 (1959 II, p. 2914).

STATUTORY MINIMUM REMUNERATION

PART I

GENERAL

1.—(1) Subject to the provisions of Parts III and IV of this Schedule, 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:—

(*a*) in the case of a time worker, the hourly general minimum time rate applicable to the worker under the provisions 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 hourly general minimum time rate which would be applicable if the worker were a time worker.

(2) In this Schedule, the expression "hourly general minimum time rate" means the general minimum time rate applicable to the worker under Part II divided by the number of hours in the week as defined in the next following paragraph.

2. In Part II of this Schedule the expression "week" means:—

(*a*) in the case of all workers who are employed by the week or longer period and whose normal number of hours of work in the week (exclusive of any time to which a minimum overtime rate is applicable) is less than 47 (or 44 in the case of a worker under 16 years of age) but not less than 40, that number of hours;

or

(*b*) in any other case, 47 hours (or 44 hours in the case of a worker under 16 years of age).

PART II

GENERAL MINIMUM TIME RATES

MALE OR FEMALE WORKERS

3. The general minimum time rates applicable to male or female workers are as follows:—

	Per week s.	d.
(*a*) Foremen	*169*	*6*
(*b*) Forewomen	*169*	*6*
(*c*) Chargehands	*136*	*0*
(*d*) Male Clerks aged 22 years or over	*161*	*0*
(*e*) Male Clerks aged 21 and under 22 years	*158*	*0*
(*f*) Male or female workers aged 21 years or over and employed in collection or delivery work by horse or mechanically driven vehicle, in garaging, in horse or motor keeping, in cleaning vehicles, in stable work, in pasteurising or in sterilising	*158*	*0*
(*g*) The following workers:—		
(i) Male or female workers employed on work specified in sub-paragraph (*f*), and		
(ii) Male clerks,		
the said workers being aged:—		
20 and under 21 years	*116*	*0*
19 „ „ 20 „	*109*	*0*
18 „ „ 19 „	*99*	*0*
17 „ „ 18 „	*73*	*0*
16 „ „ 17 „	*65*	*0*
Under 16 years	*59*	*0*

	Per week s.	d.
(*h*) Male workers aged 21 years or over and employed in bottle washing, bottle filling, milk reception and despatch work	*158*	*0*
(*i*) The following workers:—		
(i) All male workers not previously specified in this paragraph, and		
(ii) Roundswomen (not being workers specified in sub-paragraph (*f*) or (*g*)),		
the said workers being aged:—		
21 years or over...	*153*	*0*
20 and under 21 years	*114*	*0*
19 „ „ 20 „	*107*	*0*
18 „ „ 19 „	*99*	*0*
17 „ „ 18 „	*73*	*0*
16 „ „ 17 „	*65*	*0*
Under 16 years	*59*	*0*
(*j*) Female clerks, being workers aged:—		
21 years or over...	*114*	*0*
20 and under 21 years	*92*	*0*
19 „ „ 20 „	*87*	*6*
18 „ „ 19 „	*81*	*6*
17 „ „ 18 „	*61*	*0*
16 „ „ 17 „	*56*	*6*
Under 16 years	*53*	*6*
(*k*) All other female workers (including female shop assistants),		
being aged:—		
21 years or over...	*114*	*0*
20 and under 21 years	*89*	*6*
19 „ „ 20 „	*85*	*0*
18 „ „ 19 „	*79*	*0*
17 „ „ 18 „	*59*	*0*
16 „ „ 17 „	*56*	*0*
Under 16 years	*53*	*6*

Part III

EARLY OR NIGHT WORK

4.—(1) A worker who ordinarily works, wholly or partly, between the hours of 10 p.m. and 6 a.m. shall be paid, in addition to any hourly general minimum time rate or minimum overtime rate payable to him in respect of such work under the provisions of this Schedule, *6d.* in respect of each hour or part of an hour worked by him between the said hours of 10 p.m. and 6 a.m.

(2) A worker who is required, in addition to his usual working hours on any day, to work for any time between 12 midnight and 6 a.m. shall be paid in respect of all time worked outside his usual working hours between 12 midnight and 6 a.m. twice the hourly general minimum time rate otherwise applicable to him: Provided that such additional time worked shall not be regarded as time worked for the purpose of calculating any minimum overtime rate.

PART IV

OVERTIME, REMUNERATION FOR CUSTOMARY HOLIDAYS AND WAITING TIME

MINIMUM OVERTIME RATES

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

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

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

(i) for any time worked not exceeding 4 hours	Time-and-a-half for 4 hours
(ii) for all time worked in excess of 4 hours	Time-and-a-half

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

(i) for any time worked not exceeding 4 hours	Double time for 4 hours
(ii) for all time worked in excess of 4 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 for all time worked in excess of 47 hours (or 44 hours in the case of a worker under 16 years of age):—

(i) for the first 4 hours worked	Time-and-a-quarter
(ii) 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 the foregoing provisions of this Schedule had the day not been a customary holiday, and had he worked the number of hours

ordinarily worked by him 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, in addition to the amount to which he would have been entitled under paragraph 3 had the day not been a customary holiday and had he worked the number of hours ordinarily worked by him on that day of the week:—

(*a*) where the customary holiday is not the worker's rest day	
(i) for any time worked not exceeding 4 hours	Time rate for 4 hours
(ii) for all time worked in excess of 4 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 4 hours	Time-and-a-half for 4 hours
(ii) for all time worked in excess of 4 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 4 hours	Double time for 4 hours
(ii) for all time worked in excess of 4 hours ...	Double time

7. In this Part of this Schedule the expressions "time rate", "time-and-a-quarter", "time-and-a-half" and "double time" mean respectively the hourly general minimum time rate, one and a quarter times, one and a half times, and twice that rate.

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 on piece work is that which would be payable if he were a time worker.

PART V

DEFINITIONS

9. In this Schedule—

(*a*) "Chargehand" means a female person (not being a forewoman) in charge of creamery workers.

(*b*) "Clerk" means a person employed, wholly or mainly, on clerical work.

(*c*) "Customary holiday" means New Year's Day, the local Spring holiday (Monday), the local Autumn holiday (Monday), and two other days being days locally recognised as holidays.

(*d*) "Foreman" means a male person to whom is deputed the duty of exercising supervisory authority over workers exceeding five in number (exclusive of the foreman) working in the same shop, department or branch of the trade, or who is in immediate charge of a machine or other apparatus which is operated by five or more workers, excluding the person in charge.

(*e*) "Forewoman" means a female person who is in immediate charge of a machine or other apparatus which is operated by five or more workers, excluding the person in charge.

(*f*) "Rest day" means one day in each week which has been notified by the employer to the worker before the commencement of the week as a rest day or, failing such notification, Sunday, and for the purpose of this definition "day" means a period of 24 hours commencing at midnight: Provided that in relation to a worker who ordinarily works wholly or mainly between the hours of 10 p.m. and 6 a.m. "day" means a period of 24 hours commencing at the time at which the worker ordinarily begins work.

(*g*) "Roundswoman" means a person in charge of a round or rounds and wholly or mainly so employed.

(*h*) "Shop Assistant" means a person employed, wholly or mainly, in a shop as defined in sections 38 and 74 of the Shops Act, 1950(a), in serving customers or in checking in and out or in both such operations.

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

10.—(1) This Schedule applies to workers in relation to whom the Milk Distributive Wages Council (Scotland) operates, that is to say workers employed in Scotland in the operations in the Milk Distributive Trade specified in the Schedule to the Trade Boards (Milk Distributive Trade, Scotland) (Constitution and Proceedings) Regulations, 1933(b), namely:—

(i) the wholesale and retail sale of milk;

(ii) the sale of other goods by workers mainly employed in the sale specified in (i) of this sub-paragraph;

(iii) all work incidental to the sale specified in (i) of this sub-paragraph.

(2) Work incidental to the sale specified in sub-paragraph (1) (i) of this paragraph includes, inter alia:—

(*a*) collecting, delivering, despatching;

(*b*) pasteurising, sterilising, homogenising, humanising, cooling, separating and all work performed in connection with any other processes in the preparation of milk;

(*c*) blending, testing and sampling of milk;

(*d*) cleaning of utensils, receptacles, vehicles, premises, plant, machinery;

(*e*) stoking, attending to boiler, plant or machinery, fire lighting, portering of coal or other fuel;

(*f*) horse keeping and harness cleaning;

(a) 14 Geo. 6. c. 28. (b) S.R. & O. 1933/1123 (Rev. XXIII, p. 484: 1933, p. 2045).

(*g*) portering, lift or hoist-operating, time-keeping, storing, stock-keeping, warehousing;

(*h*) boxing, parcelling, labelling, weighing, measuring, checking, bottling, packing and unpacking;

(*i*) clerical work or canvassing carried on in conjunction with the work specified in sub-paragraph (1) of this paragraph.

(3) Notwithstanding the foregoing provisions of this paragraph the Milk Distributive Trade does not include any of the following operations:—

(*a*) the wholesale sale of milk (and operations incidental thereto) from an establishment at which milk products are manufactured and from which unseparated milk is not ordinarily sold as such;

(*b*) the wholesale sale of milk direct from the farm where the milk was produced and all operations incidental thereto;

(*c*) the sale of milk in restaurants, shops or similar premises by waiters or shop assistants who are not mainly engaged upon such sale;

(*d*) the transport of goods by common carriers;

(*e*) carting and operations incidental thereto where the business carried on consists exclusively of such operations;

(*f*) work done by or on behalf of the Post Office.

(4) For the purpose of this paragraph the expression "milk" means milk other than dried or condensed milk.

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 June, 1960, sets out the statutory minimum remuneration payable in substitution for that fixed by the Wages Regulation (Milk Distributive) (Scotland) Order, 1958 (Order M.D.S. (73)), as amended by the Wages Regulation (Milk Distributive) (Scotland) (Amendment) Order, 1959 (Order M.D.S. (75)), which Orders are revoked.

New provisions are printed in italics.