STATUTORY INSTRUMENTS

1974 No. 1585

WAGES COUNCILS

The Wages Regulation (Milk Distributive) (Scotland) Order 1974

Made - - - - 23*rd September* 1974

Coming into Operation 21*st October* 1974

Whereas the Secretary of State has received from the Milk Distributive Wages Council (Scotland) the wages regulation proposals set out in the Schedule hereto;

Now, therefore, the Secretary of State in exercise of powers conferred by section 11 of the Wages Councils Act 1959(a), and now vested in him (b), 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 1974.

2.—(1) In this Order the expression "the specified date" means the 21st October 1974, 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(c) 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 (Milk Distributive) (Scotland) Order 1973(d) shall cease to have effect.

Signed by order of the Secretary of State.
23rd September 1974.

D. J. Derx,
Deputy Secretary,
Department of Employment.

(a) 1959 c. 69.
(b) S.I. 1959/1769, 1968/729 (1959 I, p. 1795; 1968 II, p. 2108).
(c) 1889 c. 63.
(d) S.I. 1973/1484 (1973 II, p. 4545).

ARRANGEMENT OF SCHEDULE

PART I

STATUTORY MINIMUM REMUNERATION

	Paragraphs
General	1
Cost of living payment	*2*
General minimum time rates	3–4
Early or night work	5
Additional remuneration for hours worked on a Saturday	*6*
Minimum overtime rates	7
Remuneration for customary holidays	8
Time rate, time-and-a-quarter, time-and-a-half, double and treble time	9
Waiting time	10

PART II

HOLIDAYS AND HOLIDAY REMUNERATION

Annual holiday	11–12
Additional annual holiday	13
General	14–15
Holiday remuneration	16–17
Accrued holiday remuneration	18
Calculation of employment	19
Other holiday agreements	20

PART III

GENERAL

Definitions	21
Workers to whom the Schedule applies	22

Article 3

SCHEDULE

The following minimum remuneration and provisions as to holidays and holiday remuneration shall be substituted for the statutory minimum remuneration and the provisions as to holidays and holiday remuneration set out in the Wages Regulation (Milk Distributive) (Scotland) Order 1973 (hereinafter referred to as "Order M.D.S. (103)").

PART I

STATUTORY MINIMUM REMUNERATION

GENERAL

1.—(1) Subject to the provisions of paragraphs 5, 6, 8, 9 and 10, 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 paragraph 7 is:—

(*a*) in the case of a time worker, the hourly general minimum time rate payable 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 payable 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 paragraph 3 or 4 divided by 40.

COST OF LIVING PAYMENT

2.—(1) In addition to the minimum remuneration specified in paragraph 1 of this Schedule, additional remuneration hereinafter referred to as a "cost of living payment" shall be payable to all workers in accordance with this paragraph.

(2) (a) The cost of living payment payable in respect of each complete pay week shall be—

(i) £2·80 in the case of full-time workers,

(ii) 7p multiplied by the number of hours worked in that week (excluding overtime) in the case of part-time workers.

(b) Up to and including 15th November 1974, for each increase of 1·85 points in the Index of Retail Prices above 209·5, the cost of living payment payable in respect of each complete pay week shall be increased in respect of each complete pay week following the increase by 40p per week in the case of full-time workers and by 1p multiplied by the number of hours worked (excluding overtime) in that week in the case of part-time workers.

(3) The cost of living payment shall not be treated as part of the general minimum time rate for the purpose of calculating payment for overtime under paragraph 7 of this Schedule.

(4) On and after 16th November 1974 the cost of living payment to be payable under this paragraph shall be that which was payable in respect of the last complete pay week before that date.

GENERAL MINIMUM TIME RATES

MALE OR FEMALE WORKERS

3. The general minimum time rates applicable to male or female workers (other than drivers) are as follows:—

	MALE WORKERS Per week £	FEMALE WORKERS Per week £
(1) Senior Foreman	*26·20*	*25·55*
(2) Foreman	*25·20*	*24·57*
(3) Chargehand, Checker, Processor and Qualified Trainer	*23·95*	*23·35*
(4) Fork Lift Truck Operator, Laboratory Assistant, Machine Operator (High Speed) Grade I and Storeman	*23·45*	*22·86*
(5) Boilerman and Machine Operator (High Speed) Grade II	*23·20*	*22·62*
(6) Roundsworkers	*22·85*	*22·85*
(7) *Clerks being aged:* *21 years or over*	*22·95*	*22·38*

	MALE AND FEMALE WORKERS Per week £
20 years and under 21 years	*20·66*
19 „ „ „ 20 „	*18·36*
18 „ „ „ 19 „	*16·64*
17 „ „ „ 18 „	*13·77*
under 17 years	*12·05*

	MALE WORKERS Per week £	FEMALE WORKERS Per week £
(8) All other workers being aged:—		
21 years or over	*22·70*	*22·13*

	MALE AND FEMALE WORKERS Per week £
20 years and under 21 years	*20·43*
19 „ „ „ 20 „	*18·16*
18 „ „ „ 19 „	*16·46*
17 „ „ „ 18 „	*13·62*
under 17 years	*11·92*

DRIVERS

4. The general minimum time rates applicable to drivers are as follows:—

Column 1	*Column 2*
Carrying capacity of vehicle (as defined in paragraph 21)	*Per week £*
Under 3 tons	*23·85*
Over 3 tons and up to and including 5 tons	*26·25*
„ *5* „ „ „ „ „ „ *10* „	*26·75*
„ *10* „ „ „ „ „ „ *15* „	*27·75*
„ *15* „ „ „ „ „ „ *18* „	*28·25*
„ *18* „ „ „ „ „ „ *21* „	*28·75*
Over 21 tons	*29·25*

Provided that—

(1) an additional payment of £1 per week shall be payable to a tanker driver for technical work in measuring and sampling milk at farms;

(2) a subsistence allowance of 15p per day shall be payable to such a tanker driver who is required to work more than 60 miles from his depot.

EARLY OR NIGHT WORK

5.—(1) A worker who ordinarily works, wholly or partly, between the hours of 10 p.m. and 6 a.m. shall be paid:—

(*a*) in the case of a worker who is engaged on retail delivery work—

(i) for all time worked on such work between the said hours of 10 p.m. and 6 a.m. (excluding any time worked in a depot from which the delivery is made) twice the hourly general minimum time rate otherwise applicable to him under the provisions of this Schedule;

(ii) for all time worked in any such depot between the said hours of 10 p.m. and 6 a.m., 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, 5p in respect of each hour or part of an hour so worked:

Provided that any time to which (i) of this sub-paragraph applies shall not be regarded as time worked for the purpose of calculating any minimum overtime rate.

For the purpose of this sub-paragraph the expression "retail delivery" means the delivery of milk wholly or mainly to households and retail establishments.

(*b*) in the case of a worker engaged on any other work, 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, 5p 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.

ADDITIONAL REMUNERATION FOR HOURS WORKED ON A SATURDAY

6.—(1) Where a full-time worker

(a) normally works on not less than 6 days in a week, or

(b) normally works on not less than 5 days in a week on a rota system which involves regular Saturday working

he shall be paid, in addition to the minimum remuneration payable under the provisions of paragraph 3, 4 or 5 of this Schedule, for each hour worked on a Saturday for which no minimum overtime rate is payable under the provisons of paragraph 7 of this Schedule, an amount calculated in accordance with the provisions of sub-paragraph (2) of this paragraph.

(2) The additional amount payable under the provisions of sub-paragraph (1) of this paragraph shall be an amount equal to one-fifth of the hourly rate payable to the worker, such hourly rate to be obtained by dividing by 40 the minimum weekly remuneration payable to the worker under the provisions of paragraph 3 or 4 as the case may be.

MINIMUM OVERTIME RATES

7. Subject to the provisions of paragraphs 5, 8, 9 and 10 minimum overtime rates are payable as follows:—

(1) to any worker who normally works for more than 20 hours per week—

(*a*) on a Sunday, not being a rest day or a customary holiday—	
(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
(*b*) on a Sunday, being also a rest day but not being a customary holiday—	
(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
(*c*) on a rest day, not being a Sunday or a customary holiday—	
(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

(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 a rest day for all time worked	time-and-a-half

(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 8(3) for all time worked in excess of 40 hours:—

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

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

Provided that in the case of a rota worker whose normal hours are fixed in respect of each week of the period of rota by his employer and the hours so fixed average 40 per week over a period of rota, the preceding sub-paragraph shall apply as respects each week of the period of rota as if for the expression "40 hours" there were substituted a reference to the number of hours fixed by the employer as aforesaid in respect of that week.

REMUNERATION FOR CUSTOMARY HOLIDAYS

8.—(1) This paragraph applies to workers who normally work for the employer for more than 20 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 or 4 had the day not been a customary holiday, and had he worked on a day other than a rest day the number of hours ordinarily worked by him on that day of the week (or eight 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 he shall be paid for time worked on the customary holiday as follows:—

(*a*) on a customary holiday, not being a rest day—

(i) for any time worked not exceeding eight hours ... double time for eight hours

(ii) for all time worked in excess of eight hours ... double time

(*b*) on a customary holiday which is also a rest day—

(i) for any time worked not exceeding eight hours ... treble time for eight hours

(ii) for all time worked in excess of eight hours ... treble time;

and IN ADDITION, the worker shall be allowed a holiday in lieu of the customary holiday on a day other than a rest day or any other customary holiday, such day in lieu to be fixed by agreement between the employer and the worker or his representative, before the next following 1st March:

Provided that, in the absence of agreement between the employer and the worker or his representative, a day of holiday in lieu of each such customary holiday shall be allowed on the last day or days when the worker would otherwise work before the next following 1st March.

(4) The worker shall be paid for a holiday in lieu of a customary holiday as if it were a customary holiday on which he was not required to work.

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

WAITING TIME

10.—(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 II

HOLIDAYS AND HOLIDAY REMUNERATION

ANNUAL HOLIDAY

11.—(1) Subject to the provisions of sub-paragraph (3) of this paragraph, an employer shall between the date on which the provisions of this Schedule become effective and 31st October 1974, and between 1st April and 31st October in each succeeding year, allow a holiday (hereinafter referred to as "an annual holiday") to every worker in his employment to whom this Schedule applies, who was employed by him during the 12 months immediately preceding the commencement of the holiday season for any of the periods of employment (calculated in accordance with the provisions of paragraph 19) specified in the table below, and the duration of the holiday shall, in the case of each such worker, be related to his period of employment during that 12 months as follows:—

Period of employment	Duration of annual holiday
At least 48 weeks	2 normal working weeks
„ „ 44 „	1 „ „ week and 4 days
„ „ 39 „	1 „ „ „ „ 3 „
„ „ 35 „	1 „ „ „ „ 2 „
„ „ 31 „	1 „ „ „ „ 1 day
„ „ 22 „	1 „ „ „
„ „ 18 „	4 days
„ „ 13 „	3 „
„ „ 4 „	1 day

(2) In this Schedule the expression "holiday season" means in relation to an annual holiday during the year 1974, the period commencing on 1st April 1974, and ending on 31st October 1974, and in relation to each subsequent year, the period commencing on 1st April and ending on 31st October in that year.

(3) Notwithstanding the provisions of sub-paragraph (1) of this paragraph:—

(*a*) the number of days of annual holiday which an employer is required to allow to a worker in any holiday season shall not exceed in the aggregate twice the number of days constituting the worker's normal working week;

(*b*) the duration of the worker's annual holiday during the holiday season ending on 31st October 1974, shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of any previous wages regulation order or orders between 1st April 1974 and the date on which the provisions of this Schedule become effective.

12. Subject to the provisions of paragraph 14, an annual holiday shall be allowed on consecutive working days, being days on which the worker is normally called upon to work for the employer and days of annual holiday shall be treated as consecutive

notwithstanding that some other holiday, a rest day or a day upon which the worker is not normally required to work for the employer intervenes.

ADDITIONAL ANNUAL HOLIDAY

13.—(1) Subject to the provisions of this paragraph, in addition to the holiday specified in paragraph 11 an employer shall, in each year commencing on 1st April, allow a further annual holiday (hereinafter referred to as an "additional annual holiday") amounting to the number of days constituting the worker's normal working week to every worker in his employment to whom this Schedule applies who—

(*a*) at 31st March immediately preceding the relevant year has been continuously employed by him for not less than one year; and

(*b*) during the year ending on the said 31st March has worked for a period qualifying him in accordance with paragraphs 11 and 19 for an annual holiday equal in duration to twice his normal working week.

(2) Days of additional annual holiday need not be consecutive and shall be allowed—

(*a*) on days on which the worker is normally called upon to work for the employer, and

(*b*) at any time after the holiday season but during the relevant year either on dates agreed between the employer and the worker at any time before 21st March in that period, or during the remaining days of that period:

Provided that where the employer so decides, any day or days of additional annual holiday may be allowed during the holiday season.

GENERAL

14. A day of annual holiday or additional annual holiday shall not be allowed to a worker on a rest day or on any day on which he is entitled to a holiday under any enactment other than the Wages Councils Act 1959.

15. An employer shall give to a worker reasonable notice of the commencing date and duration of his annual holiday and of any days of additional annual holiday not previously agreed. Such notice may be given individually to a worker or by the posting of a notice in the place where the worker is employed.

HOLIDAY REMUNERATION

16. Subject to the provisions of paragraph 17, a worker qualified to be allowed an annual holiday or additional annual holiday under this Schedule shall be paid by his employer in respect thereof, on the last pay day preceding such annual holiday, one day's holiday pay as defined in paragraph 21 in respect of each day thereof.

17. Where in accordance with the provisions of this or of any previous wages regulation order any accrued holiday remuneration has been paid by the employer to the worker in respect of any period of employment in the 12 months immediately preceding the holiday season within which an annual holiday or additional annual holiday is allowed by the employer to the worker in accordance with the provisions of this Schedule, the amount of holiday remuneration payable by the employer in respect of the said period under the provisions of paragraph 16 shall be reduced by the amount of the said accrued holiday remuneration.

ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

18. Where a worker ceases to be employed by an employer after the provisions of this Schedule become effective the employer shall, immediately on the termination of the employment (hereinafter referrred to as "the termination date"), pay to the worker as accrued holiday remuneration:—

(1) in respect of employment in the 12 months up to the end of the preceding March, a sum equal to the holiday remuneration for any days of annual holiday or additional annual holiday for which he has qualified, except days of annual holiday or additional annual holiday which he has been allowed or has become entitled to be allowed before leaving the employment; and

(2) in respect of any employment since the end of the preceding March—

(*a*) a sum equal to the holiday remuneration which would have been payable to him if he could have been allowed an annual holiday in respect of that period of employment at the time of leaving it; and

(*b*) in addition, where a worker has qualified for an additional annual holiday in accordance with the provisions of paragraph 13, one day's holiday pay in respect of each successive period of employment of not less than 13 weeks occurring between the end of the preceding March and the termination date:

Provided that no worker shall be entitled to the payment by his employer of accrued holiday remuneration if he is dismissed on the grounds of misconduct in connection with his employment and is so informed by his employer at the time of dismissal.

CALCULATION OF EMPLOYMENT

19. For the purpose of calculating any period of employment qualifying a worker for an annual holiday, additional annual holiday or for any accrued holiday remuneration under this Schedule, the worker shall be treated:—

(1) as if he were employed for a week in respect of any week in which—

(*a*) he has worked for the employer for not less than 20 hours and has performed some work for which statutory minimum remuneration is payable; or

(*b*) he has been absent throughout the week, or he has worked for the employer for less than 20 hours in either case solely by reason of the proved illness of, or accident to, the worker: Provided that the number of weeks which may be treated as weeks of employment for such reasons shall not exceed eight in the aggregate in the period of 12 months immediately preceding the commencement of the holiday season; or

(2) as if he were employed on any day of holiday allowed under the provisions of this or of any previous wages regulation order, and for the purposes of sub-paragraph (1) of this paragraph, a worker who is absent on such a holiday shall be treated as having worked thereon the number of hours ordinarily worked by him on that day of the week for the employer on work for which statutory minimum remuneration is payable.

OTHER HOLIDAY AGREEMENTS

20. The provisions of this Schedule are without prejudice to any agreement for the allowance of any further holidays with pay or for the payment of additional holiday remuneration.

PART III

GENERAL

DEFINITIONS

21. In this Schedule, unless the context otherwise requires, the following expressions apply to both male and female workers and have the meanings hereby respectively assigned to them, that is to say:—

"ASSISTANT ROUNDSWORKER" means a worker wholly or mainly employed in assisting any person carrying out the duties normally performed by a roundsworker whether or not such person is a roundsworker as defined in this Schedule.

"BOILERMAN" means a worker wholly or mainly employed on the duties of attending to boilers.

"CARRYING CAPACITY"

(1) The carrying capacity of a vehicle means the weight of the maximum load normally carried by the vehicle, and such carrying capacity when so established shall not be affected either by variations in the weight of the load resulting from collections or deliveries or emptying of containers during the course of the journey, or by the fact that on any particular journey a load greater or less than the established carrying capacity is carried.

(2) Where a trailer is attached to the vehicle, the load shall be the loads of the vehicle and trailer combined.

"CHARGEHAND" means a worker in charge of creamery workers not exceeding ten in number (exclusive of the Chargehand).

"CHECKER" means a person bearing full responsibility for the checking and recording of outgoing goods and for the reconciliation of stocks.

"CLERK" means a person employed wholly or mainly on clerical work.

"CUSTOMARY HOLIDAY" means New Year's Day, *2nd January or such other day as is agreed locally*, the local Spring holiday (Monday), the local Autumn holiday (Monday), and three other days being days locally recognised as holidays.

"FOREMAN" means a person to whom is deputed the duty of exercising supervisory authority over workers exceeding ten in number (exclusive of the Foreman).

"FORK LIFT TRUCK OPERATOR" means a person whose principal occupation is that of a Fork Lift Truck Operator.

"*FULL-TIME WORKER*" *means a worker who normally works for the employer for not less than 40 hours a week.*

"LABORATORY ASSISTANT" means a person required by his employer to carry out certain tests in relation to the quality of milk products.

"MACHINE OPERATOR (HIGH SPEED) GRADE I" means a person operating a machine having an output from a single unit exceeding 300 containers per minute and who can operate all the other high speed equipment in the establishment.

"MACHINE OPERATOR (HIGH SPEED) GRADE II" means a person operating a machine having an output from a single unit exceeding 300 containers per minute.

"NIGHT WORKER" means a worker who is ordinarily employed on a spell of duty which starts before and ends after midnight.

"NORMAL WORKING WEEK" means:—

(*a*) in the case of a rota worker the total number of days (excluding rest days) on which the worker has ordinarily worked for the employer during the periods of rota during the 12 months immediately preceding the commencement of the holiday season, or where under paragraph 18 accrued holiday remuneration is payable, during the 12 months immediately preceding the termination date, divided by the total number of weeks in the said periods of rota;

(*b*) in the case of any other worker the number of days (excluding rest days) on which it has been usual for the worker to work for the employer in a week during the 12 months immediately preceding the commencement of the holiday season, or where under paragraph 18 accrued holiday remuneration is payable, during the 12 months immediately preceding the termination date: Provided that in either case:—

(i) for the purpose of calculating the normal working week, part of a day shall count as a day;

(ii) except in the case of a rota worker's rest days, no account shall be taken of any week in which the worker did not perform any work for which statutory minimum remuneration has been fixed;

(iii) in the case of a night worker a day is a period of 24 hours commencing at noon.

"ONE DAY'S HOLIDAY PAY" means:—

(a) in the case of a worker who has at 31st March immediately preceding the commencement of the holiday season (or the last holiday season as the case may require) completed 12 months' service with the employer, the appropriate proportion of whichever of the following amounts is the greatest—

(i) 85 per cent. of the average weekly earnings of the worker during the 12 months ended on 5th April immediately preceding the holiday or the termination date, as the case may be, such average weekly earnings to be determined by dividing the total remuneration paid to the worker by the employer during the said 12 months by the number of weeks in respect of which it has been paid; or

(ii) the holiday remuneration payable for a week of annual or additional annual holiday under the arrangement in force between the employer and the worker at the date of such holiday or at the termination date as the case may be; or

(iii) the remuneration which the worker would be entitled to receive from his employer at the date of the annual holiday or additional annual holiday or at the termination date, as the case may be, for work for which statutory minimum remuneration is payable, either—

for the number of hours normally worked by him for the employer in his normal working week, or
for 40 hours,

whichever number of hours is the less, if paid at the appropriate hourly general minimum time rate for that number of hours' work;

and IN ADDITION a payment of 98p for each day of annual or additional annual holiday in the case of a worker whose normal working week constitutes 5 days.

(b) in the case of any other worker, the appropriate proportion of a week's holiday remuneration as set out in (a) (iii) above.

In this definition "appropriate proportion" means where the worker's normal working week is

5 days—one-fifth; or

4 days—one-quarter; or

3 days—one-third.

"PART-TIME WORKER" means a worker who normally works for the employer for less than 40 hours a week.

"PROCESSOR" means a person to whom is deputed the duty of processing milk.

"QUALIFIED TRAINER" means a worker who is directly responsible for the instruction of trainees and their hour to hour supervision whilst they are undergoing training whether on or off the job.

"REST DAYS" means two days in each week which have been notified to the worker by the employer before the commencement of the week as rest days, or, failing such notification, the last two days in the week; and "REST DAY" means one of these days:

Provided that in the case of a rota worker "REST DAYS" means any such days calculated at the rate of two days for each week in the period of rota.

"ROTA WORKER" means a worker employed under an agreement which provides that his rest days should be taken according to a rota over a period not exceeding 12 weeks.

"ROUNDSWORKER" means a worker wholly or mainly employed as a salesman or sales-woman on a definite or established route and responsible for keeping account of retail sales to customers and of any cash or tokens received in payment and who is not accompanied, save in exceptional circumstances, by any other person who exercises control or supervision.

"SENIOR FOREMAN" means a person to whom is deputed the duty of exercising supervisory authority over workers exceeding thirty in number (exclusive of the Senior Foreman.)

"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.

"STATUTORY MINIMUM REMUNERATION" means minimum remuneration (other than holiday remuneration) fixed by a wages regulation order.

"STOREMAN" means a person to whom is deputed the responsibility for the receipt, storage, maintenance and issue of stores and for the accounting thereof.

"WAGES REGULATION ORDER" means a wages regulation order made by the Secretary of State to give effect to proposals submitted to him by the Milk Distributive Wages Council (Scotland).

"WEEK" means pay week.

WORKERS TO WHOM THE SCHEDULE APPLIES

22.—(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 process 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;

(*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;

(a) 1950 c. 28. (b) S.R. & O. 1933/1123 (Rev. XXIII, p. 484: 1933, p. 2045).

(*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.*)

This Order, which has effect from 21st October 1974, sets out the increased statutory minimum remuneration, and cost of living payments, payable and the holidays to be allowed to workers in relation to whom the Milk Distributive Wages Council (Scotland) operates, in substitution for statutory minimum remuneration and holidays set out in the Wages Regulation (Milk Distributive) (Scotland) Order 1973 (Order M.D.S. (103)). The Order provides for an additional day of customary holiday. Order M.D.S. (103) is revoked.

New provisions are printed in italics.

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