STATUTORY INSTRUMENTS

1973 No. 521

WAGES COUNCILS

The Wages Regulation (Ostrich and Fancy Feather and Artificial Flower) Order 1973

Made - - - -	*22nd March* 1973
Coming into Operation	*11th April* 1973

Whereas the Secretary of State has received from the Ostrich and Fancy Feather and Artificial Flower Wages Council (Great Britain) the wages regulation proposals set out in Schedules 1 and 2 hereto;

Now, therefore, the Secretary of State in exercise of powers conferred by section 11 of the Wages Councils Act 1959(a), as modified by Article 2 of the Counter-Inflation (Wages Councils) Order 1972(b), and now vested in him (c), 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 (Ostrich and Fancy Feather and Artificial Flower) Order 1973.

2.—(1) In this Order the expression "the specified date" means the 11th April 1973, 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(d) 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 Schedules 1 and 2 hereto shall have effect as from the specified date and as from that date the Wages Regulation (Ostrich and Fancy Feather and Artificial Flower) Order 1972(e) shall cease to have effect.

Signed by order of the Secretary of State.
22nd March 1973.

W. H. Marsh,
Assistant Secretary,
Department of Employment.

(a) 1959 c. 69.
(b) S.I. 1972/1856 (1972 III, p. 5399).
(c) S.I. 1959/1769, 1968/729 (1959 I, p. 1795; 1968 II, p. 2108).
(d) 1889 c. 63.
(e) S.I. 1972/9 (1972 I, p. 17).

Article 3

SCHEDULE 1

The following minimum remuneration shall be substituted for the statutory minimum remuneration set out in the Wages Regulation (Ostrich and Fancy Feather and Artificial Flower) Order 1972 (Order O.F. (47)).

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 III is:—

(1) in the case of a time worker, the hourly general minimum time rate payable to the worker under Part II 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 of this Schedule.

PART II

GENERAL MINIMUM TIME RATES

2. The general minimum time rates payable to *all workers other than workers employed as heavy duty warehouse operators* are as follows:—

	Age of worker on first entering the trade			
	Under 16 years	16 and under 17 years	17 and under 18 years	18 years or over
	Per hour	Per hour	Per hour	Per hour
	p	p	p	p
Aged:				
Under 16 years	*18½*	—	—	—
16 years and under 17 years ...	*22½*	*21*	—	—
17 years and under 18 years ...	*25*	*23½*	*23*	—
18 years or over	*26½*	*26½*	*26½*	*26½*

3. The general minimum time rates payable to workers *employed as heavy duty warehouse operators* are as follows:—

	per hour p
Aged—	
21 years or over	*35*
20 and under 21 years	*32½*
19 „ „ 20 „	*29½*
18 „ „ 19 „	*27½*
17 „ „ 18 „	*26½*
16 „ „ 17 „	*24*
under 16 years	*21*

PIECE WORK BASIS TIME RATE

4. The piece work basis time rate applicable to all workers (including homeworkers), employed on piece work shall be a rate equal to the general minimum time rate which would be payable if the worker were a time worker, increased by 12½ per cent.

PART III

OVERTIME AND WAITING TIME

NORMAL NUMBER OF HOURS

5. Subject to the provisions of this Part of this Schedule the minimum overtime rates set out in paragraph 6 are payable to any worker in respect of any time worked:—

(1) in excess of the hours following, that is to say:

(*a*) in any week	40 hours
(*b*) on any day other than a Saturday, Sunday or customary holiday—where the normal working hours exceed 8½ ...	9 hours
or	
where the normal working hours are more than 8 but not more than 8½	8½ hours
or where the normal working hours are not more than 8...	8 hours

(2) on a Saturday, Sunday or customary holiday.

MINIMUM OVERTIME RATES

6. Minimum overtime rates are payable to any worker as follows:—

(1) on any day other than a Sunday or customary holiday—

(*a*) for the first 2 hours of overtime worked ...	time-and-a-quarter
(*b*) for the next 2 hours	time-and-a-half
(*c*) thereafter	double time

(2) on a Sunday or customary holiday—
for all time worked ... ... double time

(3) in any week, exclusive of any time in respect of which any minimum overtime rate is payable under the foregoing provisions of this paragraph—
for all time worked in excess of 40 hours ... ... time-and-a-quarter

Provided that where it is the practice in a Jewish undertaking for the employer to require attendance on Sunday instead of Saturday the provisions of this paragraph shall apply as if in such provisions the word "Saturday" were substituted for "Sunday" except where such substitution is unlawful.

7. In this Part of this Schedule—

(1) the expression "customary holiday" means:—

(*a*) (i) in England and Wales—

Christmas Day; *26th December if it be not a Sunday; 27th December in a year when 25th or 26th December is a Sunday;* Good Friday; Easter Monday; *the last Monday in May; and the last Monday in August; or*
where a day is substituted for any of the above days by national proclamation, that day;

(ii) in Scotland—

New Year's Day if it be not a Sunday or, if it be a Sunday, 2nd January;
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 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-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 hourly general minimum time rate otherwise applicable to the worker;

(*b*) in the case of a worker employed on piece work—

(i) a time rate equal respectively to one-quarter, one-half and the whole of the piece work basis time rate otherwise applicable to the worker, and, in addition thereto,

(ii) the piece rates otherwise applicable to the worker under paragraph 1(2).

WAITING TIME

8.—(1) A worker is entitled to payment of the minimum remuenration 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 applicable if he were a time worker.

PART IV
INTERPRETATION

9. In this Schedule—

(1) *the expression "homeworker" means a worker who works in his own home or any other place not under the control or management of the employer.*

(2) "the trade" means the ostrich and fancy feather and artificial flower trade.

(3) *"heavy duty warehouse operator" means a worker wholly or mainly engaged in manually moving goods exceeding 28lbs. in weight at any one time in or about a warehouse or similar place.*

PART V

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

10. *This Schedule applies to workers in relation to whom the Ostrich and Fancy Feather and Artificial Flower Wages Council (Great Britain) operates, that is to say, workers employed in Great Britain in the Ostrich and Fancy Feather and Artificial Flower trade as specified in the Schedule to the Regulations made by the Minister of Labour, dated 3rd February 1921, with respect to the constitution and proceedings of the Trade Board for the Ostrich and Fancy Feather and Artificial Flower Trade (Great Britain)*(a), *which Schedule reads as follows:—*

"The Ostrich and Fancy Feather and Artificial Flower Trade, that is to say:—

1. The preparation throughout of ostrich or fancy feathers from the natural condition to the finished feather product.

2. The making of artificial flowers, fruit, foliage, grasses, mosses, seeds or pods from paper, wax, textile materials, porcelain, glass, plaster, metal composition, rubber, leather, raffia, celiphane and similar materials.

3. The preservation of natural flowers, foliage, grasses, mosses, ferns, seeds or pods.

4. The making of hats of any of the articles specified in paragraphs 1, 2 and 3 above, when made in or in association with or in conjunction with any business or establishment or branch or department or workroom mainly engaged in any of the operations specified in those paragraphs.

5. The making of feather garments (including neckwear and muffs), feather trimmings for dresses, feather fans or feather mountings of any description, when made in or in association with or in conjunction with any business or establishment or branch or department or workroom mainly engaged in the preparation of ostrich or fancy feathers.

6. The cleaning, dyeing or renovating of any of the articles specified in paragraphs 1, 2 and 3 above, when carried on as a main business or in asociation with or in conjunction with any business or establishment or branch or department or workroom mainly engaged in any of the operations specified in these paragraphs.

Including:—

7. A. Any of the following and similar operations or processes known in the trade as:—

   (i) The sorting, stringing, washing, bleaching, dyeing, beating, scraping, laying-up, sewing, curling, finishing, sticking, twisting, mounting of ostrich or fancy feathers;

   (ii) Pattern-making, dyeing, stiffening, waterproofing, waxing, cutting, stamping, shading, veining, goffing, mould making mounting, in connection with the manufacture of artificial flowers, fruits, foliage, grasses, mosses, seeds or pods;

   (iii) The dyeing, preserving, painting, varnishing or decorating of natural flowers, foliage, grasses, mosses, ferns, seeds or pods.

B. The making of any of the articles specified in paragraph 2 above by needle-work processes, when carried on in or in association with or in conjunction with a business or establishment or branch or department or workroom mainly engaged in any of the operations specified in that paragraph.

(a) S.R. & O. 1921/170 (1921, p. 1371).

C. The making or mounting of any of the articles specified in paragraphs 1, 2 and 3 above for cakes or cracker ornaments, except when made or mounted in or in association with or in conjunction with an establishment or business or branch or department or workroom which is mainly engaged in the making of crackers.

D. The mounting (whether singly or in festoons or garlands) or assembling of any of the articles specified in paragraphs 1, 2 and 3 above for the purpose of decoration, when mounted or assembled in a business or establishment or branch or department or workroom mainly engaged in these operations.

E. The warehousing of, the packing of, and similar operations in regard to any of the articles specified in paragraphs 1 to 5 above when carried on in or in association with or in conjunction with a business or establishment or branch or department or workroom mainly engaged in any of the operations specified in paragraphs 1 to 6 above.

But excluding:—

8. A. The making of any of the articles mentioned in paragraph 2 above in a business or establishment or branch or department or workroom which is mainly engaged in the manufacture of the materials specified in that paragraph, and not of the articles therein specified.

B. The preparation, making or preservation of any of the articles specified in paragraphs 1, 2 and 3 above, when carried out in a business or establishment or branch or department or workroom mainly engaged in the manufacture of stationers' sundries.

C. The stiffening or preparation of textile materials for the making of any of the articles mentioned in paragraph 2 above, when carried on in a business or establishment or branch or department or workroom mainly engaged in the preparation of textile materials for other purposes.

D. The making of any of the articles specified in paragraph 2 above wholly from metal, or the mounting thereof when so made or the making or mounting of plaster flowers, fruits or foilage, except when made or mounted:—

(i) For funeral tokens, wreaths or crosses.

(ii) In association with, or in conjunction with the making of any of the articles specified in paragraph 2, from any of the materials specified therein.

(iii) For cake or cracker ornaments as specifically mentioned in the operations and processes included in the trade.

E. The making from rubber of any of the articles mentioned in paragraph 2 above, or the mounting thereof when so made, where carried on in or in association with or in conjunction with a business or establishment or branch or department or workroom mainly engaged in the manufacture of other rubber articles.

F. All operations covered by the following orders:—

(i) The Trade Boards (Sugar Confectionery and Food Preserving) Order, 1913(a).

(ii) The Trade Boards (Hat, Cap and Millinery) Order, 1919(b).

(iii) The Trade Boards (Women's Clothing) Order, 1919(c).

(iv) The Trade Boards (Toy) Order, 1920(d)."

(a) Confirmed by 3 & 4 Geo. 5 c. clxii.
(b) S.R. & O. 1919/1262 (1919 II, p. 515).
(c) S.R. & O. 1919/1263 (1919 II, p. 531).
(d) S.R. & O. 1920/470 (1920 II, p. 792).

Article 3

SCHEDULE 2

HOLIDAYS AND HOLIDAY REMUNERATION

The Wages Regulation (Ostrich and Fancy Feather and Artificial Flower) (Holidays) Order 1968(a) (Order O.F. (43)) shall have effect as if in the Schedule thereto:—

For sub-paragraph (2) of paragraph 2 (which relates to customary holidays) there were substituted the following sub-paragraph:

"(2) The said customary holidays are:—

(*a*) (i) in England and Wales—

Christmas Day; *26th December if it be not a Sunday; 27th December in a year when 25th or 26th December is a Sunday;* Good Friday; Easter Monday; *the last Monday in May; and the last Monday in August; or where a day is substituted for any of the above days by national proclamation, that day;*

(ii) in Scotland—

New Year's Day if it be not a Sunday or, if it be a Sunday, 2nd January;
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 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."

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order has effect from 11th April 1973. Schedule 1 sets out the statutory minimum remuneration payable in substitution for that fixed by the Wages Regulation (Ostrich and Fancy Feather and Artificial Flower) Order 1972 (Order O.F. (47)), which Order is revoked. Schedule 2 amends the provisions of the Wages Regulation (Ostrich and Fancy Feather and Artificial Flower) (Holidays) Order 1968 (Order O.F. (43)), relating to customary holidays.

New provisions are printed in italics.

(a) S.I. 1968/1927 (1968 III, p. 5226).

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