STATUTORY INSTRUMENTS

1974 No. 1042

WAGES COUNCILS

The Wages Regulation (Perambulator and Invalid Carriage) Order 1974

Made - - - -	*17th June* 1974
Coming into Operation	*15th July* 1974

Whereas the Secretary of State has received from the Perambulator and Invalid Carriage 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 (Modification of Wages Councils Act 1959) Order 1973(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 (Perambulator and Invalid Carriage) Order 1974.

2.—(1) In this Order the expression "the specified date" means the 15th July 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(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 Orders 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 (Perambulator and Invalid Carriage) Order 1973(e) and the Wages Regulation (Perambulator and Invalid Carriage) (Amendment) Order 1973(f) shall cease to have effect.

Signed by order of the Secretary of State.

17th June 1974.

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

(a) 1959 c. 69.
(b) S.I. 1973/661 (1973 I, p. 2141).
(c) S.I. 1959/1769, 1968/729 (1959 I, p. 1795; 1968 II, p. 2108).
(d) 1889 c. 63.
(e) S.I. 1973/342 (1973 I, p. 1203).
(f) S.I. 1973/1866 (1973 III, p. 6501).

SCHEDULE 1 Article 3

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Perambulator and Invalid Carriage) Order 1973 (Order I. (87)), as amended by the Wages Regulation (Perambulator and Invalid Carriage) (Amendment) Order 1973 (Order I. (90)).

STATUTORY MINIMUM REMUNERATION

PART I

GENERAL

1. Subject to the provisions 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:—

(1) in the case of a time worker, the general minimum time rate applicable 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 III of this Schedule.

COST OF LIVING PAYMENT

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

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

(*i*) *£1·20 in the case of a worker who normally works for the employer for 40 hours or more a week;*

(*ii*) *3p multiplied by the number of hours (excluding overtime) worked in the relevant week in the case of a worker who normally works for the employer for less than 40 hours a week.*

(*b*) *Up to and including 15th November 1974, for each increase of 1·85 points above 202·1 in the Retail Price Index figure published by the Department of Employment, the cost of living payment payable in respect of each complete pay week under (a) of this sub-paragraph shall be increased by—*

(*i*) *40p in the case of a worker to whom (a)(i) of this sub-paragraph applies;*

(*ii*) *1p multiplied by the number of hours (excluding overtime) worked by him in a week in the case of a worker to whom (a)(ii) of this sub-paragraph applies;*

and the payments referred to in this sub-paragraph shall be payable from the first pay week following the publication of such Retail Price Index figure.

(3) *The cost of living payment shall not be treated as part of the general minimum time rate for the purposes of calculating payment for overtime under paragraph 6 of this Schedule.*

(4) 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.

PART II

GENERAL MINIMUM TIME RATES

3. Subject to the provisions of paragraph 4, the general minimum time rates applicable in any week to the workers specified in Column 1 of the next following Table, employed on time work, are the rates set out in Column 2 as follows:—

Column 1	Column 2		
Class of workers	Males	Females	
		Up to and including *29th December 1974*	On and after *30th December 1974*
	Per hour	Per hour	Per hour
MALE OR FEMALE WORKERS	p	p	p
(1) Aged 18 years or over			
I Class I: skilled workers, i.e. workers in the occupations specified in (1) to (6) below ... ... (1) woodworking machinists; (2) metallic platers; (3) fitters and turners; (4) varnishers or fine liners of wood and/or metal bodies; (5) upholsterers as distinct from upholstery assemblers; (6) workers employed on prototype or development work.	*50·13*	*44·46*	*47·29*
II Class II: higher semi-skilled workers, i.e. workers in the occupations specified in (1) to (14) below ... (1) woodworking machinists who are not required to set and sharpen their own tools; (2) wood body assemblers; (3) metallic platers who are not required to make and maintain plating solutions; (4) painters and finishers by brush or spray (other than priming, filling in coats, brush or dip stove enamelling); (5) fine liners of chassis; (6) hand welders (excepting automatic, spot or butt welding); (7) metal polishers and finishers; (8) cold spring bending; (9) wheel trueing by hand; (10) machinists (other than those specified in (1) and (11) of this Class) who are able to operate at least two classes of machine; (11) sewing machinists, hood coverers and cloth cutters; (12) fork lift drivers; (13) packing case makers;	*48·63*	*43·63*	*46·13*

Column 1		Column 2		
Class of workers		Males	Females	
			Up to and including *29th December 1974*	On and after *30th December 1974*
		Per hour	Per hour	Per hour
		p	p	p
	(14) inspectors, including patrol inspectors.			
III	Class III: lower semi-skilled workers, i.e. workers in the occupations specified in (1) to (10) below ...	*48·13*	*43·46*	*45·79*
	(1) stove enamellers—brush, spray or dip;			
	(2) automatic, spot or butt welders;			
	(3) cold bending, rivetting and striking (other than those specified in Class II (8));			
	(4) painters of priming or filling in coats;			
	(5) tyre fitters and jointers;			
	(6) wiring and racking in plating shop;			
	(7) machinists (other than those specified in Class II(1), (10) and (11));			
	(8) packers engaged in boxing, wrapping, cleaning and casual inspection of perambulators, invalid carriages, bed folders and pushchairs;			
	(9) storekeepers;			
	(10) assemblers (other than those specified in Class I(5) and in Class II(2)).			
IV	Class IV: unskilled workers, i.e. workers in the occupations specified in (1) to (3) below	*47·63*	*42·96*	*45·29*
	(1) general labourers;			
	(2) assistants to storekeepers;			
	(3) warehouse assistants;			
	(4) any other workers not provided for in Classes I, II and III and in (1) to (3) of this class.			
	(2) The minimum rate applicable to a worker aged under 18 years shall be as follows:—			
	aged 17 and under 18 years...	*33·63*	*33·63*	*33·63*
	aged under 17 years	*31·93*	*31·93*	*31·93*

4. Where in any week, a worker of a class specified in paragraph 3 is employed for any part of the week on work entitling him to be treated as a worker of any one of the other classes so specified, the rate applicable to all work performed by that worker in that week shall be the higher of the rates applicable in respect of the work on which he is employed.

PART III

PIECE WORK BASIS TIME RATES

5. The piece work basis time rate applicable to any male or female worker employed on piece work is the rate applicable to that worker, specified in Column 2 of the Table below, increased by 20 per cent.:—

Column 1	Column 2		
Class of workers	Males	Females	
		Up to and including *29th December 1974*	On and after *30th December 1974*
	Per hour	Per hour	Per hour
	p	p	p
(*a*) Male or female workers aged 18 years or over of the classes specified in paragraph 2(1) of this Schedule:			
Class I	*44·63*	*40·56*	*42·59*
Class II	*42·93*	*39·60*	*41·26*
Class III	*42·33*	*39·33*	*40·83*
Class IV	*41·83*	*38·83*	*40·33*
(*b*) Male or female workers aged under 18 years:			
aged 17 and under 18 years	*29·73*	*29·73*	*29·73*
aged under 17 years	*27·63*	*27·63*	*27·63*

PART IV

OVERTIME AND WAITING TIME

MINIMUM OVERTIME RATES

6. Minimum overtime rates are payable to a worker to whom this Schedule applies as follows:—

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

for the first 2 hours worked in excess of 8 hours ... time-and-a-quarter
thereafter ... ... time-and-a-half

Provided that where the employer normally requires the worker's attendance on 5 days only in the week, the said minimum overtime rates of time-and-a-quarter and time-and-a-half shall be payable after 9 hours' and 11 hours' work respectively.

(2) on a Saturday, not being a customary holiday—

(*a*) where the employer normally requires the worker's attendance on 6 days in the week—

for all time worked in excess of 4 hours ... time-and-a-half

(*b*) where the employer normally requires the worker's attendance on 5 days only in the week—

for the first 2 hours worked ... ... time-and-a-quarter
thereafter ... ... time-and-a-half

(3) on a Sunday or a customary holiday—

for all time worked ... ... double time

(4) 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

7. In this Schedule,

(1) 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 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 general minimum time rate which would be applicable to the worker if he were a time worker and a minimum overtime rate did not apply, and, in addition thereto,

(ii) 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 otherwise applicable to the worker.

(2) 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, *New Year's Day, if it be not a Sunday or, if it be a Sunday, 2nd January*, Good Friday, Easter Monday, the last Monday in May, the last Monday in August, or where another day is substituted for any of the said days by national proclamation, that day, and any day proclaimed as an additional bank holiday or as a public holiday;

(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, any day proclaimed as an additional bank holiday or as a public holiday; and *four* 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, 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.

WAITING TIME

8.—(1) A worker is entitled to payment of the minimum remuneration specified in this Schedule for all the time during which he is present on the premises of the employer, unless he is present thereon in any of the following circumstances, that is to say:—

(*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; or

(*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:—

(*a*) in respect of the first two hours of waiting time on any working day, the appropriate rate specified in Column 2 of the Table to paragraph 5; and

(*b*) thereafter, the rate which would be applicable to him if he were a time worker.

PART V

APPLICATION

9. This Schedule applies to workers in relation to whom the Perambulator and Invalid Carriage Wages Council (Great Britain) operates, that is to say, workers employed in Great Britain in the trade specified in the Schedule to the Trade Boards (Perambulator and Invalid Carriage Trade, Great Britain) (Constitution and Proceedings) Regulations 1938(a), which Schedule reads as follows:—

"1. Subject to the provisions of this Schedule the following operations shall be operations of the Perambulator and Invalid Carriage Trade:—

(*a*) the making, wherever carried on, of perambulators, invalid carriages, folding push-cars, and the wheels or axles therefor;

(*b*) the making of the following articles for perambulators, invalid carriages or folding push-cars when such making—

(i) is done in association or in conjunction with the making mentioned in sub-paragraph (*a*) above, or

(ii) constitutes the main business of the establishment, branch, or department, or

(iii) is done in a toy-making establishment,

that is to say:—springs, tubular undercarriages, hood frames, bodies (including cane or wicker bodies), canopy frames, levers of all kinds, aprons, hood and canopy covers;

(*c*) the making of motor-cycle side-car bodies when done in an establishment branch or department in which the main business is any of the making mentioned in sub-paragraphs (*a*) and (*b*) above;

(*d*) the making of fittings or accessories for perambulators, invalid carriages, or folding push-cars when done (*a*) in association or in conjunction with any of the making specified above, or (*b*) in a Toy-making establishment;

(*e*) the repair of any of the articles, the making of which is an operation of the trade herein specified, when done in association with or in conjunction with such making.

2. All operations of packing, warehousing, despatching, stock-taking, and other similar operations and all operations of crate making when such operations are incidental to any of the operations referred to in the preceding paragraphs hereof shall be deemed to be operations of the Perambulator and Invalid Carriage Trade.

3. Notwithstanding anything in this Schedule the following operations shall not be operations of the Perambulator and Invalid Carriage Trade:—

(*a*) the manufacture of self-propelled chain or lever-driven or mechanically propelled invalid carriages or parts thereof;

(*b*) operations included in the Trade Boards (Toy) Order 1920(b), or any amendment or variation thereof.

4. For the purposes of this Schedule—

(*a*) the expression 'invalid carriages' shall include spinal carriages;

(*b*) the expression 'perambulators' shall not include Toy perambulators;

(*c*) the making of hood and canopy covers shall include the covering or recovering of hoods and canopies;

(*d*) 'Toy-making establishment' means an establishment, branch or department, in which the main business is the work specified in the Trade Boards (Toy) Order 1920, or any amendment or variation thereof."

(a) S.R. & O. 1938/810 (1938 II, p. 3244). (b) S.R. & O. 1920/470 (1920 II, p. 792).

SCHEDULE 2 Article 3

HOLIDAYS AND HOLIDAY REMUNERATION

The Wages Regulation (Perambulator and Invalid Carriage) (Holidays) Order 1973(a) (Order I. (88)) 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:—

"(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, *New Year's Day if it be not a Sunday or, if it be a Sunday, 2nd January*, Good Friday, Easter Monday, the last Monday in May, the last Monday in August, or where another day is substituted for any of the said days by national proclamation, that day and any day proclaimed as an additional bank holiday or as a public holiday;

(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, any day proclaimed as an additional bank holiday or as a public holiday; and *four* 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, 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 15th July 1974. Schedule 1 sets out the increased statutory minimum remuneration, and cost of living payment, payable to workers in relation to whom the Perambulator and Invalid Carriage Wages Council (Great Britain) operates, in substitution for that fixed by the Wages Regulation (Perambulator and Invalid Carriage) Order 1973 (Order I. (87)) as amended by the Wages Regulation (Perambulator and Invalid Carriage) (Amendment) Order 1973 (Order I. (90)). Order I. (87) and Order I. (90) are revoked.

Schedule 2 amends the Wages Regulation (Perambulator and Invalid Carriage) (Holidays) Order 1973 (Order I. (88)) by providing for an additional day of customary holiday.

New provisions are printed in italics.

(a) S.I. 1973/343 (1973 I, p. 1210).

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