STATUTORY INSTRUMENTS

1974 No. 1904

WAGES COUNCILS

The Wages Regulation (Ready-made and Wholesale Bespoke Tailoring) Order 1974

Made - - - 14*th November* 1974
Coming into Operation 12*th December* 1974

Whereas the Secretary of State has received from the Ready-made and Wholesale Bespoke Tailoring 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**), 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 (Ready-made and Wholesale Bespoke Tailoring) Order 1974.

2.—(1) In this Order the expression "the specified date" means the 12th December 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 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 (Ready-made and Wholesale Bespoke Tailoring) (No. 2) Order 1973(**d**), and the Wages Regulation (Ready-made and Wholesale Bespoke Tailoring) (Amendment) Order 1974(**e**), shall cease to have effect.

Signed by order of the Secretary of State.

14th November 1974.

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

Article 3 SCHEDULE 1

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Ready-made and Wholesale Bespoke Tailoring) (No. 2) Order 1973 (Order R.M. (94)), as amended by the Wages Regulation (Ready-Made and Wholesale Bespoke Tailoring) (Amendment) Order 1974 (Order R.M. (97)).

(**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. 1973/2148 (1973 III, p. 7409).
(**e**) S.I. 1974/879 (1974 II, p. 3347).

STATUTORY MINIMUM REMUNERATION

PART I

GENERAL

1. The minimum remuneration payable to a worker (including a home-worker) to whom this Schedule applies for all work except work to which a minimum overtime rate applies under Part IV of this Schedule is:—

(1) in the case of a time worker, the general minimum time rate payable to the worker under Part II or Part III 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 (that is to say, a worker of ordinary skill and experience in the class of work in question) at least the same amount of money as the general minimum time rate which would be payable if the worker were a time worker.

PART II

MALE WORKERS

GENERAL MINIMUM TIME RATES

2. Subject to the provisions of this Schedule, the general minimum time rates payable to male workers with the qualification specified in Column 2 of the next following Table are those set out in Column 3 of the said Table:—

Column 1	Column 2	Column 3
Class of Worker	Qualifying Period of Employment or Age of Worker	General Minimum Time Rates
		Per Hour
		p
(*a*) MEASURE CUTTER, that is to say, a person employed in any process of measure cutting who is capable of taking a complete set of measures and of cutting all garments for a male person from patterns, and with sufficient technical knowledge to draft men's trousers and alter the balance and distribution of widths, lengths, etc., for any garment for a male person.	Not less than three years' employment after the age of 18 years as a measure cutter ...	*59·58*

(*b*) CUTTER or TRIMMER, that is to say, a person substantially employed in one or more of the following processes:— (i) marking-in or marking-up cloth or linings or other materials; (ii) laying-up, hooking-up or folding cloth or linings or other materials; (iii) cutting cloth or linings or other materials or cutting out patterns of any description to be used afterwards for the cutting out of garments; and (iv) dividing (that is to say, the process ordinarily carried on by cutters or their assistants of dividing, parting or separating the parts of garments after being cut and of assembling them into suitable bundles for making up), other than a measure cutter to whom the minimum rates specified in (*a*) of this Table apply or a knife cutter or knifeman.	Not less than three years' employment after the age of 18 years as a cutter of any of the classes specified in Column 1 or as a knifeman	*58·75*
(*c*) KNIFE CUTTER or KNIFEMAN, that is to say, a person wholly or mainly employed on band, electric or hand-knife processes.	Not less than three years' employment after the age of 18 years as a cutter of any of the classes specified in Column 1 or as a knifeman	*58·75*
(*d*) FITTER-UP, that is to say, a person employed in fitting-up (which is a process between that of cutting and that of sewing, baisting or machining, and which consists of preparing or fitting accurately the various parts of the garments before being baisted, sewn or machined, such work of preparing or fitting being always done by shears or knives or other cutting appliances—sewing, baisting or machining forming no part or process of fitting-up).	Not less than three years' employment after the age of 18 years as a fitter-up or tailor ...	*58·75*
(*e*) TAILOR, that is to say, a person employed in sewing by hand in a process of:— (i) making a garment or portion of a garment, or (ii) altering, repairing, renovating or re-making a garment or portion of a garment, when such processes are carried out in a factory.	Not less than three years' employment after the age of 18 years as a tailor	*59·58*

Column 1	Column 2	Column 3
Class of Worker	Qualifying Period of Employment or Age of Worker	General Minimum Time Rates
		Per Hour
		p
(*f*) PRESSER, that is to say, a person employed in pressing-off by hand or by machine.	Not less than three years' employment after the age of 18 years in the processes of pressing-off or under-pressing	*58·75*
(*g*) MACHINIST, that is to say, a person employed in machining other than as a plain machinist and capable of machining any one garment or portion of a garment.	Not less than three years' employment after the age of 18 years as a machinist	*58·75*
(*h*) PASSER, that is to say, a person employed in examining garments, either in the course of being made up or upon completion.	Not less than three years' employment after the age of 18 years as a passer or tailor ...	*58·75*
(*i*) UNDER-PRESSER, that is to say, a person employed in pressing processes other than pressing-off.	Not less than three years' employment after the age of 18 years as an under-presser or presser	*57·29*
(*j*) PLAIN MACHINIST, that is to say, a person employed in the process of making up plain sleeves, facings, linings, inside pockets, quilting or padding.	Not less than three years' employment after the age of 18 years as a plain machinist or machinist	*57·29*

(*k*) WAREHOUSEMAN, that is to say, a person employed, wholly or mainly upon one or more of the following operations:—assembling, keeping, storing and distributing stock, and cutting off lengths of cloth, linings or other materials, except where such operations are mainly connected with the sale of finished garments.	Not less than three years' employment as a warehouseman after the age of 18 years ...	*57 92*
(*l*) PACKER, that is to say, a person employed, wholly or mainly, in packing goods and materials.	Not less than three years' employment as a packer after the age of 18 years	*57·92*
(*m*) PORTER, that is to say, a person employed, wholly or mainly, upon one or more of the operations of unpacking, moving, loading, or unloading goods or materials.	21 years of age or over...	*57·92*
(*n*) LEARNERS (as defined in paragraph 8).	Aged 21 years or over	*56·04*
	„ 20 and under 21 years	*51·88*
	„ 19 „ „ 20 „	*49·69*
	„ 18 „ „ 19 „	*44·92*
	„ 17 „ „ 18 „	*38·27*
	„ under *17* years	*34·15*
Provided that the general minimum time rate payable during his first year's employment to a learner who enters, or has entered, the trade for the first time at or over the age of 19 years shall be	(i) Aged under 21 years	*44·92*
	(ii) „ 21 years or over	*49·69*

PART III
FEMALE WORKERS
GENERAL MINIMUM TIME RATES

3. Subject to the provisions of this Schedule, the general minimum time rates payable to female time workers are as follows:—

(1) LEARNERS (as defined in paragraph 8) during the following periods of employment in the trade:—

	During 1st six months	During 2nd six months	During 2nd Year
	Per Hour	Per Hour	Per Hour
	p	p	p
Entering the trade:			
Aged 15 and under 16 years	—	*34·66*	*42·44*
„ 16 „ „ 17 „	*32·31*	*37·04*	*44·79*
„ 17 „ „ 18 „	*34·66*	*39·38*	*44·79*
„ 18 years and over ...	*41·36*	*44·13*	*50·83*

	Per Hour
	p
(2) ALL OTHER WORKERS	*54·83*

PART IV
OVERTIME AND WAITING TIME
NORMAL NUMBER OF HOURS

4. Subject to the provisions of this Part of this Schedule, the minimum overtime rates set out in paragraph 5 are payable to a 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

5.—(1) Minimum overtime rates are payable to any worker as follows:—

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

(i) for the first 2 hours of overtime worked ... time-and-a-quarter

(ii) for the next 2 hours ... ... time-and-a-half

(iii) thereafter ... ... double time

(*b*) on a Sunday or customary holiday—

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

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.

(*c*) in any week, exclusive of any time in respect of which any minimum overtime rate is payable under the foregoing provisions of this sub-paragraph—

for all time worked in excess of 40 hours ... ... time-and-a-quarter

(2) The minimum overtime rates set out in sub-paragraph (1)(*a*) or (*b*) of this paragraph are payable in any week whether or not the minimum overtime rate set out in sub-paragraph (1)(*c*) is also payable.

6. 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; *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 one other day (being a day of the week 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;

(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

five other days (being days of the week 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.

(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 general minimum time rate otherwise payable 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 payable to him if he were a time worker and a minimum overtime rate did not apply and, in addition thereto,

(ii) the piece rates otherwise payable to him under paragraph 1(2).

WAITING TIME

7.—(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

INTERPRETATION

8. In this Schedule—

(1) A LEARNER is a worker who:—

(*a*) is employed during the whole or a substantial part of his time in learning any branch or process of the trade by an employer who provides him with reasonable facilities for such learning; and

(*b*) does not work in a room used for dwelling purposes, except where he is in the employment of his parent or guardian.

(2) "THE TRADE" means the trade of ready-made and wholesale bespoke tailoring as specified in paragraph 10.

RECKONING OF EMPLOYMENT

9. For the purpose of determining whether a worker has completed any period of employment specified in paragraph 2 or paragraph 3, there shall be taken into account—

(1) any such employment as a worker in relation to whom there operated one or more of the following Wages Councils (or of the Trade Boards which respectively preceded them), that is to say, the Ready-made and Wholesale Bespoke Tailoring Wages Council (Great Britain), the Retail Bespoke Tailoring Wages Councils for England and Wales and for Scotland and the Wholesale Mantle and Costume Wages Council (Great Britain) and

(2) in the case of a male worker employed as a cutter of any description or as a knifeman any such employment in the rubberised waterproof trade.

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

10. Subject to the provisions of paragraph 11, this Schedule applies to workers in relation to whom the Ready-made and Wholesale Bespoke Tailoring Wages Council (Great Britain) operates, that is to say, workers employed in Great Britain in those branches of work in the tailoring trade which are specified in the Trade Boards (Ready-made and Wholesale Bespoke Tailoring Trade, Great Britain) (Constitution and Proceedings) Regulations 1929 (a), namely:—

"Men's and boys' ready-made and wholesale bespoke tailoring; and all men's and boys' retail bespoke tailoring carried on in a factory where garments are made up for three or more retail establishments; and any other branch of men's and boys' tailoring which is not included within the scope of the Regulations, dated 6th August, 1924, with respect to the Constitution and Proceedings of the Trade Boards in England and Wales and Scotland (b) respectively for Retail Bespoke Tailoring;

INCLUDING:—

(1)(*a*) The altering, repairing, renovating, or re-making of men's or boys' tailored garments, except where included within the scope of the above-mentioned Regulations with respect to Retail Bespoke Tailoring;

(*b*) The cleaning of such garments where carried out in association with or in conjunction with the altering, repairing, renovating or re-making of the garments;

(2) The lining with fur of the above-mentioned garments where carried out in association with or in conjunction with the making of such garments;

(3) All processes of embroidery or decorative needlework where carried out in association with or in conjunction with the above-mentioned branches of tailoring;

(a) S.R. & O. 1929/765 (1929, p. 1371).
(b) S.R. & O. 1924/835, 836 (1924, pp. 1769, 1772).

(4) All warehousing, packing, and other operations incidental to or appertaining to any of the branches of tailoring in question;

BUT EXCLUDING:—

(1) The making of head-gear;

(2) The making of rubberised or oilskin garments;

(3) The making of boys' ready-made washing suits or sailor suits where carried out in association with or in conjunction with the making of garments to be worn by women or girls or by children without distinction of sex."

TRAINING UNDER VOCATIONAL TRAINING COURSES

11. Notwithstanding anything hereinbefore contained, this Schedule shall not apply to—

(1) male stock cutters and fitters-up,

(2) male pressers,

(3) male or female tailors and shapers, hand sewers or finishers,

(4) male or female machinists

during any period in respect of which they are in receipt of allowances as provided under arrangements made pursuant to section 2 of the Employment and Training Act 1973 if they are trainees who have been placed by the Manpower Services Commission, the Training Services Agency, or the Employment Service Agency with the employer for a period of approved training and if the requirements of the appropriate training scheme are duly complied with.

Article 3

SCHEDULE 2

HOLIDAYS AND HOLIDAY REMUNERATION

The Wages Regulation (Ready-made and Wholesale Bespoke Tailoring) (Holidays) (No. 2) Order 1973(a) (Order R.M. (95)) 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; *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 one other day (being a day of the week 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;

(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

five other days (being days of the week 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."

(a) S.I. 1973/2149 (1973 III, p. 7418).

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order has effect from 12th December 1974. Schedule 1 sets out the increased statutory minimum remuneration payable and the holidays to be allowed to workers in relation to whom the Ready-made and Wholesale Bespoke Tailoring Wages Council (Great Britain) operates, in substitution for the statutory minimum remuneration and holidays set out in the Wages Regulation (Ready-made and Wholesale Bespoke Tailoring) (No. 2) Order 1973 (Order R.M.(94)) as amended by the Wages Regulation (Ready-made and Wholesale Bespoke Tailoring) (Amendment) Order 1974 (Order R.M.(97)). Order R.M.(94) and Order R.M.(97) are revoked.

Schedule 2 amends the Wages Regulation (Ready-made and Wholesale Bespoke Tailoring) (Holidays) (No. 2) Order 1973 (Order R.M.(95)) by providing for an additional day of customary holiday.

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