STATUTORY INSTRUMENTS

1974 No. 770

WAGES COUNCILS

The Wages Regulation (Retail Bespoke Tailoring) (England and Wales) Order 1974

Made - - - -	30*th April* 1974
Coming into Operation	25*th May* 1974

Whereas the Secretary of State has received from the Retail Bespoke Tailoring Wages Council (England and Wales) (hereafter in this Order referred to as "the Wages Council") 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)**, 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 (Retail Bespoke Tailoring) (England and Wales) Order 1974.

2.—(1) In this Order the expression "the specified date" means the 25th May 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 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 (Retail Bespoke Tailoring) (England and Wales) Order 1973**(e)** shall cease to have effect.

Signed by order of the Secretary of State.

30th April 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. 1973/1140 (1973 II, p. 3489).

ARRANGEMENT OF SCHEDULE

Part		Paragraphs
I.	General	1, 2
II.	General minimum time rates, piece work basis time rates, and rates for workers on special classes of work	3-5
III.	Reckoning of experience	6-8
IV.	Overtime and waiting time	9-12
V.	Apprentices	13-14
VI.	Definitions and interpretation	15

Article 3

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Retail Bespoke Tailoring) (England and Wales) Order 1973 (Order R.B. (79)).

STATUTORY MINIMUM REMUNERATION

PART I

GENERAL

1.—(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 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 (that is to say, a worker of ordinary skill and efficiency of the class in question) at least the same amount of money as the piece work basis time rate applicable to the worker or, where no piece work basis time rate is applicable, at least the same amount of money as the hourly general minimum time rate which would be applicable to the worker if he were a time worker.

(2) In this Schedule, in relation to a worker to whom a weekly general minimum time rate applies, the expression hourly general minimum time rate means the weekly general minimum time rate applicable to the worker divided by 40.

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

2.—(1) Subject to the provisions of sub-paragraph (2) of this paragraph, this Schedule applies to workers in relation to whom the Retail Bespoke Tailoring Wages Council (England and Wales) operates, that is to say, workers employed in England and Wales in any of the branches of work in the retail bespoke tailoring trade as specified in the Schedule to the Trade Boards (Retail Bespoke Tailoring Trade, England and Wales) (Constitution and Proceedings) Regulations 1924(a), which are set out below, that is to say:—

Those branches of men's, women's, boys' and girls' bespoke tailoring in which the tailor supplies the garment direct to the individual wearer and employs the worker direct.

A worker shall be deemed to be employed by the tailor direct, if employed by another worker in the employ of the tailor, to whom a minimum rate of wages fixed under the Wages Councils Act 1959 is applicable; or if employed by a sub-contractor engaged in cutting, making or finishing garments exclusively for the tailor in the tailor's shop or in a building of which the shop forms part or to which the shop is attached;

including:—

(a) S.R. & O. 1924/835 (1924, p. 1769).

(*a*) (i) The altering, repairing, renovating, or re-making of men's, women's, boys' or girls' tailored garments where carried out for the individual wearer by a tailor who employs the worker direct as defined above;

(ii) The cleaning of such garments where carried on in association with or in conjunction with the repairing, renovating or re-making of the garments;

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

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

(*d*) The packing and all other operations incidental to or appertaining to any of the above-mentioned branches of tailoring;

but excluding:—

(*a*) All or any of the above-mentioned operations where carried on in a factory where garments are made up for three or more retail establishments;

(*b*) The making of head-gear.

(2) Notwithstanding the provisions of sub-paragraph (1) of this paragraph, this Schedule does not apply to workers employed as cutters, trimmers or packers.

PART II

GENERAL MINIMUM TIME RATES

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

	per hour p
(1) RETAIL TAILORING CRAFT WORKER (as defined in paragraph 15(2))	*53·16*
(2) ASSISTANT RETAIL TAILORING CRAFT WORKER GRADE 1 (as defined in paragraph 15 (3))	*50·45*
(3) ASSISTANT RETAIL TAILORING CRAFT WORKER GRADE 2 (as defined in paragraph 15 (4))	*47·33*
(4) INDENTURED APPRENTICES whose employment complies with the conditions specified in paragraph 13 during the following periods of apprenticeship:—	per week £
The 1st year of apprenticeship	*7·69*
The 2nd year of apprenticeship	*9·31*
The 3rd year of apprenticeship	*11·35*
	per hour p
The 4th year of apprenticeship	*34·36*
The 5th year of apprenticeship	*42·61*
(5) LEARNERS whose employment complies with the conditions specified in paragraph 15 (5) during the following periods of learnership:—	per week £
The 1st year of learnership	*7·69*
The 2nd year of learnership	*9·31*
The 3rd year of learnership	*11·35*
	per hour p
The 4th year of learnership	*34·36*
The 5th year of learnership	*41·51*

(6) OTHER WORKER (other than the workers specified in sub-paragraphs (1) to (5) inclusive of this paragraph).

	per hour p
During the 1st year	*22·81*
During the 2nd year	*26·99*
During the 3rd year	*31·28*
During the 4th year	*35·57*
During the 5th year	*39·75*
after 5 years' employment in the trade	*47·33*

PIECE WORK BASIS TIME RATES

4. The piece work basis time rate applicable to a worker, irrespective of experience in the trade, who is 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 who has completed five years' employment in the trade, increased by twelve per cent., provided that where the worker is of a class specified in sub-paragraph (1), (2) or (3) of paragraph 3, the piece work basis time rate for that worker shall be a rate equal to the appropriate general minimum time rate applicable to that class of worker, increased by twelve per cent.

WORKERS ON SPECIAL CLASSES OF WORK

5. Notwithstanding the provisions of paragraphs 3 and 4, where a worker who has completed five years' employment in the trade is employed in the making of (i) military dress uniforms (other than khaki), (ii) naval frock and dress uniforms, (iii) hunt coats and hunt riding breeches, (iv) frock and dress coats and (v) court and diplomatic garments, or any of those garments, the general minimum time rate or the piece work basis time rate applicable to the worker shall be increased by 1p per hour.

PART III

RECKONING OF EXPERIENCE

PREVIOUS INSTRUCTION IN AN APPROVED TECHNICAL CLASS

6. Where any worker has, after attaining the age of 15 years and prior to his employment on work to which this Schedule applies, received instruction in tailoring processes and related studies in a technical class at any school or other institution and such instruction has been approved by the Wages Council, for the purpose of reckoning the period of his apprenticeship, learnership or other employment in the trade each complete one hundred hours of such instruction shall be treated as four weeks of apprenticeship, learnership or other employment in the trade: Provided that the period to be so treated as employment in the trade shall not exceed the total number of weeks during which the worker attended the technical class.

PREVIOUS EXPERIENCE IN THE TAILORING TRADE

7. Where any worker has at any time been employed as a worker in relation to whom there operated one or more of the following Wages Councils, that is to say, the Retail Bespoke Tailoring Wages Council (England and Wales), the Retail Bespoke Tailoring Wages Council (Scotland), the Ready-made and Wholesale Bespoke Tailoring Wages Council (Great Britain) and the Wholesale Mantle and Costume Wages Council (Great Britain), each such period of employment shall, for the purpose of reckoning the period of the worker's learnership or other employment (not being apprenticeship) in the trade, be treated as though it were an equal period of learnership or other employment in the trade.

EXPERIENCE UNDER THE GOVERNMENT VOCATIONAL TRAINING SCHEME

8. Where any worker has completed the full period of training in retail bespoke tailoring in respect of which training allowances are payable under the Government Vocational Training Scheme, such period of training shall, for the purpose of reckoning the period of the worker's employment in the trade, be treated as though it were a period of five years' employment therein.

PART IV

OVERTIME AND WAITING TIME

NORMAL NUMBER OF HOURS

9. Minimum overtime rates set out in paragraph 10 are payable to any worker as follows:—

(1) in any week,
for all time worked in excess of ... ... 40 hours

(2) on any day other than a Saturday, Sunday or a customary holiday,
for all time worked in excess of ... ... 7¼ hours

Provided that where the worker normally attends on five days only in the week, minimum overtime rates shall apply to all time worked in excess of the hours following:—

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

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

(*a*) where the worker normally attends on six days in the week, for all time worked in excess of ... 4 hours

(*b*) where the worker normally attends on five days only in the week ... ... for all time worked

(4) on a Sunday or a customary holiday ... ... for all time worked

MINIMUM OVERTIME RATES

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

(*a*) on any day other than a Saturday, 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 Saturday, not being a customary holiday—

(i) where the worker normally attends on six days in the week—
for all time worked in excess of 4 hours ... ... double time

(ii) where the worker normally attends on five days only in the week—
for the first 2 hours worked ... ... time-and-a-quarter
for the next 2 hours ... ... time-and-a-half
thereafter ... ... double time

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

(*d*) in any week, exclusive of any time in respect of which a 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) Where it is the practice in a Jewish undertaking for the employer to require attendance of the worker on Sunday and not on Saturday (except where such attendance on Sunday is unlawful) Saturday shall be treated as a Sunday, and, subject to the provisions of sub-paragraph (3) of this paragraph, Sunday as a Saturday.

(3) Where the worker normally attends on six days in the week and an ordinary week-day is substituted for Saturday, or in a case where the provisions of sub-paragraph (2) of this paragraph apply, for Sunday, as the worker's weekly short day, for the purposes of this Part of this Schedule (except where such substitution is unlawful) that ordinary week-day shall be treated as a Saturday, and Saturday or Sunday, as the case may be, as an ordinary week-day.

(4) Where the worker normally attends on five days only in the week and Saturday is one of his normal working days, the ordinary week-day on which he does not normally attend shall for the purposes of this Part of this Schedule be treated as a Saturday and Saturday as an ordinary week-day.

11. In this Part of this Schedule—

(1) the expression "CUSTOMARY HOLIDAY" means—

(*a*) 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 above days by national proclamation, that day; 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 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 or, where no piece work basis time rate is otherwise applicable, of the hourly 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) the piece rates otherwise applicable to the worker under paragraph 1(1).

WAITING TIME

12.—(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 applicable if he were a time worker.

PART V

APPRENTICES

CONDITIONS AS TO RATES FOR APPRENTICES

13. The general minimum time rates specified in (4) of paragraph 3 apply only to an apprentice in whose case the conditions following are fulfilled:—

(1) the apprentice shall be employed for a period of five years under, and in accordance with, a written contract of apprenticeship which has been duly executed and which contains the following provisions, which the Wages Council considers necessary for the effective instruction of the apprentice, or provisions substantially to the same effect, and no provisions contrary thereto, namely,—

(*a*) the apprentice, of his own free will and with the consent of his guardian, binds himself to serve the employer as his apprentice in his trade of retail bespoke tailoring for a term of five years;

(*b*) the employer shall keep the apprentice as his apprentice during the said term and to the best of his power, skill and knowledge shall instruct the apprentice, or cause him to be instructed by a retail tailoring craft worker, in the making throughout of such one or more of the following garments, namely, coats, skirts, trousers, breeches, waistcoats or cassocks as shall be specified in the said contract of apprenticeship and in everything relative to the work of making and completing the same;

(*c*) during the first three years of apprenticeship the employer shall not require the apprentice to work during any period for which a minimum overtime rate is payable under the provisions of Part IV; and

(*d*) during the said term of apprenticeship the employer shall not put the apprentice on piece work;

(2) the apprentice shall be the holder of a certificate of registration of apprenticeship issued by or on behalf of the Wages Council, or shall have made application for such a certificate which has been duly acknowledged and is still under consideration:

Provided that the certification of the apprentice may be cancelled by the Wages Council if the other conditions of apprenticeship are not complied with.

PROSPECTIVE APPRENTICES

14.—(1) Notwithstanding the foregoing provisions of this Schedule an employer may employ a worker as a prospective apprentice where all the foregoing conditions of apprenticeship other than those with regard to employment under a written contract of apprenticeship and certification by the Wages Council are fulfilled, for a probationary period:—

(*a*) not exceeding 12 months where the employer has given to the worker a written undertaking that he will permit the worker to attend a full-time course of instruction in tailoring processes approved by the Wages Council;

(*b*) not exceeding six months in any other case.

(2) The minimum remuneration applicable to such a prospective apprentice during the probationary period shall be that applicable to an indentured apprentice employed in accordance with the conditions specified in the preceding paragraph.

(3) Where before the expiration of the probationary period the Wages Council has received from the employer written notification of the intention of the employer and worker to enter into a written contract of apprenticeship and has acknowledged the same in writing the probationary period may be extended as the Wages Council considers necessary for the drawing up and execution of the written contract.

(4) If the employer and worker enter into a written contract of apprenticeship at the end of any probationary period then for the purposes of this Schedule such probationary period shall be included in reckoning the period of five years referred to in paragraph 13(1) hereof.

PART VI

DEFINITIONS AND INTERPRETATION

15. For the purposes of the Schedule:—

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

(2) The expression:—

"RETAIL TAILORING CRAFT WORKER" means a worker who

(*a*) has completed

(i) an apprenticeship complying with the conditions specified in paragraph 13, or

(ii) five years' employment on work to which this Schedule applies (of which at least two years shall have been completed after having attained the age of 18 years), including employment in the trade reckoned in accordance with the provisions of paragraphs 6, 7 and 8; and

(*b*) is capable of making throughout, without supervision, one or more of the following garments, namely, coats, skirts, trousers, breeches, waistcoats, or cassocks.

(3) The expression:—

"ASSISTANT RETAIL TAILORING CRAFT WORKER GRADE 1" means a worker other than a Retail Tailoring Craft Worker who

(*a*) has completed

(i) five years employment as a learner, as defined in sub-paragraph (5) of this paragraph, or

(ii) five years employment on work to which this Schedule applies (of which at least two years shall have been completed after having attained the age of 18 years), including employment in the trade reckoned in accordance with the provisions of paragraphs 6, 7 and 8; and

(*b*) is either

(i) skilled in the general trade of pressing-off, or

(ii) is capable of carrying out, in the making of coats (including overcoats and ladies' coats) or vests or trousers or breeches or cassocks or skirts, without supervision, three or more of the operations specified below:—

COATS

Fitting up
Baisting for try on
Putting in pockets by hand or machine
Putting in linings by hand or machine
Canvassing
Baisting under
Baisting out
Putting on collars by hand or machine
Working button holes
Stitching edges by hand or machine
Pressing off

VESTS

Fitting up
Baisting for try on
Putting in pockets
Canvassing
Making up edges
Working button holes
Pressing off
Stitching edges by hand or machine

TROUSERS, BREECHES OR SKIRTS

Fitting up
Baisting for try on
Making up fly or placket by hand or machine
Making up tops by hand or machine
Putting in pockets by hand or machine
Making up bottoms by hand or machine
Pressing off

CASSOCKS

Fitting up
Baisting for try on
Putting in pockets by hand or machine
Putting on collars by hand or machine
Working button holes by hand or machine
Pressing off

(4) The expression:—

"ASSISTANT RETAIL TAILORING CRAFT WORKER GRADE 2" means a worker other than a Retail Tailoring Craft Worker or an Assistant Retail Tailoring Craft Worker Grade 1 who

(*a*) has completed five years employment on work to which this Schedule applies (of which at least two years shall have been completed after having attained the age of 18 years), including employment in the trade reckoned in accordance with the provisions of paragraphs 6, 7 and 8; and

(*b*) is either:—

(i) skilled in the general trade of under pressing, or

(ii) is capable of carrying out, in the making of coats (including overcoats and ladies' coats) or vests or trousers or breeches or cassocks or skirts, without supervision, one or more of the operations specified below:—

COATS

Marking up
Piecing up by hand or machine
Making sleeves by hand or machine
Making linings by hand or machine
Padding
Making collars
Under pressing

VESTS

Marking up
Making back and putting in linings
Under pressing

TROUSERS, BREECHES OR SKIRTS

Marking up
Piecing up and seaming seams by hand or machine
Making up bottoms by hand or machine (excluding breeches)
Under pressing

CASSOCKS

Marking up
Piecing up by hand or machine
Making collars
Under pressing

(5) The expression "LEARNER" means any worker, who,

(*a*) not being—

(i) an apprentice, employed in accordance with the conditions specified in paragraph 13;

(ii) a worker who has completed the full period of training in retail bespoke tailoring in respect of which training allowances are payable under the Government Vocational Training Scheme;

(iii) a worker who has been employed for more than five years in the retail bespoke section of the tailoring trade, the ready-made and wholesale bespoke tailoring trade, and the wholesale mantle and costume trade, or in one or more of such trades; or

(iv) a worker who works in a room used for dwelling purposes unless he is in the employment of his parent or guardian;

(*b*) is employed by an employer who provides him with reasonable facilities for learning—

(i) the general trade of under pressing and pressing off, or

(ii) three or more of the operations specified in sub-paragraph (3)(*b*)(ii) of this paragraph in the making of coats (including overcoats and ladies' coats) or vests or trousers or breeches or cassocks or skirts, and who, until at least three operations on any one garment have been taught, is not employed by the same employer for more than six months on any one operation, and

(*c*) has received a certificate of registration of learnership from the Wages Council, or has made an application for such certificate which has been duly acknowledged and is still under consideration:

Provided that the certificate may be cancelled by the Wages Council if the other conditions of learnership are not complied with.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which has effect from 25th May 1974, sets out the increased statutory minimum remuneration payable to workers in relation to whom the Retail Bespoke Tailoring Wages Council (England and Wales) operates,in substitution for that fixed by the Wages Regulation (Retail Bespoke Tailoring) (England and Wales) Order 1973 (Order R.B. (79)). Order R.B. (79) is revoked.

New provisions are printed in italics.

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