STATUTORY INSTRUMENTS

1975 No. 2246

WAGES COUNCILS

The Wages Regulation (Retail Bespoke Tailoring) (Scotland) (No. 2) Order 1975

Made - - - -	31*st December* 1975
Coming into Operation—	
all provisions except paragraph 4 *of the Schedule*	20*th January* 1976
paragraph 4 *of the Schedule*	3*rd February* 1976

Whereas the Secretary of State has received from the Retail Bespoke Tailoring Wages Council (Scotland) (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)**, 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 (Retail Bespoke Tailoring) (Scotland) (No. 2) Order 1975.

2.—(1) In this Order the expression "the first specified date" means the 20th January 1976, and the expression "the second specified date" means the 3rd February 1976, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, either of those dates does not correspond with the beginning of the period for which the wages are paid, the expression "the first specified date" or as the case may require "the second 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.

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

3.—(1) The wages regulation proposals set out in the Schedule hereto, except in paragraph 4 thereof, shall have effect from the first specified date and as from that date the Wages Regulation (Retail Bespoke Tailoring) (Scotland) Order 1975**(a)** shall cease to have effect.

(2) The wages regulation proposals set out in paragraph 4 of the Schedule hereto shall have effect as from the second specified date.

Signed by order of the Secretary of State.
31st December 1975.

R. J. Dawe,
Assistant Secretary,
Department of Employment.

ARRANGEMENT OF SCHEDULE

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Article 3

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Retail Bespoke Tailoring) (Scotland) Order 1975 (Order R.B.S. (73)).

STATUTORY MINIMUM REMUNERATION

PART I

GENERAL

1.—(1) *Subject to the provisions of Paragraph 4*, the minimum remuneration payable to a worker (including an outworker) to whom this Schedule applies for all work except work to which a minimum overtime rate applies under Part IV of this Schedule 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,

(i) where a general minimum piece rate applies under Part III of this Schedule, that rate;

(a) S.I. 1975/18 (1975 I, p. 34).

(ii) where no general minimum piece rate applies, piece rates each of which would yield, in the circumstances of the case, to a worker of ordinary skill and efficiency of the same class, 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 if the worker 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.

PART II

GENERAL MINIMUM TIME RATES AND PIECE WORK BASIS TIME RATES

WORKERS WITH FIVE YEARS' EMPLOYMENT IN THE TRADE

2. The general minimum time rates and piece work basis time rates applicable to the workers specified in Column 1 of the following Table (being workers who have had at least five years' employment in the trade) are the rates set out in Column 2 and Column 3 respectively:—

Column 1	Column 2	Column 3
Workers	General Minimum Time Rates Per Hour	Piece Work Basis Time Rates Per Hour
	p	*p*
Retail Tailoring Craft workers with at least 5 years' employment in the trade	*55·00*	*57·50*

LEARNERS AND IMPROVERS

3.—(1) The general minimum time rates applicable to learners or improvers during the periods of employment specified in Column 2 of the following Table are the rates specified in Column 3:—

Column 1	Column 2	Column 3
Workers	Period of Employment	General Minimum Time Rates Per Week
		£
(*a*) *Learners ... ...*	*1st year of employment as learner*	*8·23*
	2nd „ „ „ „ „	*9·49*
	3rd „ „ „ „ „	*11·93*
(*b*) *Improvers ... ...*	*1st year of employment as improver*	*14·05*
	2nd „ „ „ „ „	*17·54*

(2) For the purpose of ascertaining the rate applicable to a worker under the provisions of this paragraph, any period during which the worker was employed in the trade otherwise than as a learner or as an improver shall be treated as a like period of employment as a learner or as an improver as the case may be.

EARNINGS SUPPLEMENT

4.—(1) On and after 3rd February 1976, in addition to the minimum remuneration specified in paragraph 1 of this Schedule, additional remuneration, hereinafter referred to as the earnings supplement, shall, in accordance with the provisions of this paragraph be payable to all workers to whom that paragraph applies.

(2) The earnings supplement payable in respect of all time worked shall be in accordance with the following table:—

Column 1	*Column 2*	*Column 3*
Category of Worker	*Per week of 40 hours*	*Per hour*
	£	p
All workers aged 18 years or over	*5·00*	*12·5*
Learners in 1st year of employment as learners ...	*1·87*	*4·7*
Learners in 2nd year of employment as learners ...	*2·16*	*5·4*

(3) The earnings supplement shall not be treated as part of the appropriate hourly rate for the purpose of calculating overtime under paragraphs 10 and 11 of this Schedule.

WORKERS (NOT BEING LEARNERS OR IMPROVERS) WHO ENTER THE TRADE UNDER THE AGE OF 19 YEARS, DURING THEIR FIRST FIVE YEARS' EMPLOYMENT

5. The general minimum time rates applicable during his first five years' employment in the trade to a worker (not being a learner or an improver) who enters, or has entered, the trade under the age of 19 years shall be the rate which would be applicable under paragraph 3 if he were a learner or an improver, increased by 25p weekly.

PROSPECTIVE LEARNERS

6. Notwithstanding the foregoing provisions of this Schedule, where an employer employs a worker as a prospective learner for a probationary period not exceeding three months, and all the provisions of paragraph 15 as to learners (other than those with regard to certification by the Wages Council) are fulfilled, the minimum remuneration applicable to that worker during the said period shall be that applicable to a learner, and in the event of the worker being continued thereafter at his employment as a learner or improver, the said probationary period shall, for the purposes of this Schedule, be treated as part of the period of employment as a learner or improver.

PART III

GENERAL MINIMUM PIECE RATES

7. Subject to the provisions of paragraph 8, the general minimum piece rates applicable to the workers specified in Column 1 of the following Table for the work specified in the Piece Work Time Statement contained in the Second Schedule to the Minister of Labour's Order R.B.S. (13) dated 15th January 1936 (hereinafter referred to as the "Piece Work Time Statement") are the rates ascertained by applying to the times set out in the Piece Work Time Statement the appropriate time rates per hour set out in Column 2 of the said Table:—

Column 1	Column 2
Workers	Time Rates Per Hour
	p
WORKERS working alone or with the assistance of other workers (but excluding workers working with the assistance only of one or more workers with less than *three* years' experience in the trade after the age of *16* years other than a machinist where machining is supplied by the employer)	*57·50*

8. The general minimum piece rates specified in paragraph 7 shall be increased or reduced to the extent shown in (1) or (2) below:—

(1) in the case of all garments other than those specified at (2) of this paragraph:—

(*a*) where the garment is made of FIRST CLASS MATERIAL	20 per cent. addition
(*b*) where the germent is made of SECOND CLASS MATERIAL	10 per cent. addition
(*c*) where the germent is made of THIRD CLASS MATERIAL	No addition or reduction
(*d*) in the case of ALTERATIONS AND REPAIR WORK	No addition or reduction

(2) in the case of the following garments:—

Garment	Material	Addition or Reduction
Dress garments other than white cotton dress vest	Any material	20 per cent. addition
White cotton dress vest	White cotton	No addition or reduction
Frock coat other than clerical or hunt	Any material	20 per cent. addition
Clerical frock coat	Second class	10 per cent. addition
„ „ „	Third class	No addition or reduction
Hunt dress coat	Any material	20 per cent. addition
Hunt frock coat	First class	20 per cent. addition
„ „ „	Second class	10 per cent. addition
„ „ „	Third class	No addition or reduction
Service jacket (blue or khaki)	(*a*) Cheviot or rough serge	(*a*) 10 per cent. reduction
Blue patrol jacket	(*b*) Any other material	(*b*) No addition or reduction
Mess trews	Any material	20 per cent. addition
„ overalls		
Khaki greatcoat		
Pea jacket or British warm	First class	20 per cent. addition
Parade trews	Second class	10 per cent. addition
Parade overalls	Third class	No addition or reduction
Slacks		
All other uniform garments	Any material	No addition or reduction
Kilt	Any material	No addition or reduction
Liveries and servants' garments ...	First class	10 per cent. addition
„ „ „ „	Second class	5 per cent. addition
„ „ „ „	Third class	No addition or reduction

CLASSIFICATION OF MATERIALS

9. For the purposes of paragraph 8, first, second and third class materials are as follows:—

FIRST CLASS MATERIALS

Beavers
Bedford cords
Cashmere
Cavalry Twill
Doeskin superfines and refines
Furs
Meltons (if treble milled)
Mohair
Plush
Refines
Satins
Scarlet barathea
Serges (if very fine)
Silks
Velvets
Velveteens
Venetians
Vestings (if faced heavy hunting)
Vicuna

SECOND CLASS MATERIALS

Covert coatings
Llamas and fancy coatings
Meltons (if not treble milled)
Naps and Witneys
Pilots
Serges (if worsted or botany)
Tweeds (if heavy milled West of England or heavy milled Chipping Norton)
Vestings (if fancy)
Whipcords (if not double milled)
Worsteds

THIRD CLASS MATERIALS

All other materials.

PART IV

OVERTIME AND WAITING TIME

MINIMUM OVERTIME RATES—TIME WORKERS

10. Subject to the provisions of this Part of this Schedule, minimum overtime rates are payable to a time worker as follows:—

(1) On any day other than the weekly short day, Sunday or a customary holiday—

(*a*) for the first 2 hours worked in excess of 8¼ hours — time-and-a-quarter

(*b*) 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 rate of time-and-a-quarter and time-and-a-half shall be payable after 9 hours' and 11 hours' work respectively.

(2) On the weekly short day, not being a customary holiday—

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

(3) On a Sunday, or on a customary holiday to which the worker is not entitled under a wages regulation order—

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

(4) On a customary holiday to which the worker is entitled under a wages regulation order and on which he is required by the employer to work, the worker shall be paid in respect of such work the minimum remuneration which would be payable if that day were not a customary holiday to which he was so entitled.

(5) In any week exclusive of any time in respect of which a 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 the employer normally requires the worker's attendance on Saturday in alternate weeks only, the said weekly overtime rate shall be payable:—

(*a*) in the week in which attendance on Saturday is required, after 42 hours' work;

(*b*) in the week in which attendance on Saturday is not required, after 38 hours' work.

MINIMUM OVERTIME RATES—PIECE WORKERS

11. Subject to the provisions of this Part of this Schedule, minimum overtime rates are payable to a worker employed on piece work as follows:—

(1) On the weekly short day, not being a customary holiday—
for all time worked in excess of 4 hours ... ... time-and-a-half

(2) On a Sunday, or on a customary holiday to which the worker is not entitled under a wages regulation order—
for all time worked ... ... double time

(3) On a customary holiday to which the worker is entitled under a wages regulation order and on which he is required by the employer to work, the worker shall be paid in respect of such work the minimum remuneration which would be payable if that day were not a customary holiday to which he was so entitled.

(4) In any week exclusive of any time in respect of which a minimum overtime rate is payable under the foregoing provisions of this paragraph:—

(*a*) where the provisions of (*b*) of this sub-paragraph do not apply:—

(i) for the first 2 hours worked in excess of 40 hours ... ... time-and-a-quarter

(ii) thereafter ... ... time-and-a-half

(*b*) where the employer normally requires the worker's attendance on Saturday in alternate weeks only:—

(i) in the week in which attendance on Saturday is required—

for the first 2 hours worked in excess of 42 hours ... ... time-and-a-quarter
thereafter ... ... time-and-a-half

(ii) in the week in which attendance on Saturday is not required—

for the first 3 hours worked in excess of 38 hours ... ... time-and-a-quarter
thereafter ... ... time-and-a-half

12. Where the employer normally requires the worker's attendance on Sunday and not on Saturday, for the purposes of this Part of this Schedule (except where in the case of a woman or young person such attendance on Sunday is unlawful), Saturday shall be treated as a Sunday and Sunday as a Saturday.

DEFINITIONS

13. In this Part of this Schedule:—

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

(*a*) New Year's Day (or, if New Year's Day falls on a Sunday, the following Monday); the local Spring holiday; the local Autumn holiday; and five other days (being days on which the worker normally works) 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 hourly general minimum time rate otherwise applicable to the worker;

(*b*) in the case where a general minimum piece rate otherwise applies to 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 so applicable, of the hourly general minimum time rate which would be applicable if the worker were a time worker and a minimum overtime rate did not apply and, in addition thereto,

(ii) the said general minimum piece rate;

(*c*) in the case where a general minimum piece rate does not otherwise apply to 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 if the worker were a time worker and a minimum overtime rate did not apply, and, in addition thereto,

(ii) the piece rates otherwise applicable under paragraph 1(1)(*b*);

(3) "the weekly short day" means Saturday or (except where in the case of a woman or young person such substitution is unlawful) any other week day substituted therefor by agreement between the employer and the worker.

WAITING TIME

14.—(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 in piece work, is that which would be applicable if he were a time worker.

PART V

INTERPRETATION

15. In this Schedule, unless the context otherwise requires:—

(1) "*retail tailoring craft worker*" means a worker who has worked in the trade for not less than five years (whether as an apprentice, a learner or otherwise);

(2) "improver" means a learner who has worked for not less than three years as a learner in the trade;

(3) "learner" means a worker who—

(*a*) enters or has entered the trade before the age of 19 years;

(*b*) is employed, during the whole or the greater part of his time in learning either the women's (including girls') or the men's (including boys') branch of the trade, by an employer who provides the learner with reasonable facilities for such learning;

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

(*d*) holds a certificate of registration of learnership issued by the Wages Council or has made an application for such a certificate which has been duly acknowledged and is still under consideration:

Provided that—

(i) a certificate may be cancelled by the Wages Council if the other conditions of learnership are not complied with;

(ii) a worker shall cease to be a learner after he has worked five years in the trade;

(4) "outworker" means a worker who works in his own home or in some other place not under the control or management of the employer;

(5) "the trade" means the Retail Bespoke Tailoring Trade specified in the definition contained in paragraph 16 but excluding therefrom the operations specified in sub-paragraph (2) of that paragraph.

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

16.—(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 (Scotland) operates, that is to say, workers employed in Scotland 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, Scotland) (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*) (i) The altering, repairing, renovating, or remaking 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 remaking 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;

(a) S.R. & O. 1924/836 (1924, p. 1772).

(*c*) All processes of embroidery or decorative needlework where carried out in association with or in conjunction with 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) This Schedule does not apply to workers employed in the operations referred to in Inclusion (4) of the Schedule to the aforesaid Regulations, that is to say, "packing and all other operations incidental to or appertaining to any of the above-mentioned branches of tailoring".

EXPLANATORY NOTE

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

This Order has effect from 20th January 1976, except for paragraph 4 of the Schedule which has effect from 3rd February 1976. It sets out the increased statutory minimum remuneration payable to workers in relation to whom the Retail Bespoke Tailoring Wages Council (Scotland) operates, in substitution for the statutory minimum remuneration set out in the Wages Regulation (Retail Bespoke Tailoring)(Scotland) Order 1975 (Order R.B.S.(73)). Order R.B.S. (73) is revoked.

New provisions are printed in italics.

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