STATUTORY INSTRUMENTS

1974 No. 1699

WAGES COUNCILS

The Wages Regulation (Retail Bread and Flour Confectionery) (Scotland) (Amendment) Order 1974

Made - - - -	14*th October* 1974
Coming into Operation	5*th November* 1974

Whereas the Secretary of State has received from the Retail Bread and Flour Confectionery Trade Wages Council (Scotland) 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 Bread and Flour Confectionery) (Scotland) (Amendment) Order 1974.

2.—(1) In this Order the expression "the specified date" means the 5th November 1974, provided that where, as respect 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.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date.

Signed by order of the Secretary of State.
14th October 1974.

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

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

SCHEDULE

STATUTORY MINIMUM REMUNERATION AND HOLIDAYS AND HOLIDAY REMUNERATION

The Wages Regulation (Retail Bread and Flour Confectionery) (Scotland) Order 1974(a) (Order B.F.C.S. (32)) shall have effect as if in the Schedule thereto:—

1. after paragraph 1 there were inserted the following paragraph:—

"COST OF LIVING PAYMENT

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

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

(i) £2·80 per week in the case of a full-time worker as defined in paragraph 22 of this Schedule;

(ii) 7p multiplied by the number of hours normally worked by him in a week in the case of a worker to whom the proviso to paragraph 13(2) of this Schedule applies;

(iii) 7p multiplied by the number of hours worked by him (excluding overtime) in the relevant week in the case of a worker other than a worker to whom (a) (i) or (a) (ii) of this sub-paragraph applies;

(b) Up to and including 15th November 1974, for each increase of 1·85 points above 209·5 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 normally worked by him in a week in the case of a worker ~~to~~ whom (a) (ii) of this sub-paragraph applies;

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

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

(3) After 15th 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.

(4) The cost of living payment shall not be treated as part of the hourly rate for the purpose of calculating payment for overtime under paragraph 8 of this Schedule."

2. for sub-paragraph (2)(*b*)(ii) of paragraph 16 there were substituted the following sub-paragraph:—

"(ii) as to any additional days, either during the holiday season or before the beginning of the next following holiday season *at the discretion of the employer*, and such days to be consecutive unless otherwise agreed between the employer and the worker or his representative."

(a) S.I. 1974/714 (1974 I, p. 2753).

3. in paragraph 22 (which relates to definitions), for the definition of "ONE DAY'S HOLIDAY PAY" there were substituted the following:—

" *'ONE DAY'S HOLIDAY PAY' means one-sixth of the average weekly earnings of the worker during the period immediately preceding the date of the annual holiday or the date of the termination of the employment, as the case may be, such average weekly earnings to be determined as follows:—*

(a) where there are in the period at least four normal working weeks during which the worker has not been absent for any reason, other than on account of proved illness, accident or absence authorised by the employer, and has worked the number of daily hours usually worked by him (exclusive of overtime), by dividing by four the total remuneration (including overtime and other payments) earned in respect of the last four of such weeks, or

(b) where there are not four such weeks, by dividing the total remuneration (including overtime and other payments) earned by the worker since his employment commenced by the number of weeks that he has been in that employment."

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which has effect from 5th November 1974, amends the Wages Regulation (Retail Bread and Flour Confectionery) (Scotland) Order 1974 (Order B.F.C.S. (32)) by introducing a cost of living payment.

The Order also amends the definition of one day's holiday pay.

New provisions are printed in italics.

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