STATUTORY INSTRUMENTS

1971 No. 990

WAGES COUNCILS

The Wages Regulation (Retail Food) (England and Wales) Order 1971

Made - - -	*15th June* 1971
Coming into Operation	*2nd August* 1971

Whereas the Secretary of State has received from the Retail Food Trades Wages Council (England and Wales) the wages regulation proposals set out in the Schedule hereto ;

Now, therefore, the Secretary of State in exercise of his powers under section 11 of the Wages Councils Act 1959(a), 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 Food) (England and Wales) Order 1971.

2.—(1) In this Order the expression "the specified date" means the 2nd August 1971, 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(b) 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 Food) (England and Wales) Order 1970(c) shall cease to have effect.

Signed by order of the Secretary of State.
15th June 1971.

J. R. Lloyd Davies,
Assistant Secretary,
Department of Employment.

(a) 1959 c. 69.
(b) 1889 c. 63.
(c) S.I. 1970/617 (1970 I, p.1955).

ARRANGEMENT OF SCHEDULE

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Article 3 SCHEDULE Article 3

The following minimum remuneration and provisions as to holidays and holiday remuneration shall be substituted for the statutory minimum remuneration and the provisions as to holidays and holiday remuneration fixed by the Wages Regulation (Retail Food) (England and Wales) Order 1970 (hereinafter referred to as "Order R.F.C. (51)").

PART I

STATUTORY MINIMUM REMUNERATION

APPLICATION

1. Subject to the provisions of paragraphs 2, 7 and 11, the minimum remuneration payable to workers to whom this Schedule applies shall be the remuneration set out in paragraphs 3, 4, 5 and 6.

Any increase in remuneration payable under the provisions of paragraph 5 or 6 shall become effective on the first day of the first full pay week following the date upon which the increase would otherwise become payable under those provisions.

HOURS ON WHICH REMUNERATION IS BASED

2.—(1) The minimum remuneration specified in this Part of this Schedule relates—

(*a*) in the case of any worker employed not less than 80 per cent. of his time in the sale of excisable liquors and work connected therewith in an undertaking with a seven-day Licence open on seven days in the week, to a week of 44 hours exclusive of overtime,

(*b*) in the case of any worker who is employed in a shop which is wholly or mainly engaged in the sale of cooked meats or other cooked foods, to a week of 43 hours exclusive of overtime,

(*c*) in the case of any other worker, to a week of 42 hours exclusive of overtime,

and, except as provided in paragraph 11 (which deals with guaranteed weekly remuneration), is subject to a proportionate reduction according as the number of hours worked is less than 44, 43 or 42 as the case may be.

(2) In calculating the remuneration for the purpose of this Schedule recognised breaks for meal times shall, subject to the provisions of paragraph 9 hereof (which relates to waiting time), be excluded.

SHOP MANAGERS AND SHOP MANAGERESSES

3. Subject to the provisions of this paragraph, the minimum remuneration payable to Shop Managers and Shop Manageresses employed in the areas specified in Column 2 of the next following table shall be the amount appearing in the said Column 2 against the amount of weekly trade shown in Column 1.

Column 1	Column 2					
	London Area per week		Provincial A Area per week		Provincial B Area per week	
	Male	Female	Male	Female	Male	Female
Weekly Trade:—	£	£	£	£	£	£
Under £100	15·15	14·10	14·75	13·80	14·05	13·15
£100 and under £110	15·40	14·35	15·00	14·05	14·30	13·40
£110 „ „ £120	15·50	14·45	15·10	14·15	14·40	13·50
£120 „ „ £130	15·60	14·55	15·20	14·25	14·50	13·60
£130 „ „ £140	15·70	14·65	15·30	14·35	14·60	13·70
£140 „ „ £150	15·80	14·75	15·40	14·45	14·70	13·80
£150 „ „ £160	15·85	14·80	15·45	14·50	14·75	13·85
£160 „ „ £170	15·90	14·85	15·50	14·55	14·80	13·90
£170 „ „ £180	15·95	14·90	15·55	14·60	14·85	13·95
£180 „ „ £190	16·00	14·95	15·60	14·65	14·90	14·00
£190 „ „ £200	16·05	15·00	15·65	14·70	14·95	14·05
£200 „ „ £210	16·10	15·05	15·70	14·75	15·00	14·10
£210 „ „ £220	16·15	15·10	15·75	14·80	15·05	14·15
£220 „ „ £230	16·20	15·15	15·80	14·85	15·10	14·20
£230 „ „ £240	16·25	15·20	15·85	14·90	15·15	14·25
£240 „ „ £250	16·30	15·25	15·90	14·95	15·20	14·30
£250 „ „ £260	16·35	15·30	15·95	15·00	15·25	14·35
£260 „ „ £270	16·40	15·35	16·00	15·05	15·30	14·40
£270 „ „ £280	16·45	15·40	16·05	15·10	15·35	14·45
£280 „ „ £290	16·50	15·45	16·10	15·15	15·40	14·50
£290 „ „ £300	16·55	15·50	16·15	15·20	15·45	14·55
£300 „ „ £310	16·70	15·65	16·30	15·35	15·60	14·70
£310 „ „ £320	16·75	15·70	16·35	15·40	15·65	14·75
£320 „ „ £330	16·80	15·75	16·40	15·45	15·70	14·80
£330 „ „ £340	16·85	15·80	16·45	15·50	15·75	14·85
£340 „ „ £350	16·90	15·85	16·50	15·55	15·80	14·90
£350 „ „ £370	16·95	15·90	16·55	15·60	15·85	14·95
£370 „ „ £390	17·00	15·95	16·60	15·65	15·90	15·00
£390 „ „ £410	17·05	16·00	16·65	15·70	15·95	15·05
£410 „ „ £430	17·10	16·05	16·70	15·75	16·00	15·10
£430 „ „ £450	17·15	16·10	16·75	15·80	16·05	15·15
£450 „ „ £470	17·25	16·20	16·85	15·90	16·15	15·25
£470 „ „ £490	17·30	16·25	16·90	15·95	16·20	15·30
£490 „ „ £510	17·35	16·30	16·95	16·00	16·25	15·35
£510 „ „ £530	17·40	16·35	17·00	16·05	16·30	15·40
£530 „ „ £550	17·45	16·40	17·05	16·10	16·35	15·45
£550 „ „ £570	17·55	16·50	17·15	16·20	16·45	15·55
£570 „ „ £590	17·60	16·55	17·20	16·25	16·50	15·60
£590 „ „ £610	17·65	16·60	17·25	16·30	16·55	15·65
£610 „ „ £630	17·70	16·65	17·30	16·35	16·60	15·70
£630 „ „ £650	17·75	16·70	17·35	16·40	16·65	15·75
£650 „ „ £670	17·85	16·80	17·45	16·50	16·75	15·85
£670 „ „ £690	17·90	16·85	17·50	16·55	16·80	15·90

Column 1	Column 2					
	London Area per week		Provincial A Area per week		Provincial B Area per week	
	Male	Female	Male	Female	Male	Female
Weekly Trade:—	£	£	£	£	£	£
£690 and under £710	*17·95*	*16·90*	*17·55*	*16·60*	*16·85*	*15·95*
£710 „ „ £730	*18·00*	*16·95*	*17·60*	*16·65*	*16·90*	*16·00*
£730 „ „ £750	*18·05*	*17·00*	*17·65*	*16·70*	*16·95*	*16·05*
£750 „ „ £770	*18·15*	*17·10*	*17·75*	*16·80*	*17·05*	*16·15*
£770 „ „ £790	*18·20*	*17·15*	*17·80*	*16·85*	*17·10*	*16·20*
£790 „ „ £810	*18·25*	*17·20*	*17·85*	*16·90*	*17·15*	*16·25*
£810 „ „ £830	*18·30*	*17·25*	*17·90*	*16·95*	*17·20*	*16·30*
£830 „ „ £850	*18·35*	*17·30*	*17·95*	*17·00*	*17·25*	*16·35*
£850	*18·45*	*17·40*	*18·05*	*17·10*	*17·35*	*16·45*
over £850 and up to and including £1,250	the appropriate amount specified in this table for a worker employed at a shop where the weekly trade is £850, and in addition 5p for every complete £20 of weekly trade in excess of that sum.					
more than £1,250	*19·45*	*18·40*	*19·05*	*18·10*	*18·35*	*17·45*

Provided that in shops where the sales of excisable liquors amount to 20 per cent. or more of the weekly trade, the minimum remuneration of the Shop Manager or Shop Manageress shall be that specified in the foregoing table less the following amounts:—

Where the percentage of weekly trade from sales of excisable liquors amounts to—

	p		p
20% and under 30%	5	60% and under 70% ...	25
30% „ „ 40%	10	70% „ „ 80% ...	30
40% „ „ 50%	15	80% „ „ 90% ...	35
50% „ „ 60%	20	90% or over	40

For the purpose of this paragraph, "weekly trade" shall be calculated half-yearly and based on the period of 12 months immediately preceding the commencement of each half-year in the following manner:—

For the period of 26 weeks beginning (*a*) with the 5th week or (*b*) with the 31st week following the accounting date in any year, the weekly trade of a shop shall be 1/52nd of the amount of the total receipts for goods sold at that shop during the 52 weeks immediately preceding the accounting date (in the case of (*a*) hereof) or immediately preceding the 26th week following the accounting date (in the case of (*b*) hereof).

Except as provided as aforesaid, the weekly trade in respect of any week shall be the amount of the total receipts for goods sold at the shop in the preceding week.

In this paragraph the expression "accounting date" means that date in each year on which the books of accounts of a shop are closed for the purpose of preparing the annual accounts in respect of that shop, or, in the absence of any such date, the fifth day of April in any year.

TEMPORARY SHOP MANAGERS AND TEMPORARY SHOP MANAGERESSES

4.—(1) Subject to the provisions of this paragraph, the minimum remuneration payable to Temporary Shop Managers and Temporary Shop Manageresses, for each continuous period of employment as Temporary Shop Manager or Temporary Shop Manageress (reckoned in accordance with the provisions of sub-paragraph (2) of this paragraph), shall be the appropriate minimum remuneration for a Shop Manager or Shop Manageress, as the case may be, under the provisions of paragraph 3.

(2) In reckoning any continuous period of employment as Temporary Shop Manager or Temporary Shop Manageress for the purposes of sub-paragraph (1) of this paragraph, no account shall be taken of any period of employment:—

(*a*) not exceeding two consecutive working days; or

(*b*) not exceeding a total of two weeks in any year, being a period when the Shop Manager or Shop Manageress is absent on holiday:

Provided that for the purposes of this paragraph where in any year a worker is employed by the same employer as a Temporary Shop Manager or Temporary Shop Manageress at more than one shop during the absence on holiday of the Shop Manager or Shop Manageress, the first period of such employment and any subsequent periods of such employment in the same year shall be treated as a continuous period of employment.

(3) The minimum remuneration payable to Temporary Shop Managers and Temporary Shop Manageresses for any period of employment mentioned in (*a*) or (*b*) of sub-paragraph (2) of this paragraph, shall be not less than the appropriate minimum remuneration for a Shop Assistant under the provisions of this Schedule.

WORKERS OTHER THAN SHOP MANAGERS, TEMPORARY SHOP MANAGERS, SHOP MANAGERESSES, TEMPORARY SHOP MANAGERESSES AND TRANSPORT WORKERS

5. Subject to the provisions of paragraph 1, the minimum remuneration payable to male or female workers of the classes specified in Column 1 of the next following table employed in the London Area, Provincial A Area or Provincial B Area, as the case may be, shall be the appropriate amount set out in Column 2.

Column 1	Column 2					
	London Area per week		Provincial A Area per week		Provincial B Area per week	
	Male	Female	Male	Female	Male	Female
	£	£	£	£	£	£
(1) CLERK GRADE I, AGED 23 YEARS OR OVER	*14·20*	*12·05*	*13·80*	*11·75*	*13·10*	*11·15*
(2) CLERK GRADE I, AGED UNDER 23 YEARS, CLERK GRADE II, SHOP ASSISTANT, STOCKMAN OR ORDERMAN, CANVASSER, VAN SALESMAN, CASHIER OR CENTRAL WAREHOUSE WORKER:—						
Aged 22 years or over	*13·90*	*11·85*	*13·50*	*11·50*	*12·80*	*10·95*
„ 21 and under 22 years	*13·00*	*11·20*	*12·70*	*10·85*	*12·00*	*10·35*
„ 20 „ „ 21 „ ...	*10·80*	*9·50*	*10·55*	*9·15*	*10·45*	*8·80*
„ 19 „ „ 20 „	*10·30*	*9·20*	*10·05*	*8·85*	*9·90*	*8·50*
„ 18 „ „ 19 „	*9·60*	*8·80*	*9·35*	*8·45*	*8·80*	*8·10*
„ 17 „ „ 18 „	*8·05*	*7·55*	*7·75*	*7·20*	*7·35*	*6·85*
„ 16 „ „ 17 „	*7·65*	*7·25*	*7·35*	*6·90*	*7·00*	*6·60*
„ under 16 years	*7·30*	*6·95*	*7·05*	*6·60*	*6·65*	*6·30*
(3) ALL OTHER WORKERS (OTHER THAN TRANSPORT WORKERS):—						
Aged 22 years or over	*13·60*	*11·55*	*13·20*	*11·20*	*12·70*	*10·80*
„ 21 and under 22 years	*12·90*	*11·10*	*12·60*	*10·75*	*11·90*	*10·25*
„ 20 „ „ 21 „	*10·75*	*9·45*	*10·50*	*9·10*	*9·90*	*8·75*
„ 19 „ „ 20 „	*10·25*	*9·15*	*10·00*	*8·80*	*9·35*	*8·45*
„ 18 „ „ 19 „	*9·55*	*8·75*	*9·30*	*8·40*	*8·75*	*8·05*
„ 17 „ „ 18 „	*8·00*	*7·50*	*7·70*	*7·15*	*7·30*	*6·80*
„ 16 „ „ 17 „	*7·60*	*7·20*	*7·30*	*6·85*	*6·95*	*6·55*
„ under 16 years	*7·25*	*6·90*	*7·00*	*6·55*	*6·60*	*6·25*

Provided that where a shop assistant enters, or has entered, the retail food trades for the first time at or over the age of 20 years, the minimum remuneration payable shall be

(*a*) during the worker's first three months of employment 50p per week less, and

(*b*) during the worker's second three months of employment 25p per week less

than the minimum remuneration otherwise applicable to the worker under sub-paragraph (2) of this paragraph.

TRANSPORT WORKERS

6. Subject to the provisions of paragraph 1, the minimum remuneration payable to Transport Workers employed in the London Area, Provincial A Area or Provincial B Area, as the case may be, shall be the appropriate amount set out in Column 3 of the next following table:—

Column 1	Column 2		Column 3		
Age of Transport Worker	Type of Vehicle		London Area per week	Provincial A Area per week	Provincial B Area per week
	Mechanically propelled vehicle with carrying capacity of	Horse drawn vehicle			
			£	£	£
21 years or over ...	1 ton or less	One-horse	*13·90*	*13·50*	*12·80*
20 and under 21 years ...			*11·20*	*11·10*	*10·55*
19 „ „ 20 „ ...			*10·70*	*10·60*	*10·05*
18 „ „ 19 „ ...			*10·05*	*9·90*	*9·40*
under 18 years ...			*8·55*	*8·40*	*8·00*
All ages	Over 1 ton and up to 2 tons	Two-horse	*14·20*	*13·80*	*13·10*
	Over 2 tons and up to 5 tons	—	*14·40*	*14·00*	*13·30*
	Over 5 tons	—	*14·60*	*14·20*	*13·50*

MINIMUM OVERTIME RATES

7. Subject to the provisions of this paragraph, overtime shall be payable at the following minimum rates:—

A. (1) To any worker employed not less than 80 per cent. of his time in the sale of excisable liquors and work connected therewith in an undertaking with a seven-day Licence open on seven days in the week, for employment—

(*a*) on a weekly rest day or customary holiday—

(i) where time worked does not exceed 4½ hours ... double time for 4½ hours

(ii) where time worked exceeds 4½ hours but does not exceed 8 hours ... ... double time for 8 hours

(iii) where time worked exceeds 8 hours—for all time worked ... ... double time

(*b*) on a Sunday, not being a weekly rest day—

(i) where time worked does not exceed 5 hours ... time-and-a-half for 5 hours

(ii) where time worked exceeds 5 hours—for all time worked ... ... time-and-a-half

(2) To any worker, other than a worker specified in A. (1) or A. (3) of this paragraph, for employment on a Sunday or customary holiday—

(*a*) where time worked does not exceed 4½ hours... ... double time for 4½ hours

(*b*) where time worked exceeds 4½ hours but does not exceed 8 hours ... ... double time for 8 hours

(*c*) where time worked exceeds 8 hours—
for all time worked ... ... double time

(3) To any worker wholly engaged in the fish trade, for employment on a Sunday or customary holiday when the shop is not open for sale by retail—

(*a*) where time worked does not exceed 2 hours ... ... double time for 2 hours

(*b*) where time worked exceeds 2 hours but does not exceed 4½ hours ... ... double time for 4½ hours

(*c*) where time worked exceeds 4½ hours but does not exceed 8 hours ... ... double time for 8 hours

(*d*) where time worked exceeds 8 hours—
for all time worked ... ... double time

Provided that where it is, or becomes, the established practice in a Jewish undertaking for the employer to require attendance on Sunday instead of Saturday, the foregoing provisions of this paragraph shall apply in like manner as if in such provisions the word "Saturday" were substituted for "Sunday", except where such substitution is unlawful.

B. To any worker—

(1) On the weekly short day (not being a weekly short day to which (2) of this sub-paragraph applies):—

for all time worked after 1.30 p.m. ... ... time-and-a-half

(2) On the weekly short day in any week during which, under section 40 of the Shops Act 1950(a), the employer is relieved of his obligation to allow the worker a weekly half-holiday—

for all time worked after 1.30 p.m. ... ... double time

(3) 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*) in the case of workers employed not less than 80 per cent. of their time in the sale of excisable liquors and work connected therewith and employed in an undertaking with a seven-day Licence open on seven days in the week—
for all time worked in excess of 44 hours ... ... time-and-a-half

(*b*) in the case of workers employed in a shop which is wholly or mainly engaged in the sale of cooked meats or other cooked foods—
for all time worked in excess of 43 hours ... ... time-and-a-half

(*c*) in the case of all workers other than those specified in B.(3)(*a*) and (*b*) of this paragraph—
for all time worked in excess of 42 hours ... ... time-and-a-half

(a) 1950 c. 28.

Provided that in any week which includes one customary holiday "37 hours", "36 hours" or "35 hours" shall be substituted for "44 hours", "43 hours" or "42 hours" respectively and in any week which includes two customary holidays "30 hours", "29 hours" or "28 hours" shall be substituted for the said "44 hours", "43 hours" or "42 hours".

Overtime rates in accordance with this paragraph shall be payable to a Shop Manager, Temporary Shop Manager, Shop Manageress or Temporary Shop Manageress only if the overtime worked is specifically authorised in writing by the employer or his representative.

BENEFITS OR ADVANTAGES

8.—(1) The benefits or advantages set out in (*a*), (*b*), (*c*), (*d*), (*e*) and (*f*) of this sub-paragraph, being benefits or advantages provided, in pursuance of the terms and conditions of the employment of a worker to whom this Schedule applies, by the employer or by some other person under arrangements with the employer, are authorised to be reckoned as payment of wages by the employer in lieu of payment in cash in the following manner:—

(*a*) Dinner of good and sufficient quality and quantity provided on each day on which the worker normally works in the week, other than the weekly short day, as an amount of 50p per week, except in the circumstances provided for in (*d*) or (*e*) of this sub-paragraph.

(*b*) Tea of good and sufficient quality and quantity provided on each day on which the worker normally works in the week, other than the weekly short day, as an amount of 19p per week, except in the circumstances provided for in (*d*) or (*e*) of this sub-paragraph.

(*c*) Full board on Sunday and customary holidays, part board only on the other days of the week and lodging for the full week, as the appropriate amount set out in the table below:—

In the case of a worker aged	London Area per week	Provincial A Area per week	Provincial B Area per week
	£	£	£
21 years or over	*1·57*	*1·35*	*1·17*
20 and under 21 years ...	*1·48*	*1·26*	*1·05*
19 „ „ 20 „ ...	*1·35*	*1·14*	*0·96*
18 „ „ 19 „ ...	*1·23*	*1·02*	*0·83*
17 „ „ 18 „ ...	*1·14*	*0·93*	*0·71*
16 „ „ 17 „ ...	*0·99*	*0·77*	*0·59*
under 16 years	*0·90*	*0·68*	*0·47*

(*d*) Full board and lodging for the full week, as the appropriate amount set out in the table below:—

In the case of a worker aged	London Area per week	Provincial A Area per week	Provincial B Area per week
	£	£	£
21 years or over ...	*2·10*	*1·89*	*1·70*
20 and under 21 years ...	*2·01*	*1·80*	*1·58*
19 „ „ 20 „ ...	*1·89*	*1·68*	*1·49*
18 „ „ 19 „ ...	*1·73*	*1·52*	*1·34*
17 „ „ 18 „ ...	*1·64*	*1·43*	*1·21*
16 „ „ 17 „ ...	*1·49*	*1·28*	*1·06*
under 16 years	*1·37*	*1·15*	*0·97*

(*e*) Full board (but not lodging) for the full week, as the appropriate amount set out in the table below:—

In the case of a worker aged	London Area per week	Provincial A Area per week	Provincial B Area per week
	£	£	£
21 years or over	1·39	1·38	1·28
20 and under 21 years ...	1·35	1·35	1·19
19 „ „ 20 „ ...	1·29	1·28	1·15
18 „ „ 19 „ ...	1·17	1·16	1·03
17 „ „ 18 „ ...	1·13	1·13	0·97
16 „ „ 17 „ ...	1·01	1·00	0·88
under 16 years	0·98	0·97	0·81

(*f*) Lodging for the full week, as the appropriate amount set out in the table below:—

In the case of a worker aged	London Area per week	Provincial A Area per week	Provincial B Area per week
	£	£	£
21 years or over	0·71	0·51	0·42
20 and under 21 years ...	0·65	0·45	0·39
19 „ „ 20 „ ...	0·60	0·39	0·33
18 „ „ 19 „ ...	0·57	0·36	0·30
17 „ „ 18 „ ...	0·51	0·30	0·25
16 „ „ 17 „ ...	0·48	0·28	0·19
under 16 years	0·39	0·19	0·16

Provided that where in any week the total amount which, in accordance with the foregoing provisions of this sub-paragraph, the employer would be entitled to reckon as payment of wages to a worker in lieu of payment in cash, exceeds the appropriate amount (according to the age of the worker and the area in which he is employed) set out in (*d*) of this sub-paragraph, then in the case of that worker the employer shall not be entitled in respect of that week, so to reckon as payment of wages as aforesaid, more than such appropriate amount set out in (*d*) of this sub-paragraph:

Provided also that where a worker is employed in a shop—

(i) which is registered under section 53 of the Shops Act 1950 (which relates to persons observing the Jewish Sabbath), this sub-paragraph in relation to such a worker shall have effect as if for the word "Sunday", in (*c*) thereof, there were substituted the word "Saturday";

(ii) situated in a district in which an order is in force under section 54 of the Shops Act 1950, authorising shops to be open for the service of customers on Sunday and which it is the practice to keep open on Sunday, this sub-paragraph in relation to such a worker shall have effect as if for the word "Sunday" there were substituted the words "the weekday upon which the shop in which the worker is employed must be closed in pursuance of an order made under section 54 of the Shops Act 1950".

(2) In this paragraph—

"PART BOARD" means breakfast and supper, being meals of good and sufficient quality and quantity;

"FULL BOARD" means breakfast, dinner, tea and supper, being meals of good and sufficient quality and quantity; and

"LODGING" means clean and adequate accommodation and clean and adequate facilities for eating, sleeping, washing and leisure.

(3) Nothing in this paragraph shall be construed as authorising the making of any deduction or the giving of remuneration in any manner which is illegal by virtue of the Truck Acts 1831 to 1940(a), or of any other enactment.

WAITING TIME

9. A worker shall be 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—

(1) without the employer's consent, express or implied;

(2) for some purpose unconnected with his work, and other than that of waiting for work to be given to him to perform;

(3) by reason only of the fact that he is resident thereon; or

(4) during normal meal times, and he is not waiting for work to be given to him to perform.

WORKERS WHO ARE NOT REQUIRED TO WORK ON A CUSTOMARY HOLIDAY

10.—(1) Subject to the provisions of sub-paragraph (2) of this paragraph, a worker who is not required to work on a customary holiday shall be paid for that holiday not less than the amount to which he would have been entitled under the foregoing provisions of this Schedule had the day not been a customary holiday and had he worked the number of hours ordinarily worked by him on that day of the week.

(2) A worker shall not be entitled to any payment under this paragraph unless he:—

(*a*) worked for the employer throughout the last working day on which work was available for him preceding the holiday; and

(*b*) presents himself for employment at the usual starting time on the first working day after the holiday:

Provided that (*a*) or (*b*), as the case may be, of this sub-paragraph shall be deemed to be complied with where the worker is excused by his employer or is prevented by his proved illness or injury from working or presenting himself for employment as aforesaid.

GUARANTEED WEEKLY REMUNERATION PAYABLE TO A FULL-TIME WORKER

11.—(1) Notwithstanding the other provisions of this Schedule, where in any week the total remuneration (including holiday remuneration but excluding the amount specified in sub-paragraph (2) of this paragraph) payable under those other provisions to a full-time worker is less than the guaranteed weekly remuneration provided under this paragraph, the minimum remuneration payable to that worker for that week shall be that guaranteed weekly remuneration with the addition of any amount excluded as aforesaid.

(2) The amount to be excluded from the total remuneration referred to in the foregoing sub-paragraph is:—

(*a*) in the case of workers employed not less than 80 per cent. of their time in the sale of excisable liquors and work connected therewith in an undertaking open on seven days in the week—

one-third of the remuneration payable in respect of overtime for work on a Sunday, which is not a weekly rest day, the whole of the remuneration payable in respect of overtime for work on the weekly rest day or on the weekly short day and one-half of the remuneration payable in respect of overtime for work on a customary holiday;

(a) 1831 c. 37; 1887 c. 46; 1896 c. 44; 1940 c. 38.

(*b*) in the case of all other workers—

the whole of the remuneration payable in respect of overtime for work on a Sunday or on the weekly short day and one-half of the remuneration payable in respect of overtime for work on a customary holiday.

(3) The guaranteed weekly remuneration is the remuneration to which the worker would be entitled under paragraph 3, 4, 5 or 6, for work in his normal occupation for the number of hours specified in (*a*), (*b*) or (*c*) of sub-paragraph (1) of paragraph 2, as the case may be:

Provided that—

(*a*) where the worker normally works for the employer on work to which this Schedule applies for less than 42 hours in the week by reason only of the fact that he does not hold himself out as normally available for work for more than the number of hours he normally works in the week and the worker has informed the employer in writing that he does not so hold himself out, the guaranteed weekly remuneration shall be the remuneration to which the worker would be entitled (calculated as in paragraph 2) for the number of hours in the week normally worked by the worker for the employer on work to which this Schedule applies;

(*b*) where in any week a worker at his request and with the consent of his employer is absent from work during any part of his normal working hours on any day (other than a holiday allowed under Part II of this Schedule or a customary holiday or a holiday allowed to all persons employed in the undertaking or branch of an undertaking in which the worker is employed), the guaranteed weekly remuneration payable in respect of that week shall be reduced in respect of each day on which he is absent as aforesaid by one-sixth where the worker's normal working week is six days or by one-fifth where his normal working week is five days.

(4) Guaranteed weekly remuneration is not payable in respect of any week unless the worker throughout his normal working hours in that week (excluding any time allowed to him as a holiday or during which he is absent from work in accordance with proviso (*b*) to sub-paragraph (3) of this paragraph) is

(*a*) capable of and available for work; and

(*b*) willing to perform such duties outside his normal occupation as the employer may reasonably require if his normal work is not available in the establishment in which he is employed.

(5) Guaranteed weekly remuneration is not payable in respect of any week if the worker's employment is terminated before the end of that week.

(6) If the employer is unable to provide the worker with work by reason of a strike or other circumstances beyond his control and gives the worker four clear days' notice to that effect, guaranteed weekly remuneration shall not be payable after the expiry of such notice in respect of any week during which or during part of which the employer continues to be unable to provide work as aforesaid:

Provided that in respect of the week in which the said notice expires there shall be paid to the worker, in addition to any remuneration payable in respect of time worked in that week, any remuneration that would have been payable if the worker had worked his normal hours of work on every day in the week prior to the expiry of the notice.

PART II

ANNUAL HOLIDAY AND HOLIDAY REMUNERATION

ANNUAL HOLIDAY

12.—(1) Subject to the provisions of paragraph 13, an employer shall, between the date on which this Schedule becomes effective and 31st October 1971, and in each succeeding year between 1st April and 31st October, allow a holiday (hereinafter referred to as an "annual holiday") to every worker (other than a worker who normally works for the employer for less than 9 hours in a week) in his employment to whom this Schedule applies who has been employed by him during the 12 months immediately

preceding the commencement of the holiday season for any one of the periods of employment (calculated in accordance with the provisions of paragraph 19) set out in the table below and the duration of the annual holiday shall in the case of each such worker be related to that period as follows:—

Period of employment	Duration of annual holiday			
	Where the worker's normal working week is			
	Six days	Five days	Four days	Three days or less
12 months	12 days	10 days	8 days	6 days
Not less than 11 months but less than 12 months	11 „	9 „	7 „	5 „
„ „ „ 10 „ „ „ „ 11 „	10 „	8 „	7 „	5 „
„ „ „ 9 „ „ „ „ 10 „	9 „	7 „	6 „	4 „
„ „ „ 8 „ „ „ „ 9 „	8 „	7 „	5 „	4 „
„ „ „ 7 „ „ „ „ 8 „	7 „	6 „	5 „	3 „
„ „ „ 6 „ „ „ „ 7 „	6 „	5 „	4 „	3 „
„ „ „ 5 „ „ „ „ 6 „	5 „	4 „	3 „	2 „
„ „ „ 4 „ „ „ „ 5 „	4 „	3 „	3 „	2 „
„ „ „ 3 „ „ „ „ 4 „	3 „	2 „	2 „	1 day
„ „ „ 2 „ „ „ „ 3 „	2 „	2 „	1 day	1 „
„ „ „ 1 month „ „ „ 2 „	1 day	1 day	1 „	nil

(2) Notwithstanding the provisions of the last foregoing sub-paragraph—

(*a*) the number of days of annual holiday which an employer is required to allow to a worker in any holiday season shall not exceed in the aggregate twice the number of days constituting the worker's normal working week;

(*b*) where a worker does not wish to take his annual holiday or part thereof during the holiday season in any year and, before the expiration of such holiday season, enters into an agreement in writing with his employer that the annual holiday or part thereof shall be allowed, at a date or dates to be specified in that agreement, after the expiration of the holiday season but before the first day of January in the following year, then any day or days of annual holiday so allowed shall be treated as having been allowed during the holiday season;

(*c*) the duration of the worker's annual holiday during the holiday season ending on 31st October 1971, shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of Order R.F.C. (51) between 1st April 1971 and the date on which the provisions of this Schedule become effective.

(3) In this Schedule the expression "holiday season" means in relation to the year 1971, the period commencing on 1st April 1971 and ending on 31st October 1971, and in each succeeding year the period commencing on 1st April and ending on 31st October of the same year.

13. Where at the written request of the worker at any time during the three months immediately preceding the commencement of the holiday season in any year, his employer allows him any day or days of annual holiday and pays him holiday remuneration in respect thereof calculated in accordance with the provisions of paragraphs 16 and 17, then

(1) the annual holiday to be allowed in accordance with paragraph 12 in the holiday season in that year shall be reduced by the day or days of annual holiday so allowed prior to the commencement of that holiday season; and

(2) for the purpose of calculating accrued holiday remuneration under paragraph 18 any day or days of annual holiday deducted in accordance with sub-paragraph (1) hereof shall be treated as if they had been allowed in the holiday season.

14.—(1) An annual holiday shall be allowed on consecutive working days, being days on which the worker is normally called upon to work for the employer.

(2) Where the number of days of annual holiday for which a worker has qualified exceeds the number of days constituting his normal working week, the holiday may be allowed in two periods of consecutive working days; so, however, that when a holiday is so allowed, one of the periods shall consist of a number of such days not less than the number of days constituting the worker's normal working week.

(3) For the purposes of this paragraph, days of annual holiday shall be treated as consecutive notwithstanding that a customary holiday on which the worker is not required to work for the employer or a day on which he does not normally work for the employer intervenes.

(4) Where a customary holiday on which the worker is not required to work for the employer immediately precedes a period of annual holiday or occurs during such a period and the total number of days of annual holiday required to be allowed in the period under the foregoing provisions of this paragraph, together with any customary holiday, exceeds the number of days constituting the worker's normal working week, then, notwithstanding the foregoing provisions of this paragraph, the duration of that period of annual holiday may be reduced by one day and in such a case one day of annual holiday may be allowed on a day on which the worker normally works for the employer (not being the worker's weekly short day) in the holiday season or after the holiday season in the circumstances specified in sub-paragraph (2)(*b*) of paragraph 12.

(5) No day of annual holiday shall be allowed on a customary holiday.

(6) A day of annual holiday under this Schedule may be allowed on a day on which the worker is entitled to a day of holiday (not being a customary holiday) or to a half-holiday under any enactment other than the Wages Councils Act 1959:

Provided that where the total number of days of annual holiday allowed to a worker under this Schedule is less than the number of days in his normal working week the said annual holiday shall be in addition to the said day of holiday or the said half-holiday.

15. An employer shall give to a worker reasonable notice of the commencing date or dates and of the duration of his annual holiday. Such notice may be given individually to the worker or by the posting of a notice in the place where the worker is employed.

REMUNERATION FOR ANNUAL HOLIDAY

16.—(1) Subject to the provisions of paragraph 17, a worker qualified to be allowed an annual holiday under this Schedule shall be paid by his employer, on the last pay day preceding such holiday, one day's holiday pay in respect of each day thereof.

(2) Where an annual holiday is taken in more than one period the holiday remuneration shall be apportioned accordingly.

17. Where, in accordance with the provisions of this Schedule or of Order R.F.C. (51), any accrued holiday remuneration has been paid by the employer to the worker in respect of employment during a period referred to in paragraph 18 the amount of holiday remuneration payable by the employer in respect of any annual holiday for which the worker has qualified by reason of employment during the said period shall be reduced by the amount of the said accrued holiday remuneration, unless that remuneration has been deducted from a previous payment of holiday remuneration made under the provisions of this Schedule or of Order R.F.C. (51).

ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

18. Where a worker (other than a worker who normally works for the employer for less than 9 hours in a week) ceases to be employed by an employer after the provisions of this Schedule become effective, the employer shall, immediately on the termination of the employment (hereinafter referred to as the "termination date"), pay to the worker as accrued holiday remuneration:—

(1) in respect of employment occurring before 1st April immediately preceding the termination date, a sum equal to the holiday remuneration for any days of annual holiday for which he has qualified except days of annual holiday which he has been allowed or has become entitled to be allowed before leaving the employment; and

(2) in respect of any employment since 1st April immediately preceding the termination date, a sum equal to the holiday remuneration which would have been payable to him if he could have been allowed an annual holiday in respect of that employment at the time of leaving it:

Provided that—

(*a*) no worker shall be entitled to the payment by his employer of accrued holiday remuneration if he is dismissed on the grounds of misconduct and is so informed by the employer at the time of dismissal;

(*b*) where, during the period or periods in respect of which the said accrued holiday remuneration is payable, the worker has at his written request been allowed any day or days of holiday (other than days of holiday allowed by the employer under paragraph 13) for which he had not qualified under the provisions of this Schedule, any accrued holiday remuneration payable as aforesaid may be reduced by the amount of any sum paid by the employer to the worker in respect of such day or days of holiday;

(*c*) where a worker is employed under a contract of service under which he is required to give not less than one week's notice before terminating his employment and the worker without the consent of his employer terminates his employment without having given not less than one week's notice, or before one week has expired from the beginning of such notice, the amount of accrued holiday remuneration payable to the worker shall be the amount payable under the foregoing provisions of this paragraph less an amount equal to the statutory minimum remuneration which would be payable to him at the termination date for one week's work if working his normal week and the normal number of daily hours worked by him.

CALCULATION OF EMPLOYMENT

19. For the purpose of calculating any period of employment qualifying a worker for an annual holiday or for any accrued holiday remuneration, the worker shall be treated as if he were employed for a month in respect of any month throughout which he has been in the employment of the employer.

PART III

GENERAL

DEFINITIONS

20. For the purposes of this Schedule—

"CANVASSER" means a worker wholly or mainly employed on canvassing for orders.

"CARRYING CAPACITY" means the weight of the maximum load normally carried by the vehicle, and such carrying capacity when so established shall not be affected either by variations in the weight of the load resulting from collections or deliveries or emptying of containers during the course of the journey, or by the fact that on any particular journey a load greater or less than the established carrying capacity is carried.

"CASHIER" means a worker employed in a shop and engaged wholly or mainly in receiving cash and giving change.

"CENTRAL WAREHOUSE WORKER" means a worker wholly or mainly employed in a central warehouse, that is to say, a warehouse from which an undertaking in the retail food trades supplies its shops.

"CLERK GRADE I" means a worker engaged wholly or mainly on clerical work which includes responsibility for maintaining ledgers or wages books or for preparing financial accounts of the undertaking or of a branch or department thereof.

"CLERK GRADE II" means a worker, other than a Clerk Grade I, engaged wholly or mainly on clerical work.

"CUSTOMARY HOLIDAY" means—

(1) (*a*) Christmas Day (or, if Christmas Day falls on a Sunday, such weekday as may be prescribed by national proclamation or, if no such day is prescribed, the next following Tuesday);

Boxing Day;
Good Friday;
Easter Monday;
Whit Monday (or where a day is substituted therefor by national proclamation, that day);
August Bank Holiday, and
any other day proclaimed as an additional Bank Holiday or a general holiday; and

(*b*) one other day (being a day on which the worker would normally work) during the period commencing on 24th December and ending on the next following 1st January (or, in the case of a worker employed in the circumstances described in sub-paragraph A. (1) of paragraph 7, during the period commencing on 24th December and ending on the next following 8th January) to be fixed by the employer and notified to the worker not less than three weeks before the holiday;

or

(2) where in any establishment it is not the custom or practice to observe such days as are specified in (1) (*a*) above as holidays, such other days, not fewer in number, as may be substituted by agreement between the employer or his representative and the worker or his representative.

"FULL-TIME WORKER" means a worker who normally works for the employer for at least 36 hours in the week on work to which this Schedule applies.

"LONDON AREA", "PROVINCIAL A AREA" and "PROVINCIAL B AREA" have the meanings respectively assigned to them in paragraph 21.

"MONTH" means the period commencing on a date of any number in one month and ending on the day before the date of the same number in the next month, or if the commencing date is the 29th, 30th or 31st day of a month and there is no date of the same number in the next month, then on the last day of that month.

"NORMAL WORKING WEEK" means the number of days on which it has been usual for the worker to work in a week while in the employment of the employer during the 12 months immediately preceding the commencement of the holiday season, or, where accrued holiday remuneration is payable under (2) of paragraph 18 on the termination of the employment, during the 12 months immediately preceding the termination date:

Provided that—

(1) part of a day shall count as a day;

(2) no account shall be taken of any week in which the worker did not perform any work for which statutory minimum remuneration has been fixed.

"ONE DAY'S HOLIDAY PAY" means the appropriate proportion of the remuneration which the worker would be entitled to receive from his employer at

the date of the annual holiday (or where the holiday is taken in more than one period at the date of the first period) or at the termination date, as the case may be, for one week's work, if working his normal working week and the number of daily hours normally worked by him (exclusive of overtime), and if paid at the appropriate rate of statutory minimum remuneration for work for which statutory minimum remuneration is payable and at the same rate for any work for the same employer for which such remuneration is not payable, and in this definition "appropriate proportion" means—

where the worker's normal working week is six days						...	...	one-sixth
"	"	"	"	"	five "	...	...	one-fifth
"	"	"	"	"	four "	...	...	one-quarter
"	"	"	"	"	three "	...	...	one-third
"	"	"	"	"	two "	...	...	one-half
"	"	"	"	"	one day	...	...	the whole.

"SHOP ASSISTANT" means a worker wholly or mainly employed in the serving of customers.

"SHOP MANAGER", "SHOP MANAGERESS" means a worker who is employed at, and is normally immediately in charge of the operation of, an undertaking or branch (but not of a department of an undertaking or branch), who has the custody of cash and stock, and who has immediate control of other workers (if any) employed at that undertaking or branch; and for the purposes of this definition a worker shall not be deemed not to be immediately in charge of the operation of an undertaking or branch by reason only of being subject to the supervision of the employer or some person acting on his behalf, being in either case a person who is not normally, during the hours when the undertaking or branch is open to the public, wholly or mainly engaged in work at that undertaking or branch.

"STOCKMAN OR ORDERMAN" means a worker employed in a shop, or in a warehouse carried on in conjunction with a shop, and wholly or mainly engaged in the custody of goods or the receiving and checking of stock or the assembly of orders.

"TEMPORARY SHOP MANAGER", "TEMPORARY SHOP MANAGERESS" means a worker who during the absence of a Shop Manager or Shop Manageress performs all the duties of the Shop Manager or the Shop Manageress, whilst he is performing the said duties.

"TIME-AND-A-HALF" and "DOUBLE TIME" mean, respectively, one and a half times and twice the hourly rate obtained by dividing the weekly minimum remuneration to which the worker is entitled under the provisions of paragraph 3, 4, 5 or 6—

(1) in the case of a worker employed not less than 80 per cent. of his time in the sale of excisable liquors and work connected therewith in an undertaking with a seven-day Licence open on seven days in the week, by 44;

(2) in the case of a worker who is employed in a shop which is wholly or mainly engaged in the sale of cooked meats or other cooked foods, by 43;

(3) in the case of any other worker, by 42.

"TRANSPORT WORKER" means a worker (other than a van salesman) engaged wholly or mainly in driving a mechanically propelled or horse drawn road vehicle for the transport of goods and on work in connection with the vehicle and its load (if any) while on the road.

"VAN SALESMAN" means a worker wholly or mainly employed in the sale of goods to customers from a van or other vehicle.

"WATCHMAN" means a worker engaged in guarding the employer's premises for the prevention of theft, fire, damage or trespass.

"WEEK" means "pay week".

"WEEKLY REST DAY" means one day in each week which has been notified to the worker before the commencement of that week as a rest day or failing such notification, Sunday.

"WEEKLY SHORT DAY" means that day in any week on which the worker is, in accordance with the provisions of section 17 of the Shops Act 1950, required not to be employed about the business of a shop after half past one o'clock in the afternoon, or, where there is no such day, or where the day falls on a customary holiday, a working day in the week not being a customary holiday, fixed by the employer and notified to the worker not later than the Saturday preceding the week during which it is to have effect; or, failing such notification, the last working day in the week which is not a customary holiday.

"YEAR" means the 12 months commencing with the 1st January and ending with the 31st December.

AREAS

21.—(1) In this Schedule:—

(*a*) "London Area" means the Metropolitan Police District, as defined in the London Government Act 1963(a), the City of London, the Inner Temple and the Middle Temple.

(*b*) "Provincial A Area" means the areas administered by County Borough, Municipal Borough or Urban District Councils, except where they are included in the London area or are listed in (*c*) of this sub-paragraph.

(*c*) "Provincial B Area" means all areas not included in the London area administered by Rural District Councils, and the areas administered by the following Municipal Borough and Urban District Councils:—

ENGLAND (excluding Monmouthshire)

BEDFORDSHIRE

Ampthill
Sandy

BERKSHIRE

Wallingford
Wantage

BUCKINGHAMSHIRE

Buckingham
Linslade
Marlow
Newport Pagnell

CHESHIRE

Alsager
Longdendale

CORNWALL

Bodmin
Bude Stratton
Fowey
Helston
Launceston
Liskeard
Looe
Lostwithiel
Padstow
Penryn
St. Just
Torpoint

DERBYSHIRE

Bakewell
Whaley Bridge
Wirksworth

DEVON

Ashburton
Buckfastleigh
Budleigh Salterton
Crediton
Dartmouth
Great Torrington
Holsworthy
Honiton
Kingsbridge
Lynton
Northam
Okehampton
Ottery St. Mary
Salcombe
Seaton
South Molton
Tavistock
Totnes

(a) 1963 c. 33.

DORSET
Blandford Forum
Lyme Regis
Shaftesbury
Sherborne
Wareham
Wimborne Minster

DURHAM
Barnard Castle
Tow Law

ELY, ISLE OF
Chatteris

ESSEX
Brightlingsea
Burnham-on-Crouch
Saffron Walden
West Mersea
Wivenhoe

GLOUCESTERSHIRE
Nailsworth
Tewkesbury

HEREFORDSHIRE
Bromyard
Kington
Ledbury

HERTFORDSHIRE
Baldock
Chorleywood
Royston
Sawbridgeworth

HUNTINGDONSHIRE
Huntingdon and Godmanchester
Ramsey
St. Ives
St. Neots

KENT
Lydd
New Romney
Queenborough
Sandwich
Tenterden

LANCASHIRE
Carnforth
Grange

LINCOLNSHIRE
Alford
Barton-upon-Humber
Bourne
Brigg
Horncastle
Mablethorpe and Sutton
Market Rasen
Woodhall Spa

NORFOLK
Cromer
Diss
Downham Market
Hunstanton
North Walsham
Sheringham
Swaffham
Thetford
Wells-next-the-Sea
Wymondham

NORTHAMPTONSHIRE
Brackley
Burton Latimer
Higham Ferrers
Oundle

NORTHUMBERLAND
Alnwick
Amble

OXFORDSHIRE
Bicester
Chipping Norton
Thame
Woodstock

RUTLAND
Oakham

SHROPSHIRE
Bishop's Castle
Church Stretton
Ellesmere
Market Drayton
Newport
Wem

SOMERSET
Chard
Crewkerne
Glastonbury
Ilminster
Portishead
Shepton Mallet
Street
Watchet
Wellington

SUFFOLK
Aldeburgh
Beccles
Bungay
Eye
Hadleigh
Halesworth
Haverhill
Leiston-cum-Sizewell
Saxmundham
Southwold
Sudbury
Stowmarket
Woodbridge

SUSSEX
Arundel
Rye

WESTMORLAND
Appleby
Lakes

WILTSHIRE
Bradford-on-Avon
Calne
Malmesbury
Marlborough
Melksham
Westbury
Wilton

WORCESTERSHIRE
Bewdley
Droitwich

YORKSHIRE
Hedon
Hornsea
Malton
Norton
Pickering
Richmond
Tickhill
Withernsea

WALES AND MONMOUTHSHIRE

ANGLESEY
Amlwch
Beaumaris
Llangefni
Menai Bridge

BRECONSHIRE
Builth Wells
Hay
Llanwrtyd Wells

CAERNARVONSHIRE
Bethesda
Betws-y-Coed
Criccieth
Llanfairfechan
Penmaenmawr
Portmadoc
Pwllheli

CARDIGANSHIRE
Aberayron
Cardigan
Lampeter
New Quay

CARMARTHENSHIRE
Cwmamman
Kidwelly
Llandeilo
Llandovery
Newcastle Emlyn

DENBIGHSHIRE
Llangollen
Llanrwst
Ruthin

FLINTSHIRE
Buckley
Mold

GLAMORGAN
Cowbridge

MERIONETHSHIRE
Bala
Barmouth
Dolgellau
Towyn

MONMOUTHSHIRE
Caerleon
Chepstow
Usk

MONTGOMERYSHIRE
Llanfyllin
Llanidloes
Machynlleth
Montgomery
Newtown and Llanllwchaiarn
Welshpool

PEMBROKESHIRE
Fishguard and Goodwick
Narberth
Neyland
Tenby

RADNORSHIRE
Knighton
Llandrindod Wells
Presteigne

(2) Any reference in this paragraph to a local government area shall be construed as a reference to that area as it was on 23rd April 1961, unless otherwise stated.

WORKERS TO WHOM THIS SCHEDULE APPLIES

22.—(1) (i) Subject to the provisions of sub-paragraph (2) of this paragraph the workers to whom this Schedule applies are all workers employed in England and Wales in any undertaking or any branch or department of an undertaking being an undertaking, branch or department engaged—

(*a*) wholly or mainly in the retail food trades; or

(*b*) wholly or mainly in the retail food trades and one or more of the groups of retail distributive trades set out in the Appendix hereto, and to a greater extent in the retail food trades than in any one of those groups:

Provided that if a branch or department of an undertaking is not so engaged, this Schedule shall not apply to workers employed in that branch or department (notwithstanding that the undertaking as a whole is so engaged), except in the case of workers as respects their employment in a department of that branch if that department is so engaged.

(ii) For the purposes of this sub-paragraph—

(*a*) in determining the extent to which an undertaking or branch or department of an undertaking is engaged in a group of trades, regard shall be had to the time spent in the undertaking, branch or department on work in that group of trades;

(*b*) an undertaking or branch or department of an undertaking which is engaged in any operation in a group of trades shall be treated as engaged in that group of trades.

(2) This Schedule does not apply to any of the following workers in respect of their employment in any of the following circumstances, that is to say:—

(i) workers in relation to whom any Wages Council operates (other than the Retail Food Trades Wages Council (England and Wales)) in respect of any employment which is for the time being within the field of operation of that Wages Council;

(ii) workers employed on post office business;

(iii) workers for whom minimum rates of wages are fixed by the Agricultural Wages Board;

(iv) workers employed on the maintenance or repair of buildings, plant, equipment or vehicles (but not including workers employed as cleaners);

(v) workers employed in any ship (which includes every description of vessel used in navigation);

(vi) workers employed as watchmen for any time during which they are so employed.

(3) For the purpose of this Schedule the retail food trades do not include the sale by retail of bread, pastry or flour confectionery (other than biscuits or meat pastries) or the sale by retail of meat (other than bacon, ham, pressed beef, sausages, or meat so treated as to be fit for human consumption without further preparation or cooking) or the sale by retail of milk (other than dried or condensed milk) or the sale by retail of ice-cream, aerated waters, chocolate confectionery or sugar confectionery, or the sale of food or drink for immediate consumption, but save as aforesaid consist of the sale by retail of food or drink for human consumption and operations connected therewith including:—

(i) operations in or about the shop or other place where the food or drink aforesaid is sold, being operations carried on for the purpose of such sale or otherwise in connection with such sale;

(ii) operations in connection with the warehousing or storing of such food or drink for the purpose of sale by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where such food or drink is sold by retail;

(iii) operations in connection with the transport of such food or drink when carried on in conjunction with its sale by retail or with the warehousing or storing operations specified in (ii) of this sub-paragraph; and

(iv) clerical or other office work carried on in conjunction with the sale by retail aforesaid and relating to such sale or to any of the operations in (i) to (iii) of this sub-paragraph;

and for the purpose of this definition "sale by retail" includes any sale of food or drink to a person for use in connection with a catering business carried on by him, when such sale takes place at or in connection with a shop engaged in the retail sale of food or drink to the general public.

APPENDIX TO PARAGRAPH 22

GROUPS OF RETAIL DISTRIBUTIVE TRADES

Group 1. The Retail Furnishing and Allied Trades, that is to say—

(1) the sale by retail of the following articles:—

(*a*) household and office furniture, including garden furniture, mattresses, floor coverings and mirrors, but excluding billiard tables, clocks, pianos, gramophones and pictures;

(*b*) ironmongery, turnery and hardware, of kinds commonly used for household purposes, including gardening implements;

(*c*) hand tools;

(*d*) woodware, basketware, glassware, potteryware, chinaware, brassware, plasticware and ceramic goods, being articles or goods of kinds commonly used for household purposes or as household ornaments;

(*e*) electrical and gas appliances and apparatus, of kinds commonly used for household purposes (excluding clocks), and accessories and component parts thereof;

(*f*) heating, lighting and cooking appliances and apparatus, of kinds commonly used for household purposes, and accessories and component parts thereof;

(*g*) radio and television sets and their accessories and component parts;

(*h*) pedal cycles and their accessories and component parts;

(*i*) perambulators, push chairs and invalid carriages;

(*j*) toys, indoor games, requisites for outdoor games, gymnastics and athletics, but excluding billiard tables and sports clothing;

(*k*) saddlery, leather goods (other than articles of wearing apparel and ladies' handbags) and travel goods;

(*l*) paint, distemper and wallpaper, and oils of kinds commonly used for household purposes (excluding petrol and lubricating oils);

(*m*) brushes, mops and brooms, used for household purposes, and similar articles;

(*n*) disinfectants, chemicals, candles, soaps and polishes of kinds commonly used for household purposes;

(2) operations in or about the shop or other place where any of the articles specified in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale;

(3) operations in connection with the warehousing or storing of any of the articles specified in (1) above for the purpose of the sale thereof by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail;

(4) operations in connection with the transport of any of the articles specified in (1) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) above; and

(5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles specified in (1) above and relating to such sale or to any of the operations specified in (2) to (4) above;

and for the purpose of this definition the sale by retail of any of the articles specified in (1) above does not include sale by auction (except where the auctioneer sells articles by retail which are his property or the property of his master) but includes the sale of any of the articles therein specified to a person for use in connection with a trade or business carried on by him if such sale takes place at or in connection with a shop engaged in the retail sale to the general public of any of the said articles.

Group 2. The Retail Drapery, Outfitting and Footwear Trades, that is to say—

(1) the sale by retail of the following articles:—

(*a*) wearing apparel of all kinds (including footwear, headwear and handwear) and accessories, trimmings and adornments for wearing apparel (excluding jewellery and imitation jewellery);

(*b*) haberdashery;

(*c*) textile fabrics in the piece, leather cloth, plastic cloth and oil cloth (but not including carpets, linoleum and other kinds of floor coverings);

(*d*) knitting, rug, embroidery, crochet and similar wools or yarns;

(*e*) made-up household textiles (but excluding mattresses and floor coverings);

(*f*) umbrellas, sunshades, walking sticks, canes and similar articles;

(*g*) ladies' handbags;

(2) operations in or about the shop or other place where any of the articles included in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale;

(3) operations in connection with the warehousing or storing of any of the articles included in (1) above for the purpose of the sale thereof by retail or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail;

(4) operations in connection with the transport of any of the articles included in (1) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) above; and

(5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles included in (1) above and relating to such sale or to any of the operations specified in (2) to (4) above;

and for the purpose of this definition the sale by retail of any of the articles in (1) above includes the sale of that article to a person for use in connection with a trade or business carried on by him if such sale takes place at or in connection with a shop engaged in the retail sale to the general public of any of the articles included in (1) above.

Group 3. The Retail Bookselling and Stationery Trades, that is to say—

(1) the sale by retail of the following articles:—

(*a*) books (excluding printed music and periodicals);

(*b*) all kinds of stationery including printed forms, note books, diaries and similar articles, and books of kinds used in an office or business for the purpose of record;

(*c*) pens, pencils, ink, blotting paper and similar articles;

(*d*) maps and charts;

(*e*) wrapping and adhesive paper, string, paste and similar articles;

(2) operations in or about the shop or other place where any of the articles specified in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale;

(3) operations in connection with the warehousing or storing of any of the articles specified in (1) above for the purpose of the sale thereof by retail or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail;

(4) operations in connection with the transport of any of the articles specified in (1) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) above; and

(5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles specified in (1) above and relating to such sale or to any of the operations specified in (2) to (4) above.

Group 4. The Retail Newsagency, Tobacco and Confectionery Trades, that is to say—

(1) the sale by retail of the following articles:—

(*a*) newspapers, magazines and other periodicals;

(*b*) tobacco, cigars, cigarettes, snuff and smokers' requisities;

(*c*) articles of sugar confectionery and chocolate confectionery, and ice-cream;

(2) operations in or about the shop or other place where any of the articles specified in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale;

(3) operations in connection with the warehousing or storing of any of the articles specified in (1) above for the purpose of the sale thereof by retail or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail;

(4) operations in connection with the transport of any of the articles specified in (1) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) above; and

(5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles specified in (1) above and relating to such sale or to any of the operations specified in (2) to (4) above.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which has effect from 2nd August 1971, sets out the statutory minimum remuneration payable and the holidays to be allowed in substitution for the statutory minimum remuneration and holidays set out in the Wages Regulation (Retail Food) (England and Wales) Order 1970 (Order R.F.C. (51)), which Order is revoked.

New provisions are printed in italics.