STATUTORY INSTRUMENTS

1968 No. 123

WAGES COUNCILS

The Wages Regulation (Road Haulage) (Amendment) Order 1968

Made - - - *29th January* 1968

Coming into Operation *28th February* 1968

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Road Haulage Wages Council the wages regulation proposals set out in the Schedule hereto;

Now, therefore, the Minister by virtue of the powers conferred on him by 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 (Road Haulage) (Amendment) Order 1968.

2.—(1) In this Order the expression "the specified date" means the 28th February 1968, 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.

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

Signed by order of the Minister of Labour.

29th January 1968.

D. C. Barnes,
Secretary,
Ministry of Labour.

(a) 1959 c. 69.

(b) 1889 c. 63.

SCHEDULE

STATUTORY MINIMUM REMUNERATION AND HOLIDAYS AND HOLIDAY REMUNERATION

The Wages Regulation (Road Haulage) Order 1966(a) (Order R.H. (84)) shall have effect as if in the Schedule thereto:—

1. for paragraphs 2 and 3 there were substituted the following paragraphs:—

"COMPUTATION OF HOURS OF WORK

2. The following provisions shall apply to regular workers, other than milk workers, to whom the guaranteed weekly remuneration provisions apply:—

(1) a five-day worker who works on any day other than Saturday or Sunday shall be deemed to have worked for 8 hours on *any such day* notwithstanding that he was employed for less than 8 hours;

(2) a six-day worker who works on any day other than Sunday shall, subject to the provisions of paragraph 24 and the proviso to paragraph 43(1) (*a*), be deemed to have worked for 7¼ *hours* on any day Monday to Thursday, for 7 hours on Friday and for 4 hours on Saturday notwithstanding that he was employed for less than 7¼, 7 or 4 hours respectively:

Provided that a worker who is instructed to report for duty and presents himself for duty but does not commence work shall be deemed to have commenced work.

OVERTIME

3. Subject to the provisions of paragraphs 23, 24 and 43 the following shall be regarded as overtime:—

(1) Time worked in excess of 7¼ *hours* on any day Monday to Thursday and 7 hours on Friday (subject to the proviso to paragraph 43(1) (*a*)) in the case of a six-day worker and in excess of 8 hours on any day *Monday* to Friday in the case of a five-day worker.

(2) Time worked on Saturdays:—

(*a*) in the case of a six-day worker, in excess of 4 hours, provided that all time worked after 12.30 p.m. by a worker other than a film transport worker shall be regarded as overtime;

(*b*) in the case of a five-day worker, all time worked, provided that a five-day worker who works for less than 4 hours shall be deemed to have worked for 4 hours.

(3) Time worked on Sunday.

A worker who works for less than 5½ hours on Sunday shall be deemed to have worked for 5½ hours:

Provided that a worker whose hours entail a spell of duty commencing on Saturday and finishing on Sunday before 5.30 a.m. or commencing on Sunday after 6.30 p.m. and finishing on Monday, shall not, unless the Sunday duty is less than 3 hours, be deemed to have worked on Sunday in excess of the hours actually worked. If the Sunday duty is less than 3 hours he shall be deemed to have worked 3 hours on Sunday:

Provided also that a worker commencing work on Saturday who finishes work between midnight and 1 a.m. on Sunday shall be deemed to have worked one hour on Sunday.

(4) Time worked in any week in excess of *40 hours*."

2. for paragraphs 7, 8 and 9 there were substituted the following paragraphs:—

"SUNDAY WORK

7. A milk worker shall be paid time-and-a-half for *6 hours 40 minutes* for any time worked or deemed to have been worked not exceeding *6 hours 40 minutes* on Sunday not being the worker's normal day of rest and, thereafter, in accordance with paragraph 11.

(a) S.I. 1966/554 (1966 II, p. 1142).

COMPUTATION OF HOURS OF WORK

8. A milk worker to whom the guaranteed weekly remuneration provisions apply who works on any day shall be deemed to have worked for *6 hours 40 minutes* notwithstanding that he was employed for less than *6 hours 40 minutes:*

Provided that a milk worker who is instructed to report for duty and presents himself for duty but does not commence work shall be deemed to have commenced work.

OVERTIME

9. Subject to the provisions of paragraphs 24 and 43 the following shall be regarded as overtime:—

(1) Time worked in excess of *6 hours 40 minutes* on any day other than the milk worker's normal day of rest, and all time worked on the milk worker's day of rest.

(2) Time worked in any week in excess of *40 hours.*"

3. for paragraph 11 there were substituted the following paragraph:—

"PAYMENT FOR OVERTIME

11. The following are the rates payable for overtime:—

in any week exclusive of the milk worker's normal day of rest and Sunday	time-and-a-half
on Sunday not being the milk worker's normal day of rest—	
for all time worked in excess of *6 hours 40 minutes* ...	double time
on the milk worker's normal day of rest—	
for any time worked not exceeding *6 hours 40 minutes*	double time for *6 hours 40 minutes*
for all time worked in excess of *6 hours 40 minutes* ...	double time."

4. for paragraph 13 there were substituted the following paragraph:—

"HOURLY RATE

13. For the purpose of calculating the hourly rates of regular workers, the rates of wages specified in paragraphs 1 and 6 shall be divided by *40.*"

5. for sub-paragraph (2) of paragraph 14 (which relates to guaranteed weekly remuneration) there were substituted the following:—

"(2) The guaranteed weekly remuneration is the pay for *40 hours*, reduced by any time not reckonable by reason of sub-paragraph (3) of this paragraph and excluding special payments, calculated as follows:—

(*a*) for the time worked and time deemed to have been worked at the rate or rates applicable to such work (but excluding overtime) and

(*b*) for the remaining time at the time rate normally applicable to the worker."

6. for paragraphs 16 and 17 there were substituted the following paragraphs:—

"GUARANTEED DAY

16. Subject to the provisions of paragraph 24 (relating to the alternative weekly half-holiday) and sub-paragraphs (6) and (7) of paragraphs 26 and 27 (relating to work on customary holidays) a worker other than a regular worker shall be paid not less than the wages due for 7¼ *hours* in respect of work done, or deemed to have been done, by him on any day Monday to Thursday, for 7 hours in respect of work done, or deemed to have been done, on Friday, and not less than the wages due for 4 hours in respect of work done, or deemed to have been done, by him on Saturday:

Provided that—

(1) where a spell of duty commences before midnight and continues thereafter, a worker shall not be entitled, by that fact alone, to two guaranteed payments in respect of that spell of duty;

(2) a worker who is engaged for a day of not less than 7¼ *hours* on any day Monday to Thursday, of not less than 7 hours on Friday, or for not less than 4 hours on Saturday, for work other than road haulage work, but who may perform some road haulage work, shall be paid for the time actually spent on road haulage work at the hourly rate or rates, calculated in accordance with the provisions of paragraph 15; and

(3) a worker who is instructed to report for duty, and presents himself for duty but does not commence work, shall be deemed to have commenced work.

Subject to the provisions relating to overtime, a worker other than a regular worker shall, when the number of hours worked or payable under the guarantee provided in this paragraph, is 7½ on any day Monday to Thursday, 7 on Friday or 4 on Saturday, be paid the wages applicable to a regular worker for *7½ hours*, 7 hours or 4 hours as the case may be, plus 2s. 8d.

In all other circumstances, he shall be paid at an hourly rate, which is 4d. per hour above the hourly rate applicable to a regular worker.

OVERTIME

17. Subject to the provisions of paragraphs 23 and 24 the following shall be regarded as overtime:—

(1) Time worked in excess of *7½ hours* on any day Monday to Thursday, in excess of 7 hours on Friday and in excess of 4 hours on Saturday.

(2) Time worked on Sunday.

A worker who works for less than 5½ hours on Sunday shall be deemed to have worked for 5½ hours:

Provided that a worker whose hours entail a spell of duty commencing on Saturday and finishing on Sunday before 5.30 a.m. or commencing on Sunday after 6.30 p.m. and finishing on Monday, shall not, unless the Sunday duty is less than 3 hours, be deemed to have worked on Sunday in excess of the hours actually worked. If the Sunday duty is less than 3 hours he shall be deemed to have worked 3 hours on Sunday:

Provided also that a worker commencing work on Saturday who finishes work between midnight and 1 a.m. on Sunday shall be deemed to have worked one hour on Sunday."

7. for paragraph 23 there were substituted the following paragraph:—

"SUBSISTENCE

23.—(1) (*a*) When a worker's period of rest occurs away from his home depot he shall be paid *23s. 0d.* in respect of each period of rest not exceeding 15 hours' continued duration. Subject to the provisions of sub-paragraph (1) (*b*) of this paragraph, when any such period of rest exceeds 15 hours the worker shall be deemed to be on duty and shall be entitled to be paid (in addition to the *23s. 0d.*) at the time rate which would be payable if he were actually at work for the period he is resting in excess of 15 hours but not in excess of 24 hours or 23 hours according to whether he is a five- or six-day worker. If the period of rest exceeds 24 or 23 hours, as the case may be, these arrangements will continue to apply until the worker resumes actual duty;

(*b*) Where, following the first 15 hours of a period of rest for which subsistence is payable, deemed duty or actual duty commences on a Sunday, the worker shall be entitled (in addition to the *23s. 0d.*) in respect of any deemed and any actual duty performed on the Sunday to not less than the wages due for 9 hours or 8 hours at double time, according to whether he is a five- or six-day worker.

(2) Notwithstanding the provisions of sub-paragraph (1) of this paragraph the following provisions shall apply in the case of a worker who is temporarily transferred away from his normal home depot and stationed in another locality (beyond reasonable daily travelling distance from his home) for more than one week:—

(*a*) after payment in respect of the first week in accordance with the provisions of sub-paragraph (1) of this paragraph a worker shall, in respect of the second and subsequent weeks, be paid a weekly subsistence allowance of *112s. 0d.* (*i.e., 16s. 0d. per day*);

(*b*) if a worker already on temporary transfer is temporarily transferred to another new station beyond reasonable travelling distance from his home he shall (after payment in respect of the first week at such other new station in accordance with sub-paragraph (1) of this paragraph) be paid, in respect of the second and subsequent weeks, a weekly subsistence allowance of *112s. 0d.* (*i.e., 16s. 0d. per day*);

(*c*) for any period of rest occurring away from a new station and from his home, he shall be paid in accordance with the provisions of sub-paragraph (1) of this paragraph and, in respect of any day for which payment is made to the worker under the provisions of that sub-paragraph, the subsistence allowances of *16s. 0d. per day* (specified in (*a*) and (*b*) above) shall be reduced to *12s. 3d. per day.*"

8. for paragraphs 26 and 27 there were substituted the following paragraphs:—

"CUSTOMARY HOLIDAYS—ENGLAND AND WALES

26.—(1) Subject to the provisions of this paragraph, an employer in England and Wales shall allow the following days as holidays to regular workers to whom paragraphs 1 and 6 apply and who were in his employment on the day immediately prior to the day of holiday:—Christmas Day (or, if Christmas Day falls on a Sunday, such weekday as may be prescribed by national proclamation, or the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday (*or where another day is substituted therefor by national proclamation, that day*), August Bank Holiday and all nationally proclaimed holidays. Where in any place it is not the custom or practice to observe such days as holidays, other days (not fewer in number) may, by agreement between the employer and the worker, be substituted for the above-mentioned days. Each such day (i.e., one of the days specified above or a day substituted therefor—hereafter in this paragraph referred to as a 'customary holiday') taken as a holiday shall be paid for on the basis of the wages due for the number of hours (excluding overtime) ordinarily worked by the worker on that day of the week at the time rate normally applicable to the worker:

Provided that—

(*a*) in addition to the foregoing, in the case of a six-day worker, other than a milk worker, where the customary holiday falls on the worker's weekly half-holiday he shall be paid in respect of that day a sum equivalent to the wages due for 4 hours' work at the rate normally applicable to him;

(*b*) in the case of a five-day worker, where the customary holiday falls on a Saturday he shall be paid in respect of that day a sum equivalent to the wages due for 8 hours' work at the rate normally applicable to him;

(*c*) in the case of a milk worker, where the customary holiday falls on the worker's normal day of rest he shall be paid in respect of that day a sum equivalent to the wages due for *6 hours 40 minutes*' work at the rate normally applicable to him.

(2) Notwithstanding the foregoing provisions of this paragraph, a regular worker may work for the employer on a customary holiday:—

(*a*) where by reason of the necessity of maintaining essential services the allowing of a customary holiday is rendered impracticable; or

(*b*) where the worker will work on the customary holiday for not more than 3 hours during a spell of duty commencing on the day before the customary holiday or ending on the day after the holiday:

Provided that this sub-paragraph shall not apply to women and young persons in whose cases work on the customary holiday would be illegal.

(3) (*a*) Where a worker works on a customary holiday by virtue of sub-paragraph (2) (*a*) of this paragraph he shall be paid for work on that day at not less than double the rate appropriate to such work for all time worked by him thereon or for the basic hours for that worker, whichever amount is the greater. For the purpose of this sub-paragraph basic hours means in the case of a milk worker *6 hours 40 minutes*, and, in the case of any other worker, the number of hours (excluding overtime) ordinarily worked by him on the day of the week on which the customary holiday falls.

(*b*) Where a worker works on a customary holiday by virtue of sub-paragraph (2) (*b*) of this paragraph he shall be paid for work on that day at not less than double the rate appropriate to such work (part of an hour being counted as an hour) and, in addition, an amount equal to the holiday remuneration to which he would have been entitled under the provisions of this order if he had been allowed a customary holiday on that day.

(4) (*a*) Where a regular worker works on a customary holiday by virtue of the provisions of sub-paragraph (2) (*a*) of this paragraph he shall, within the period of eight weeks immediately following the customary holiday, be allowed a day's holiday (hereafter referred to as 'a day in lieu of a customary holiday') on a weekday (other than a weekly half-holiday) on which the worker normally works for the employer:

Provided that if on a weekday which is not a customary holiday or a weekly half-holiday within the said period of eight weeks the worker works for the employer for not more than 3 hours during a spell of duty commencing on the immediately preceding day or ending on the following day and the worker is paid for such work remuneration not less than the remuneration provided for work on a customary holiday under sub-paragraph (3) (*b*) of this paragraph, an employer is not required to allow to a worker a day in lieu of a customary holiday.

(*b*) For each day in lieu of a customary holiday allowed to a worker he shall be paid not less than the holiday remuneration to which he would have been entitled under the provisions of this Schedule if the day had been a customary holiday.

(*c*) For the purposes of this paragraph in the case of a worker who is employed on spells of duty which start before midnight and continue for more than 3 hours after midnight the day in lieu of a customary holiday shall include any period of 24 consecutive hours beginning and ending at noon on a weekday (other than a weekly half-holiday) on which the worker normally works.

(5) The holiday remuneration for a customary holiday or a day in lieu of a customary holiday shall be paid by the employer to the worker not later than the day on which the wages for the first working day following the customary holiday or day in lieu of the customary holiday are paid.

(6) Except as specified in sub-paragraph (7) of this paragraph a worker, other than a regular worker, who is employed on a customary holiday shall be paid for such work at double the rate otherwise appropriate thereto, and, notwithstanding that he may work for less than 7¼ *hours* on any such day, he shall be paid not less than twice the amount due, under the provisions of paragraph 16, for a guaranteed day of 7¼ *hours*.

(7) Where a worker, other than a regular worker, works for the employer on a customary holiday for not more than 3 hours during a spell of duty commencing on the immediately preceding day or ending on the following day, he shall be paid for such work at double the rate appropriate to such work, part of an hour being counted as an hour.

CUSTOMARY HOLIDAYS—SCOTLAND

27.—(1) Subject to the provisions of this paragraph, an employer in Scotland shall allow the following days as holidays to regular workers to whom paragraphs 1 and 6 apply and who were in his employment on the day immediately prior to the day of holiday:—

(*a*) New Year's Day (or the following day if New Year's Day falls on a Sunday), the local Spring Holiday, the local Autumn Holiday, and all nationally proclaimed holidays;

(*b*) Three other days in the course of a calendar year, to be fixed by the employer and notified to the workers not less than 21 days before the holiday;

(*c*) Where in any place it is not the custom or practice to observe the days mentioned in (*a*) above as holidays, other days (not fewer in number) may, by agreement between the employer and the worker, be substituted for the above-mentioned days.

Each such day (i.e., one of the days specified above or a day substituted therefor —hereafter in this paragraph referred to as a 'customary holiday') taken as a holiday shall be paid for on the basis of the wages due for the number of hours (excluding overtime) ordinarily worked by the worker on that day of the week at the time rate normally applicable to the worker:

Provided that—

(i) in addition to the foregoing, in the case of a six-day worker other than a milk worker, where the customary holiday falls on the worker's weekly half-holiday he shall be paid in respect of that day a sum equivalent to the wages due for 4 hours' work at the rate normally applicable to him;

(ii) in the case of a five-day worker, where the customary holiday falls on a Saturday he shall be paid in respect of that day a sum equivalent to the wages due for 8 hours' work at the rate normally applicable to him;

(iii) in the case of a milk worker, where the customary holiday falls on the worker's normal day of rest he shall be paid in respect of that day a sum equivalent to the wages due for *6 hours 40 minutes*' work at the rate normally applicable to him.

(2) Notwithstanding the foregoing provisions of this paragraph, a regular worker may work for the employer on a customary holiday:—

(*a*) where by reason of the necessity of maintaining essential services the allowing of a customary holiday is rendered impracticable; or

(*b*) where the worker will work on the customary holiday for not more than 3 hours during a spell of duty commencing on the day before the customary holiday or ending on the day after the holiday:

Provided that this sub-paragraph shall not apply to women and young persons in whose cases work on the customary holiday would be illegal.

(3) (*a*) Where a worker works on a customary holiday by virtue of sub-paragraph (2) (*a*) of this paragraph he shall be paid for work on that day at not less than double the rate appropriate to such work for all time worked by him thereon or for the basic hours for that worker, whichever amount is the greater. For the purpose of this sub-paragraph basic hours means, in the case of a milk worker, *6 hours 40 minutes* and, in the case of any other worker, the number of hours (excluding overtime) ordinarily worked by him on the day of the week on which the customary holiday falls.

(*b*) Where a worker works on a customary holiday by virtue of sub-paragraph (2) (*b*) of this paragraph he shall be paid for work on that day at not less than double the rate appropriate to such work (part of an hour being counted as an hour) and, in addition, an amount equal to the holiday remuneration to which he would have been entitled under the provisions of this order if he had been allowed a customary holiday on that day.

(4) (*a*) Where a regular worker works on a customary holiday by virtue of the provisions of sub-paragraph (2) (*a*) of this paragraph he shall, within the period of eight weeks immediately following the customary holiday, be allowed a day's holiday (hereafter referred to as 'a day in lieu of a customary holiday') on a weekday (other than a weekly half-holiday) on which the worker normally works for the employer:

Provided that if on a weekday which is not a customary holiday or a weekly half-holiday within the said period of eight weeks the worker works for the employer for not more than 3 hours during a spell of duty commencing on the immediately preceding day or ending on the following day and the worker is paid for such work remuneration not less than the remuneration provided for work on a customary holiday under sub-paragraph (3) (*b*) of this paragraph an employer is not required to allow a worker a day in lieu of a customary holiday.

(*b*) For each day in lieu of a customary holiday allowed to a worker he shall be paid not less than the holiday remuneration to which he would have been entitled under the provisions of this Schedule if the day had been a customary holiday.

(*c*) For the purposes of this paragraph in the case of a worker who is employed on spells of duty which start before midnight and continue for more than 3 hours after midnight the day in lieu of a customary holiday shall include any period of 24 consecutive hours beginning and ending at noon on a weekday (other than a weekly half-holiday) on which the worker normally works.

(5) The holiday remuneration for a customary holiday or a day in lieu of a customary holiday shall be paid by the employer to the worker not later than the day on which the wages for the first working day following the customary holiday or day in lieu of a customary holiday are paid.

(6) Except as specified in sub-paragraph (7) of this paragraph, a worker, other than a regular worker, who is employed on any of the days mentioned in sub-paragraph (1) (*a*) of this paragraph shall be paid for such work at double the rate otherwise appropriate thereto, and, notwithstanding that he may work for less than *7¼ hours* on any such day, he shall be paid not less than twice the amount due, under the provisions of paragraph 16, for a guaranteed day of *7¼ hours*.

(7) Where a worker, other than a regular worker, works for the employer on a customary holiday for not more than 3 hours during a spell of duty commencing on the immediately preceding day or ending on the following day, he shall be paid for such work at double the rate appropriate to such work, a part of an hour being counted as an hour."

9. In Column 4 of the Table in sub-paragraph (1) of paragraph 29 which relates to annual holiday remuneration and in Column 5 of the Table in sub-paragraph (2) of paragraph 31, which relates to accrued holiday remuneration, for "*41 hours*" there shall be substituted "*40 hours*".

10. for paragraph 43 there were substituted the following paragraph:—

"Ordinary working hours

43. The expression 'number of hours (excluding overtime) ordinarily worked by the worker on that day of the week' means—

(1) in the case of a regular worker other than a milk worker:—

(*a*) in respect of a six-day worker (subject to the provisions of paragraph 24), *7¼ hours* on any day Monday to Thursday, 7 hours on Friday and 4 hours on Saturday:

Provided that *7¼ hours* may be substituted for 7 hours on Friday if 7 hours is substituted for *7¼ hours* on one other day from Monday to Thursday.

(*b*) in respect of a five-day worker, *8 hours* on any day *Monday* to Friday;

(2) in the case of a milk worker, *6 hours 40 minutes*."

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which has effect from 28th February 1968, amends the Wages Regulation (Road Haulage) Order 1966 (Order R.H. (84)) by reducing the normal working week and by increasing the subsistence allowances fixed by that Order and provides that a nationally proclaimed holiday may be substituted for Whit Monday.

New provisions are printed in italics.