STATUTORY INSTRUMENTS

1972 No. 581

WAGES COUNCILS

The Wages Regulation (Road Haulage) Order 1972

Made - - -	*11th April* 1972
Coming into Operation	*24th May* 1972

Whereas the Secretary of State has received from the Road Haulage Wages Council 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 (Road Haulage) Order 1972.

2.—(1) In this Order the expression "the specified date" means the 24th May 1972, 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 (Road Haulage) Order 1970(**c**) shall cease to have effect.

Signed by order of the Secretary of State.

11th April 1972.

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

(**a**) 1959 c. 69.
(**b**) 1889 c. 63.
(**c**) S.I. 1970/1268 (1970 II, p. 4116).

ARRANGEMENT OF SCHEDULE

MINIMUM REMUNERATION AND HOLIDAYS

PART I

Paras.

REGULAR WORKERS OTHER THAN MILK WORKERS—

Table of minimum remuneration 1
Computation of hours of work 2
Overtime 3–5

PART II

MILK WORKERS—

Table of minimum remuneration 6
Sunday work 7
Computation of hours of work 8
Overtime 9–11

PART III

REGULAR WORKERS INCLUDING MILK WORKERS—

Workers temporarily transferred 12
Hourly rate 13
Guaranteed weekly remuneration 14

PART IV

WORKERS OTHER THAN REGULAR WORKERS—

Minimum remuneration 15
Guaranteed daily remuneration 16
Overtime 17–19

PART V

ALL WORKERS: ADDITIONAL PROVISIONS—

Night work 20
Travelling 21
Telephoning for instructions 22
Subsistence 23
Alternative weekly half-holiday 24
Meal times 25
Holidays and holiday remuneration 26–33

PART VI

DEFINITIONS—

Carrying capacity 34
London Area 35
Overtime expressions 36
Vehicle 37
Regular worker 38
Driver 39
Foremen and removal packers in the Furniture Warehousing and Removing Industry 40
Heavy brakesman and steersman 41
Film transport worker 42
Milk worker 43
Ordinary working hours 44

PART VII

WORKERS TO WHOM THIS SCHEDULE APPLIES 45–48

SCHEDULE Article 3

The following minimum remuneration and provisions as to holidays and holiday remuneration shall be substituted for the statutory minimum remuneration and provisions as to holidays and holiday remuneration set out in the Wages Regulation (Road Haulage) Order 1970 (hereinafter referred to as "Order R.H.(94)").

STATUTORY MINIMUM REMUNERATION

PART I

REGULAR WORKERS OTHER THAN MILK WORKERS

This Part of this Schedule applies to regular workers (as defined in paragraph 38) other than milk workers (as defined in paragraph 43).

1. Subject to the provisions of this Part and of Parts III and V of this Schedule, the minimum remuneration of regular workers other than milk workers shall be as follows:—

(1) All workers except those employed on the Carriage of Indivisible Loads to whom sub-paragraph (2) of this paragraph applies:—

Occupation	Carrying capacity of vehicle (as defined in paragraph 34)	Age of worker	Remuneration per week	
			Workers whose home depot is situated in the London Area (as defined in para. 35)	Workers whose home depot is situated outside the London Area (as defined in para. 35)
			£	£
(*a*) Drivers of vehicles other than (i) tractors not exceeding two tons unladen weight used exclusively for furniture removal work and (ii) tractors which operate from a depot in the London Area (as defined in paragraph 35).	Of 1 ton or less	Under 19 years ...	*12·43*	*12·33*
		19 and under 21 years	*14·88*	*14·78*
		21 years or over ...	*18·25*	*18·00*
	Over 1 ton and up to and including 5 tons	All ages	*18·25*	*18·00*
	„ 5 tons „ „ „ „ 10 „		*18·73*	*18·48*
	„ 10 „ „ „ „ „ 15 „		*19·10*	*18·85*
	„ 15 „ „ „ „ „ 18 „		*19·58*	*19·33*
	„ 18 „ „ „ „ „ 21 „		*20·15*	*19·90*
	„ 21 „		*20·63*	*20·38*
(*b*) Drivers of tractors not exceeding two tons unladen weight used exclusively for furniture removal work	—	All ages	*18·25*	*18·00*

Occupation	Carrying capacity of vehicle (as defined in paragraph 34)	Age of worker	Remuneration per week	
			Workers whose home depot is situated in the London Area (as defined in para. 35)	Workers whose home depot is situated outside the London Area (as defined in para. 35)
			£	£
(*c*) Drivers of tractors, other than tractors not exceeding two tons unladen weight used exclusively for furniture work, which operate from a depot in the London Area (as defined in paragraph 35).	Up to and including 8 tons	All ages	*18·78*	—
	Over 8 tons and up to and including 12 tons		*19·20*	—
	Over 12 tons		*19·63*	—
(*d*) Workers in the Furniture Warehousing and Removing Industry employed as:				
Foremen	—	21 years or over ...	*18·20*	*17·98*
Removal packers ...			*17·85*	*17·73*
Porters			*17·73*	*17·60*
(*e*) Statutory attendants ...	—	Under 18 years ...	*10·62*	*10·49*
(*f*) Other road haulage workers	—	Under 16 years ...	*7·15*	*7·05*
		16 and under 17 years	*7·80*	*7·70*
		17 ,, ,, 18 ,,	*8·55*	*8·47*
		18 ,, ,, 19 ,,	*11·46*	*11·31*
		19 ,, ,, 20 ,,	*12·47*	*12·27*
		20 ,, ,, 21 ,,	*13·75*	*13·55*
		21 years or over ...	*17·85*	*17·70*

(2) Workers employed on the Carriage of Indivisible Loads.

(*a*) Workers on vehicles whilst used in connection with the movement of loads, other than live or dead cattle, which by reason of indivisibility require mechanical loading or unloading equipment carried on the vehicle and operated upon the responsibility of the driver, or

(*b*) Workers employed on vehicles authorised for the carriage of abnormal indivisible loads as defined in the Motor Vehicles (Authorisation of Special Types) General Order 1969(a):—

Occupation	Class of Vehicle	Carrying capacity of vehicle (as defined in paragraph 34)	Remuneration per week	
			Workers whose home depot is situated in the London Area (as defined in para. 35)	Workers whose home depot is situated outside the London Area (as defined in para. 35)
			£	£
Drivers	Vehicles referred to in (*a*) above	Over 6 tons and up to and including 10 tons	*19·13*	*18·93*
		„ 10 „ „ „ „ „ 16 „	*19·65*	*19·45*
	Vehicles referred to in (*b*) above	„ 16 „ „ „ „ „ 20 „	*20·43*	*20·23*
		„ 20 „ „ „ „ „ 25 „	*20·75*	*20·55*
		„ 25 „ „ „ „ „ 45 „	*21·08*	*20·88*
		„ 45 „ „ „ „ „ 65 „	*22·70*	*22·50*
		„ 65 „	*23·45*	*23·25*
Mates	Vehicles referred to in (*a*) above	Over 6 tons and up to and including 16 tons	*17·85*	*17·70*
	Vehicles referred to in (*b*) above	„ 16 „ „ „ „ „ 20 „	*17·98*	*17·83*
		Over 20 tons	*18·30*	*18·15*
Heavy brakesmen and steersmen (as defined in paragraph 41).	Vehicles referred to in (*b*) above	—	*19·15*	*19·00*

A worker who on any day is employed in the circumstances specified in this sub-paragraph shall be paid at the rate appropriate to the vehicle for all hours worked by him on that day notwithstanding that he may be employed on other work during some part of that day.

(a) 1969/344 (1969 I, p. 947).

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 44(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 44 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 44(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.

4.—(1) In determining the time to be regarded as overtime, time worked shall include time deemed to have been worked under the provisions of paragraphs 2, 3(3) and 23.

(2) Time worked on a customary holiday in accordance with paragraph 26(2)(*b*) or paragraph 27(2)(*b*) or on a day in the circumstances set out in the proviso to paragraph 26(4)(*a*) or paragraph 27(4)(*a*), paragraph 26(3) or paragraph 27(3) shall not be included in the calculation of overtime.

(3) When a worker's hours of duty or any part thereof entail employment between 9 p.m. and 6 a.m., a day shall, for the purpose of paragraph 3(1) and paragraph 3(2), be deemed to be any period of 24 hours commencing at 12 noon.

PAYMENT FOR OVERTIME

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

in any week (exclusive of Sunday)	time-and-a-half
on Sunday	double time

PART II
MILK WORKERS

This Part of this Schedule applies to milk workers (as defined in paragraph 43).

6. Subject to the provisions of this Part and of Parts III and V of this Schedule, the minimum remuneration of milk workers shall be as follows:—

Occupation	Carrying capacity of vehicle (as defined in paragraph 34)	Age of worker	Remuneration per week	
			Workers whose home depot is situated in the London Area (as defined in para. 35)	Workers whose home depot is situated outside the London Area (as defined in para. 35)
			£	£
(1) Drivers of vehicles other than tractors which operate from a depot in the London Area (as defined in paragraph 35).	Of 1 ton or less	Under 19 years ...	*12·43*	*12·33*
		19 and under 21 years	*14·88*	*14·78*
		21 years or over ...	*18·25*	*18·00*
	Over 1 ton and up to and including 5 tons	All ages	*18·25*	*18·00*
	„ 5 tons ... „ 10 „		*18·73*	*18·48*
	„ 10 „ „ „ „ 15 „		*19·10*	*18·85*
	„ 15 „ „ „ „ 18 „		*19·58*	*19·33*
	„ 18 „ „ „ „ 21 „		*20·15*	*19·90*
	„ 21 „		*20·63*	*20·38*
(2) Drivers of tractors which operate from a depot in the London Area (as defined in paragraph 35).	Up to and including 8 tons	All ages	*18·78*	—
	Over 8 tons and up to and including 12 tons		*19·20*	—
	Over 12 tons		*19·63*	—
(3) Statutory attendants ...	—	Under 18 years ...	*10·62*	*10·49*
(4) Other road haulage workers ...	—	Under 16 years ...	*7·15*	*7·05*
		16 and under 17 years	*7·80*	*7·70*
		17 „ „ 18 „	*8·55*	*8·47*
		18 „ „ 19 „	*11·46*	*11·31*
		19 „ „ 20 „	*12·47*	*12·27*
		20 „ „ 21 „	*13·75*	*13·55*
		21 years or over ...	*17·85*	*17·70*

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.

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 44 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.

10.—(1) In determining the time to be regarded as overtime, time worked shall include time deemed to have been worked under the provisions of paragraphs 8 and 23.

(2) Time worked on a customary holiday in accordance with paragraph 26(2)(*b*) or paragraph 27(2)(*b*) or on a day in the circumstances set out in the proviso to paragraph 26(4)(*a*) or paragraph 27(4)(*a*), paragraph 26(3) or paragraph 27(3) shall not be included in the calculation of overtime.

(3) When a worker's hours of duty or any part thereof entail employment between 9 p.m. and 6 a.m., a day shall, for the purpose of paragraph 9(1), be deemed to be any period of 24 hours commencing at 12 noon.

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.

PART III

REGULAR WORKERS INCLUDING MILK WORKERS

This Part of this Schedule applies to regular workers including milk workers.

WORKERS TEMPORARILY TRANSFERRED

12. 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 shall be paid either the rates of wages appropriate to the locality in which his normal home depot is situated, or those appropriate to the new locality in which he has been stationed, whichever is more favourable to the worker.

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.

GUARANTEED WEEKLY REMUNERATION

14.—(1) Notwithstanding the provisions of the other paragraphs of this Schedule, where in any week a worker has performed some road haulage work for the employer and the total remuneration payable for time worked and time deemed to have been worked (excluding overtime and special payments as defined in sub-paragraph (4) of this paragraph) is less than the guaranteed weekly remuneration provided under this paragraph, the minimum remuneration payable to that worker for that week shall, subject to the provisions of this paragraph, be that guaranteed weekly remuneration with the addition of any amount which may be payable in respect of overtime and by way of special payments.

(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.

(3) In calculating the guaranteed weekly remuneration no account shall be taken of

(*a*) any time during which the worker is at his own request absent from work with leave of the employer, is absent without leave of the employer or on account of sickness or

(*b*) any time during which the worker is suspended from work following the expiry of any notice given to him in any of the following manners and circumstances:—

(i) flood, snow, ice or other climatic conditions of such a nature as to preclude the operation of the vehicle, provided that not less than 24 hours' notice of the suspension of work shall be given individually to the worker and by the posting of a notice in the depot or other mutually convenient place;

(ii) where the employer is unable to carry on his business by reason of a strike or lock-out, provided that not less than 4 days' notice of such inability is given to the worker;

(iii) where the employer is unable to operate a vehicle or vehicles owing to the restriction of his fuel supply under any enactment or regulation made thereunder, provided that not less than 24 hours' notice of such inability is given to the worker or workers concerned:

Provided that the foregoing notices shall not be given when the worker is away from his home depot, and the suspension shall not operate until the required notice has been given to the worker on his return to his home depot.

(4) For the purposes of sub-paragraphs (1) and (2) of this paragraph:—

(*a*) in addition to any time deemed to have been worked under the other provisions of this Schedule;

(i) where a worker is allowed a day as a customary holiday or in lieu of a customary holiday or an annual holiday he shall be deemed to have worked the number of hours (excluding overtime) ordinarily worked by him on that day of the week;

(ii) where a worker is required to work on a day of customary holiday he shall be deemed to have worked the number of hours (excluding overtime) ordinarily worked by him on that day of the week notwithstanding that he was employed for less than that number of hours:

Provided that if a worker works on a customary holiday in accordance with the provisions of paragraph 26(2)(*b*) or paragraph 27(2)(*b*) or on a day in the

circumstances set out in the proviso to paragraph 26(4)(*a*) or paragraph 27(4)(*a*) he shall be deemed only to have worked double the number of hours worked by him on that day (part of an hour being counted as an hour).

(*b*) "Special payments" means the following amounts:—

(i) Any additional payment for night work payable under paragraph 20.

(ii) Any amount payable under paragraph 22 (payment for telephoning for instructions whilst off duty).

(iii) Any subsistence allowance (other than payment for hours during which the worker is deemed to be on duty) payable under paragraph 23.

(iv) Any amount payable in respect of customary holidays occurring on the worker's weekly half-holiday or, in the case of a five-day worker, on a Saturday, or, in the case of a milk worker, on his normal day of rest, under provisos (*a*), (*b*) and (*c*) of paragraph 26(1) or under provisos (i), (ii) and (iii) of paragraph 27(1).

(5) The provisions of this paragraph shall not apply to a worker whose normal employment in the service of the employer substantially includes other work as well as road haulage work. Such a worker shall be paid in respect of the road haulage work at the appropriate rate for the time actually spent on such work.

A worker not normally a road haulage worker, but who occasionally performs road haulage work, shall be paid the rates of wages appropriate to a road haulage worker for the time actually spent on such work.

PART IV

WORKERS OTHER THAN REGULAR WORKERS

This Part of this Schedule applies to workers other than regular workers.

15. Subject to the provisions of this Part and of Part V of this Schedule, the minimum remuneration of workers other than regular workers shall be the hourly rates applicable to regular workers under Part I or Part II of this Schedule increased by 2p per hour.

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 7¼ on any day Monday to Thursday, 7 on Friday or 4 on Saturday, be paid the wages applicable to a regular worker for 7¼ hours, 7 hours or 4 hours as the case may be, plus 16p.

In all other circumstances, he shall be paid at an hourly rate, which is 2p per hour above the hourly rate applicable to the 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 7¼ 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.

18.—(1) In determining the time to be regarded as overtime, time worked shall include time deemed to have been worked under the provisions of paragraphs 17(2) and 23.

(2) Time worked on a customary holiday in accordance with paragraph 26(2)(*b*) or paragraph 27(2)(*b*) or on a day in the circumstances set out in the proviso to paragraph 26(4)(*a*) or paragraph 27(4)(*a*) shall not be included in the calculation of overtime.

(3) When a worker's hours of duty or any part thereof entail employment between 9 p.m. and 6 a.m., a day shall, for the purpose of paragraph 17(1), be deemed to be any period of 24 hours commencing at 12 noon.

PAYMENT FOR OVERTIME

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

on any day (other than Sunday)	time-and-a-half
on Sunday	double time.

PART V

ALL WORKERS—ADDITIONAL PROVISIONS

This Part of this Schedule applies to all workers except where otherwise stated.

NIGHT WORK

20. A worker whose hours of duty or any part thereof entail employment between 7 p.m. and 6 a.m. shall be paid the appropriate rates of wages specified in paragraph 1, paragraph 6, or paragraph 15 and, in addition, in each spell of duty, 5p for each hour, or part of an hour, worked between 7 p.m. and 6 a.m. provided that where a spell of duty commences before 7 p.m. and finishes not later than 9 p.m. the additional payment shall not be payable. Where overtime is payable in respect of hours worked between 7 p.m. and 6 a.m., this additional payment remains payable but is not to be included for the purpose of calculating the overtime rate payable in respect of those hours.

TRAVELLING

21. When a worker is required to travel in, or on, or to accompany a vehicle for the purpose of doing road haulage work he shall, in determining the wages payable, be deemed to be engaged on the road haulage work usually performed by him.

TELEPHONING FOR INSTRUCTIONS WHILE OFF DUTY

22.—(1) If a worker during the period between two spells of duty is required to telephone for instructions he shall be paid the wages due for one hour:

Provided that this provision shall not apply when the telephone call is made immediately following a spell of duty.

(2) On each subsequent occasion, during the same period between two spells of duty, on which the worker is required to telephone for instructions he shall be paid the wages due for 4 hours:

Provided that if when telephoning on any such occasion the worker is instructed to commence work within one hour of so telephoning, he shall be paid for one hour instead of the said 4 hours.

(3) The payments to be made under sub-paragraphs (1) and (2) of this paragraph shall be at the rate normally applicable to the worker and shall be in addition to the weekly wages otherwise due to him.

SUBSISTENCE

23.—(1)(*a*) When a worker's period of rest occurs away from his home depot he shall be paid £*1·75* 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 £*1·75*) 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 £*1·75*) 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 £*8·61* (*i.e.* £*1·23 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 £*8·61* (*i.e.* £*1·23 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 £*1·23 per day* (specified in (*a*) and (*b*) above) shall be reduced to £*0·95* per day.

ALTERNATIVE WEEKLY HALF-HOLIDAY

24. Where it is the established practice of any section of the industry to allow the weekly half-holiday on any weekday other than a Saturday, and that day is in the case of a six-day worker substituted for Saturday as the worker's weekly half-holiday the provisions of paragraphs 2, 3(1) and (2), 14, 16, 17(1) and 44, shall apply as if in these provisions that day were substituted for "Saturday" and "Saturday" for that day.

MEAL TIMES

25. The hours of work specified are, except for the purpose of paragraph 23, exclusive of meal times.

HOLIDAYS AND HOLIDAY REMUNERATION
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 17, 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.

ANNUAL HOLIDAY, ADDITIONAL ANNUAL HOLIDAY, AND HOLIDAY REMUNERATION

28.—(1) In addition to the holidays provided for in paragraphs 26 and 27 (and subject to the provisions of sub-paragraphs (3) and (6) of this paragraph) an employer shall between the date on which the provisions of this Schedule become effective and 15th October 1972, and in each succeeding year between 1st May and 15th October allow a holiday (hereinafter referred to as an "annual holiday") to every worker in his employment for whom statutory minimum remuneration has been fixed under paragraphs 1, 6 or 15 and who was during the 12 months immediately preceding the commencement of the holiday season in that year (hereinafter referred to as the "qualifying period") in his employment for any of the periods of employment specified below, and the duration of a worker's annual holiday shall be related to the period of his employment during the qualifying period as follows:—

Six-day workers		Five-day workers	
Period of employment	Duration of annual holiday	Period of employment	Duration of annual holiday
At least 48 weeks	12 days	At least 48 weeks	10 days
„ „ 44 „	11 „	„ „ 43 „	9 „
„ „ 40 „	10 „	„ „ 38 „	8 „
„ „ 36 „	9 „	„ „ 33 „	7 „
„ „ 32 „	8 „	„ „ 28 „	6 „
„ „ 28 „	7 „	„ „ 24 „	5 „
„ „ 24 „	6 „	„ „ 19 „	4 „
„ „ 20 „	5 „	„ „ 14 „	3 „
„ „ 16 „	4 „	„ „ 9 „	2 „
„ „ 12 „	3 „	„ „ 4 „	1 day
„ „ 8 „	2 „		
„ „ 4 „	1 day		

(2) For the purpose of calculating a period of employment in respect of annual holiday and accrued holiday remuneration "employment" means employment on road haulage work specified in paragraphs 45 to 48 and also employment partly on that work and partly on work other than such road haulage work, and a worker shall be treated as in the employment of the employer when absent from work in any of the following circumstances:—

(*a*) absences of the worker arising from suspension in accordance with paragraph 14(3)(*b*);

(*b*) absences of the worker owing to proved illness or accident up to but not exceeding 16 weeks in the aggregate during the qualifying period;

(*c*) suspension from employment owing to shortage of work or mechanical breakdown up to but not exceeding 16 weeks in the aggregate during the qualifying period;

(*d*) absences of the worker arising from the allowance of holidays provided for in paragraph 26 or paragraph 27 and annual holiday allowed under the provisions of this paragraph and of paragraph 29;

(*e*) other absences with reasonable cause during the qualifying period;

(*f*) absence for not more than 7 days during the qualifying period for reasons other than those specified in (*a*) to (*e*) above.

(3) Notwithstanding the provisions of sub-paragraphs (1) and (2) of this paragraph, a worker who has been absent for more than 7 days during the qualifying period for reasons other than those specified in (*a*) to (*e*) of sub-paragraph (2) of this paragraph shall not be entitled to any annual holiday in respect of such period.

(4) The duration of the worker's annual holiday during the holiday season ending on 15th October 1972, shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of Order R.H. (94) between 1st May 1972 and the date on which the provisions of this Schedule become effective.

(5) In this Schedule the expression "holiday season" means in relation to an annual holiday during the year 1972, the period commencing on 1st May 1972 and ending on 15th October 1972, and in relation to each subsequent year, the period commencing on 1st May and ending on 15th October in that year.

(6) Notwithstanding the provisions of sub-paragraphs (1) and (5) of this paragraph, where before 1st October in any holiday season, at the written request of a worker his employer has agreed in writing that the worker shall be allowed after the end of the holiday season and before 1st May in the following year, the annual holiday, or any part thereof, for which he has qualified under this paragraph, any such days of annual holiday may, subject to the provisions of paragraph 33, be allowed in accordance with the agreement and if so allowed shall be treated for the purposes of this Schedule as having been allowed during the holiday season.

29.—(1) Subject to the provisions of this paragraph, in addition to the holidays specified in paragraphs 26, 27 and 28, an employer shall in each year commencing on 1st May allow a further annual holiday (hereinafter referred to as an "additional annual holiday") to every worker in his employment to whom this Schedule applies who has been employed by him at 1st May aforesaid for a continuous period of not less than 3 years (calculated in accordance with the provisions of sub-paragraph 28(2)) and the duration of the additional holiday shall be—

in the case of a six-day worker 6 days

in the case of a five-day worker 5 days

(2) Days of additional annual holiday, which need not be consecutive, shall be allowed on days on which the worker is normally called upon to work for the employer and during the relevant period of 12 months commencing on 1st May at any time either—

(*a*) on dates agreed between the employer and the worker or his representative at any time before 6th April in that period; or

(*b*) during the remaining days of that period.

(3) The duration of the worker's additional annual holiday during the 12 months commencing on 1st May 1972, shall be reduced by any days of additional annual holiday duly allowed to him by the employer under the provisions of Order R.H. (94) between 1st May 1972 and the date on which the provisions of this Schedule become effective.

30.—(1) In respect of an annual holiday allowed under paragraph 28, holiday remuneration shall be paid as follows:—

Period of annual holiday Column 1	Holiday remuneration for—		Column 4
	Six-day workers Column 2	Five-day workers Column 3	
12 days	Twice the amount in Col. 4	—	The amount which the worker would be entitled to receive from his employer at the date of the annual holiday for 40 hours' work (exclusive of overtime) at the time rate normally applicable to him under this Schedule.
11 days	One and five-sixths times the amount in Col. 4	—	
10 days	One and two-thirds times the amount in Col. 4	Twice the amount in Col. 4	
9 days	One and a half times the amount in Col. 4	One and four-fifths times the amount in Col. 4	
8 days	One and one-third times the amount in Col. 4	One and three-fifths times the amount in Col. 4	
7 days	One and one-sixth times the amount in Col. 4	One and two-fifths times the amount in Col. 4	
6 days	The amount in Col. 4	One and one-fifth times the amount in Col. 4	
5 days	Five-sixths of the amount in Col. 4	The amount in Col. 4	
4 days	Two-thirds of the amount in Col. 4	Four-fifths of the amount in Col. 4	
3 days	One-half of the amount in Col. 4	Three-fifths of the amount in Col. 4	
2 days	One-third of the amount in Col. 4	Two-fifths of the amount in Col. 4	
1 day	One-sixth of the amount in Col. 4	One-fifth of the amount in Col. 4	

(2) A worker entitled to be allowed an additional annual holiday under paragraph 29 shall be paid by his employer in respect thereof the amount specified in Column 4 of the preceding table.

(3) Holiday remuneration shall be paid on the last pay day preceding an annual holiday or additional annual holiday as the case may be.

Provided that,

(*a*) (i) where in accordance with the proviso to paragraph 33(1) an annual holiday is allowed in two or three periods; or

(ii) where an additional annual holiday is allowed in more than one period, holiday remuneration shall be apportioned accordingly;

(*b*) where an additional annual holiday is allowed in more than one period as a day or as days within a week in which the worker also works for the employer, holiday remuneration in respect of that day or those days shall be paid not later than the day on which the wages for the first working day following the day or days of additional annual holiday are paid.

31. Where any accrued holiday remuneration has been paid by the employer to the worker under paragraph 32(1) in respect of any period of employment in the qualifying period preceding the holiday season current when the annual holiday is allowed, the amount to be paid in respect of the period of such holiday is the appropriate amount payable under paragraph 30 less the accrued holiday remuneration previously paid as aforesaid.

32.—(1) Subject to the provisions of this paragraph, where a worker ceases to be employed, the employer shall immediately on the termination of employment (hereinafter referred to as "the termination date") pay to him as accrued holiday remuneration:—

(*a*) in respect of employment in the 12 months up to 30th April preceding the termination date, a sum equal to the holiday remuneration which would be payable 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 the said date) if they were allowed at the time of leaving the employment;

(*b*) in respect of employment up to 30th April preceding the termination date, a sum equal to the holiday remineration which would be payable for any days of additional annual holiday for which he has qualified (except days of additional annual holiday which he has been allowed or has become entitled to be allowed before the said date) if they were allowed at the time of leaving the employment;

(*c*) in respect of any employment since 30th April preceding the termination date, of not less than four weeks duration, 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 termination date.

(2) The amount of any accrued holiday remuneration payable in respect of any period of employment shall be reduced by the amount of any previous payment of accrued holiday remuneration in respect of that period made by the employer to the worker under the provisions of this Schedule or of Order R.H. (94).

(3) Accrued holiday remuneration shall not be payable to a worker in respect of a qualifying period during which he was absent for more than seven days for reasons other than those specified in (*a*) to (*e*) of paragraph 28(2).

33.—(1) An annual holiday under paragraph 28 shall be allowed on consecutive working days being days upon which the worker is normally called upon to work, and days of holiday shall be treated as consecutive notwithstanding that a Sunday or any of the holidays allowed under paragraph 26 or paragraph 27 intervenes:—

Provided that where the duration of an annual holiday for which a worker is qualified exceeds the period of his normal working week, the holiday may, at the written request of the worker and with the agreement of the employer, be allowed in two or three periods, one of which shall be not less than the period of his normal working week.

(2) An employer shall give to a worker reasonable notice of the commencing date or dates and of the duration of his annual holiday or additional annual holiday if not agreed between them. Such notice may be given individually to a worker or by the posting of a notice in the worker's home depot.

PART VI

DEFINITIONS

Carrying capacity

34.—(1) The carrying capacity of a vehicle is 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.

(2) Where a trailer is attached to the vehicle, the load shall be the loads of the vehicle and trailer combined.

LONDON AREA

35. London Area means the localities named below, and these localities are, unless the context otherwise requires, those defined for local government purposes as at 1st August 1964.

Locality	Local Authority	Locality	Local Authority
City of London		Rainham (see Hornchurch UD)	Parish
Dartford	Borough	Romford	Borough
Dartford—Only Parish of Stone	Rural District	Stone (see Dartford RD) ...	Parish
Gravesend	Borough	Swanscombe	Urban District
Hornchurch—Only Parishes of Rainham, Wennington, and such other parts as are within 2 miles, in a straight line, of the north bank of the River Thames	Urban District	Thurrock—Only that part which is within 2 miles, in a straight line, of the north bank of the River Thames, except those parts which were, prior to 1st April 1936, known as the Parishes of Corringham, Fobbing, Mucking, Stanford-le-Hope, in the Rural District of Orsett	Urban District
Metropolitan Police District as existing on 1st August 1964—Except that part of the Borough of Watford which is included therein, and except the UD of Bushey	—	Wennington (see Hornchurch UD).	Parish
Northfleet	Urban District		

Note: In case of doubt as to the grading applicable to a particular depot, an enquiry should be addressed to the Clerk of the appropriate Local Authority as to the title of the Local Government administrative area, as it existed on 1st August 1964, in which the depot is situated.

Overtime expressions

36. The expressions time-and-a-half and double time mean respectively one and a half times and twice the rate of wages otherwise applicable.

Vehicle

37. Vehicle means a mechanically driven goods vehicle.

Regular worker

38. A regular worker is a worker employed by the week or longer period.

Driver

39. A driver is a worker employed in driving a vehicle and in performing when so required any other road haulage work.

Foremen and removal packers in the Furniture Warehousing and Removing Industry

40.—(1) A foreman in the Furniture Warehousing and Removing Industry is a worker who has charge of a removal and who has authority to issue instructions to two or more persons.

(2) A removal packer in the Furniture Warehousing and Removing Industry is a skilled worker who packs china and other articles.

Heavy brakesman and steersman

41. A heavy brakesman and steersman is a person operating the steering and braking equipment of a heavy trailer used for the carriage of abnormal indivisible loads.

Film transport worker

42. A film transport worker is a worker engaged exclusively in the collection and delivery of films for the cinematograph industry:

Provided that a worker shall not cease to be a film transport worker solely by reason of the fact that he collects from and delivers to cinemas cinematograph accessories and equipment which are carried at the same time as the films are normally carried.

Milk Worker

43. A milk worker is a regular worker who is employed on 6 days a week and who is exclusively engaged in the collection of milk from farms and its delivery to dairies:

Provided that a worker shall not cease to be a milk worker solely by reason of the fact that, exceptionally, he is required to work on the duties specified above on the remaining day of the week.

Ordinary working hours

44. 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.

PART VII

WORKERS TO WHOM THIS SCHEDULE APPLIES

45. Subject to the provisions of the following paragraphs, this Schedule applies to workers employed on road haulage work in or from any undertaking or any branch or department of an undertaking being an undertaking, branch or department to any extent engaged in the carriage or haulage of goods of any description by goods vehicles on roads for hire or reward.

46. For the purposes of paragraph 45 goods shall not be deemed to be carried or hauled for hire or reward if:

(1) they are goods sold, used or let on hire or hire-purchase in the course of a trade or business carried on by the undertaking operating the vehicle, and are being delivered or collected in the course of that trade or business; or

(2) they are goods which have been, or are to be, subjected to a process or treatment in the course of a trade or business carried on by the undertaking operating the vehicle, and are being delivered or collected by that undertaking; or

(3) they are goods being delivered or collected by a company in the course of or for the purposes of the trade or business of another company where the company performing the delivery or collection is one engaged in the carriage or haulage of goods by goods vehicles on roads for hire or reward wholly for any company, not being so engaged, associated with it; and for the purposes of this sub-paragraph "company" includes any body corporate and two companies shall be taken to be associated companies if one is a subsidiary of the other (within the meaning of section 154 of the Companies Act 1948(a)) or both are subsidiaries of a third company.

(a) 1948 c. 38.

47. A worker is employed on road haulage work—

(1) if he is employed on all or any of the work described in (*a*) to (*e*) below, that is to say:—

(*a*) driving or assisting in the driving or control of the vehicle;

(*b*) collecting or loading goods to be carried in or on the vehicle;

(*c*) attending to goods while so carried;

(*d*) unloading or delivering goods after being so carried;

(*e*) acting as attendant to the vehicle;

and who is required to travel on or to accompany the vehicle for the purpose of doing any such work; or

(2) if his time is occupied as specified in (*a*) to (*d*) below, that is to say:—

(*a*) in doing any work incidental to his employment in work mentioned in sub-paragraph (1) hereof;

(*b*) in travelling on or accompanying a goods vehicle in connection with his employment in the work so mentioned;

(*c*) in holding himself under the orders or at the disposal of his employer while waiting in connection with his employment in the work so mentioned;

(*d*) in waiting (whether overnight or otherwise) in accordance with the instructions of his employer as a necessary consequence of his employment in any of the work so mentioned.

Provided that a person who is employed in loading goods, to be carried in or on a goods vehicle, or in unloading goods after being so carried, and who is required to travel on or to accompany the vehicle partly for that purpose, shall not be regarded as being employed on road haulage work by reason only of that employment, if the main purpose for which he is required to travel on or to accompany the vehicle is that of executing work other than road haulage work after its arrival at his destination.

48. For the purposes of this Schedule—

"goods" includes goods or burden of any description;

"goods vehicle" means a motor vehicle constructed or adapted for use for the carriage or haulage of goods, or a trailer so constructed or adapted;

"road haulage work" includes road haulage work performed by a worker employed by a person carrying on the business of a goods transport clearing house, that is to say, the business of arranging for the mechanical transport of goods by road.

49. This Schedule does not apply to workers:—

(1) for whom or in respect of whose work a minimum rate of wages is, for the time being, fixed by or under any other enactment; or

(2) for whom minimum remuneration has been fixed pursuant to proposals of any other Wages Council established under the Wages Councils Act 1959;

(3) employed by, or by a subsidiary of, a Board established by Section 1 of the Transport Act 1962**(a)** or of the Transport Holding Company, or by, or by a subsidiary of, a New Authority constituted in accordance with Schedule 1 of the Transport Act 1968**(b)**;

(4) employed by the Post Office;

(5) employed for the purposes of funerals.

(a) 1962 c. 46. **(b)** 1968 c. 73.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which has effect from 24th May 1972, 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 (Road Haulage) Order 1970 (Order R.H. (94)), which Order is revoked.

New provisions are printed in italics.

SI 1972/581
ISBN 0-11-020581-2

