1963 No. 817

WAGES COUNCILS

The Wages Regulation (Sack and Bag) Order 1963

Made - - - -	18*th April* 1963
Coming into Operation	6*th May* 1963

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Sack and Bag Wages Council (Great Britain) the wages regulation proposals set out in Schedules 1 and 2 hereof;

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 (Sack and Bag) Order 1963.

2.—(1) In this Order the expression "the specified date" means the 6th May 1963, 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 Orders hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in Schedules 1 and 2 hereof shall have effect as from the specified date and as from that date the Wages Regulation (Sack and Bag) Order 1960(c), and the Wages Regulation (Sack and Bag) (Amendment) Order 1961(d), shall cease to have effect.

Dated 18th April 1963.

John Hare,
Minister of Labour.

(a) 7 & 8 Eliz. 2. c. 69. (b) 52 & 53 Vict. c. 63. (c) S.I. 1960/1649 (1960 III, p. 3853).
(d) S.I. 1961/2080 (1961 III, p. 3790).

SCHEDULE 1

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Sack and Bag) Order 1960(a) (Order S.B. (51)) as amended by the Wages Regulation (Sack and Bag) (Amendment) Order 1961(b) (Order S.B. (53)).

STATUTORY MINIMUM REMUNERATION

PART I

GENERAL

1. The minimum remuneration payable to a worker to whom this Schedule applies for all work except work to which a minimum overtime rate applies under Part IV of this Schedule is:—

(1) in the case of a time worker, the general minimum time rate payable to the worker under Part II or Part III of this Schedule;

(2) in the case of a male worker employed on piece work, piece rates each of which would yield, in the circumstances of the case, to an ordinary worker at least the same amount of money as the general minimum time rate which would be payable under Part II of this Schedule if he were a time worker;

(3) in the case of a female worker employed on piece work, piece rates each of which would yield, in the circumstances of the case, to an ordinary worker at least the same amount of money as the piece work basis time rate applicable to the worker under Part III of this Schedule.

PART II

MALE WORKERS

GENERAL MINIMUM TIME RATES

2. The general minimum time rates payable to male workers are as follows:—

	Per hour s. d.
(1) Workers aged 21 years or over and employed during the whole or part of their time:—	
(*a*) as superintendents of packing presses (hand or machine) or as press foremen (hand or machine), or	
(*b*) in setting up or minding, or in setting up and minding, branding or printing machines or both such machines	*3 10½*
Provided that the general minimum time rate payable during his first six months' employment in the trade to a worker who enters, or who has entered, the trade for the first time at or over the age of 21 years shall be	*3 9½*
(2) All other workers aged	
21 years or over	*3 7½*
20 and under 21 years	*3 3½*
19 „ „ 20 „	*3 0½*
18 „ „ 19 „	*2 7½*
17 „ „ 18 „	*2 2½*
16 „ „ 17 „	*1 11*
under 16 years	*1 9*
Provided that the general minimum time rate payable during his first two months' employment in the trade to a worker who enters, or who has entered, the trade for the first time at or over the age of 18 years shall be ½d. per hour less than the minimum rate otherwise payable under this sub-paragraph.	

(a) S.I. 1960/1649 (1960 III, p. 3853). (b) S.I. 1961/2080 (1961 III, p. 3790).

PART III

FEMALE WORKERS

GENERAL MINIMUM TIME RATES

3. The general minimum time rates payable to female workers are as follows:—

	Per hour s. d.
(1) Workers aged 18 years or over and employed as examiners of mended work, allocators, forewomen, hand sewers of heavy twill sacks and bags of 10 porter and upwards, selectors or graders of mixed loads or setters-up on branding machines	2 9½
Provided that the general minimum time rate payable during her first six months' employment in the trade to a worker who enters, or who has entered, the trade for the first time at or over the age of 18 years shall be	2 8½
(2) All other workers aged—	
18 years or over	2 7½
17 and under 18 years	2 2
16 „ „ 17 „	1 11
under 16 years	1 9

Provided that the general minimum time rate payable during her first two months' employment in the trade to a worker who enters, or who has entered, the trade for the first time at or over the age of 16 years shall be ½d. per hour less than the minimum rate otherwise payable under this sub-pargaraph.

PIECE WORK BASIS TIME RATES

4. The piece work basis time rates applicable to female workers of any age employed on piece work are as follows:—

	Per hour s. d.
(1) Workers employed as examiners of mended work, allocators, forewomen, hand sewers of heavy twill sacks and bags of 10 porter and upwards, selectors or graders of mixed loads or setters-up on branding machines	2 10¾
(2) All other workers	2 9¼

PART IV

OVERTIME AND WAITING TIME

MINIMUM OVERTIME RATES

5. Minimum overtime rates are payable to any worker, not being a male worker employed on piece work, as follows:—

(1) on any day other than a Saturday, Sunday or customary holiday—

(*a*) for the first 2 hours worked in excess of 8½ hours ... ... Time-and-a-quarter

(*b*) thereafter ... ... Time-and-a-half

Provided that, where the employer normally requires the worker's attendance on five days only in the week, the foregoing minimum overtime rates of time-and-a-quarter and time-and-a-half shall be payable after 9 and 11 hours' work respectively.

(2) on a Saturday, not being a customary holiday—

(*a*) where the worker is normally required to attend on six days in the week—

for the first 2 hours worked in excess of 4 hours	Time-and-a-quarter
thereafter	Time-and-a-half

(*b*) where the worker is normally required to attend on five days only in the week—

for the first 2 hours worked	Time-and-a-quarter
thereafter	Time-and-a-half

(3) on a Sunday or a customary holiday—

for all time worked	Double time

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

for all time worked in excess of 43½ hours ...	Time-and-a-quarter.

6. In this Part of this Schedule—

(1) the expressions "time-and-a-quarter", "time-and-a-half" and "double time" mean respectively—

(*a*) in the case of a time worker, one and a quarter times, one and a half times and twice the general minimum time rate otherwise payable to the worker;

(*b*) in the case of a female worker employed on piece work—

(i) a time rate equal respectively to one-quarter, one-half and the whole of the piece work basis time rate otherwise applicable to the worker under Part III of this Schedule and, in addition thereto—

(ii) the piece rates otherwise applicable to the worker under paragraph 1 (3).

(2) The expression "customary holiday" means

(*a*) (i) in England and Wales—

Christmas Day (or, if Christmas Day falls on a Sunday, such weekday as may be appointed by national proclamation, or, if none is so appointed, the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday and August Bank Holiday;

(ii) in Scotland—

New Year's Day and the following day;

Provided that if New Year's Day falls on a Sunday the holidays shall be the following Monday and Tuesday, and if New Year's Day falls on a Saturday the holidays shall be New Year's Day and the following Monday;

the local Spring holiday;

the local Autumn holiday; and

two other days (being days on which the worker would normally work) in the course of a calendar year to be fixed by the employer and notified to the worker not less than three weeks before the holiday;

or (*b*) in the case of each of the said days (other than a day fixed by the employer in Scotland and notified to the worker as aforesaid) such weekday as may be substituted therefor by the employer being either—

(i) a day which is by local custom recognised as a day of holiday, or

(ii) a day (being a day on which the worker would normally work) which falls within three weeks of the day for which it is substituted and is mutually agreed between the employer and the worker.

WAITING TIME

7.—(1) A worker is entitled to payment of the minimum remuneration specified in this Schedule for all time during which he is present on the premises of his employer unless he is present thereon in any of the following circumstances:—

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

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

(*c*) by reason only of the fact that he is resident thereon;

(*d*) during normal meal times in a room or place in which no work is being done and he is not waiting for work to be given to him to perform.

(2) The minimum remuneration payable under sub-paragraph (1) of this paragraph to a piece worker when not engaged on piece work is that which would be payable if he were a time worker.

PART V

APPLICATION

8. This Schedule applies to workers in relation to whom the Sack and Bag Wages Council (Great Britain) operates, namely, workers employed in Great Britain in the trade specified in the Schedule to the Trade Boards (Sack and Bag Trade, Great Britain) (Constitution and Proceedings) Regulations 1933(a), that is to say:—

The making from woven fabrics of corn sacks, flour sacks, coal sacks, sugar sacks, cement bags, sand bags, nail bags, potato bags, seed bags and similar sacks or bags, or the repairing thereof:

including:—

(*a*) the following and similar operations (whether performed by hand or machine) known in the trade as:—

(i) Folding (or hooking), cutting, machining, turning;

(ii) Brushing, selecting, mending;

(iii) Branding, tarring, bundling;

(*b*) the warehousing of, the packing of, and similar operations in regard to sacks or bags of the kind mentioned above when carried on in association with or in conjunction with the making or repairing thereof;

(*c*) the warehousing of, the packing of, and similar operations in regard to any other articles when carried on in or in association with or in conjunction with any business, establishment, branch or department mainly engaged in any of the operations mentioned in paragraph (*b*) above;

but excluding:—

(i) any of the operations mentioned above when carried on in association with or in conjunction with the weaving of jute, flax or hemp, or the dyeing, bleaching or finishing of jute, flax or hemp yarn or cloth;

(ii) any of the operations mentioned above when carried on in or in association with or in conjunction with any business, establishment, branch or department mainly engaged in a business in which the sacks or bags are used as containers for other articles the production or sale of which forms part of the business;

(a) S.R. & O. 1933/1157 (1933, p. 2052).

(iii) the making of rope-bound coal or coke sacks when carried on in association with or in conjunction with any business, establishment, branch or department engaged in the making of made-up textile articles other than sacks or bags, whether rope-bound or not, of the kind mentioned;

(iv) any of the operations mentioned in paragraph (*b*) above when carried on in or in association with or in conjunction with any business, establishment, branch or department mainly engaged in the warehousing of, the packing of, and similar operations in regard to made-up textile articles other than sacks or bags, whether rope-bound or not, of the kind mentioned;

(v) operations included in the Trade Boards (Waste Materials Reclamation) Order 1920(a).

SCHEDULE 2

HOLIDAYS AND HOLIDAY REMUNERATION

The Sack and Bag Wages Council (Great Britain) Wages Regulation (Holidays) Order 1952(b) (Order S.B. (37)) shall have effect as if in the Schedule thereto for paragraph 9 there were substituted the following paragraph:—

"ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

9. Where a worker 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, pay to the worker as accrued holiday remuneration:—

(1) in respect of employment in the 12 months up to the 31st day of the preceding March, 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 leaving the employment) if they were allowed at the time of leaving the employment; and

(2) in respect of any employment since the 31st day of the preceding March, 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 no worker shall be entitled to the payment by his employer of accrued holiday remuneration if he is dismissed on the grounds of industrial misconduct and is so informed by the employer at the time of dismissal."

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order has effect from 6th May 1963. Schedule 1 sets out the statutory minimum remuneration payable in substitution for that fixed by the Wages Regulation (Sack and Bag) Order 1960 (Order S.B. (51)), as amended by the Wages Regulation (Sack and Bag) (Amendment) Order 1961 (Order S.B. (53)), which Orders are revoked.

Schedule 2 amends the Sack and Bag Wages Council (Great Britain) Wages Regulation (Holidays) Order 1952 (S.B. (37)) by varying the provisions relating to accrued holiday remuneration.

New provisions are printed in italics.

(a) S.R. & O. 1920/305 (1920 II, p. 794). (b) S.I. 1952/2004 (1952 III, p. 3907).