STATUTORY INSTRUMENTS

1974 No. 880

WAGES COUNCILS

The Wages Regulation (Sack and Bag) Order 1974

Made - - - -	21*st May* 1794
Coming into Operation	28*th June* 1974

Whereas the Secretary of State has received from the Sack and Bag Wages Council (Great Britain) the wages regulation proposals set out in Schedules 1 and 2 hereto;

Now, therefore, the Secretary of State in exercise of powers conferred by section 11 of the Wages Councils Act 1959**(a)**, as modified by Article 2 of the Counter-Inflation (Modification of Wages Councils Act 1959) Order 1973**(b)**, and now vested in him **(c)**, 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 1974.

2.—(1) In this Order the expression "the specified date" means the 28th June 1974, 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**(d)** 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 Schedules 1 and 2 hereto shall have effect as from the specified date and as from that date the Wages Regulation (Sack and Bag) (No. 2) Order 1973**(e)** shall cease to have effect.

Signed by Order of the Secretary of State.

21st May 1974.

W. H. Marsh,

Assistant Secretary,
Department of Employment.

(a) 1959 c. 69.
(b) S.I. 1973/661 (1973 I, p. 2141).
(c) S.I. 1959/1769, 1968/729 (1959 I, p. 1795; 1968 II, p. 2108).
(d) 1889 c. 63.
(e) S.I. 1973/1867 (1973 III, p. 6505).

SCHEDULE 1 Article 3

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Sack and Bag) (No. 2) Order 1973 (Order S.B. (78)).

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 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 or Part III of this Schedule if he were a time worker.

ADDITIONAL REMUNERATION PAYABLE IN CERTAIN CIRCUMSTANCES

2.—(1) *Up to and including 15th November 1974, in addition to the minimum remuneration specified in paragraph 1 of this Schedule, additional remuneration hereinafter referred to as a "cost of living payment" shall be payable to all workers to whom that paragraph applies in accordance with the following table:—*

		Retail Price Indices				
Cost of living payment to be paid from the first complete pay week following the publication by the Department of Employment of the Index of Retail Prices for all items containing a figure which is	*not less than ...*	*198·4*	*200·2*	*202·1*	*203·9*	*205·8*
	and not more than	*200·1*	*202·0*	*203·8*	*205·7*	*207·5*
		£	£	£	£	£
Cost of living payment payable to full-time workers in respect of each complete pay week ...		*0·40*	*0·80*	*1·20*	*1·60*	*2·00*
Cost of living payment payable to part-time workers, in respect of each complete pay week, is the amount in the appropriate column multiplied by the number of hours worked (excluding overtime)		*0·01*	*0·02*	*0·03*	*0·04*	*0·05*

(2) For each additional 1·85 points increase in the Retail Price Index above 205·7 the cost of living payment payable in respect of each complete pay week under sub-paragraph (1) above shall be increased by 40p per week in respect of full-time workers and by 1p multiplied by the number of hours worked (excluding overtime) in that week in respect of part-time workers.

(3) The cost of living payment shall not be treated as part of the general minimum time rate for the purposes of calculating payment for overtime under paragraph 5 of this Schedule.

(4) On and after 16th November 1974, the cost of living payment to be payable under this paragraph shall be that which was payable in respect of the last complete pay week before that date.

(5) In this paragraph—

"full-time worker" means a worker who normally works for the employer for 40 hours or more a week;

"part-time worker" means a worker who normally works for the employer for less than 40 hours a week.

PART II

MALE WORKERS

GENERAL MINIMUM TIME RATES

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

		Per hour p
(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	*45·5*
	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	*45·2*
(2)	All other workers aged—	
	21 years or over	*44·4*
	20 and under 21 years	*41·0*
	19 „ „ 20 „	*40·5*
	18 „ „ 19 „	*40·0*
	17 „ „ 18 „	*32·8*
	under 17 years	*28·9*

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 0·2p per hour less than the minimum rate otherwise payable under this sub-paragraph.

PART III

FEMALE WORKERS

GENERAL MINIMUM TIME RATES

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

	A. Up to and including 30th November 1974—	Per hour p
(1)	Workers aged 18 years or over and employed as examiners of mended work, allocators, forewomen, selectors or graders of mixed loads or setters-up on branding machines	*42·3*
	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	*41·8*
(2)	All other workers aged—	
	21 years or over	*41·5*
	20 and under 21 years	*41·0*
	19 „ „ 20 „	*40·5*
	18 „ „ 19 „	*40·0*
	17 „ „ 18 „	*32·8*
	under 17 years	*28·9*

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 *18* years shall be 0·2p per hour less than the minimum rate otherwise payable under this sub-paragraph.

B. On or after 1st December 1974—

	Per hour p
(1) Workers aged 18 years or over and employed as examiners of mended work, allocators, forewomen, selectors or graders of mixed loads or setters-up on branding machines	*43·9*
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	*43·5*
(2) All other workers aged—	
21 years or over	*43·0*
20 and under 21 years	41·0
19 „ „ 20 „	40·5
18 „ „ 19 „	40·0
17 „ „ 18 „	32·8
under 17 years	28·9

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 18 years shall be 0·2p per hour less than the minimum rate otherwise payable under this sub-paragraph.

PART IV

OVERTIME AND WAITING TIME

MINIMUM OVERTIME RATES

5. Minimum overtime rates are payable to *all workers* as follows:—

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

(*a*) for the first two 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 40 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 worker employed on piece work—

(i) a time rate equal respectively to one-quarter, one-half and the whole of

the time rate otherwise applicable to the worker under *Parts II and III* of this Schedule and, in addition thereto—

(ii) the piece rates otherwise applicable to the worker under paragraph 1(2).

(2) the expression "customary holiday" means

(*a*) (i) in England and Wales—

Christmas Day;
26th December if it be not a Sunday;
27th December in a year when 25th or 26th December is a Sunday;
New Year's Day if it be not a Sunday, or if it be a Sunday, 2nd January;
Good Friday;
Easter Monday;
the last Monday in May;
the last Monday in August;
or where a day is substituted for any of the above days by national proclamation, that day;

(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
three 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;

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;

(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(b).

SCHEDULE 2 Article 3

HOLIDAYS AND HOLIDAY REMUNERATION

The Wages Regulation (Sack and Bag) (Holidays) Order 1973(c) (Order S.B. (76)) shall have effect as if in the Schedule thereto for sub-paragraph (2)(*a*) of paragraph 2 (which relates to Customary Holidays) there were substituted the following:—

"(2) The said customary holidays are:—

(*a*) (i) in England and Wales—
Christmas Day;
26th December if it be not a Sunday;
27th December in a year when 25th or 26th December is a Sunday;

(a) S.R. & O. 1933/1157 (1933, p. 2052).
(b) S.R. & O. 1920/305 (1920 II, p. 794).
(c) S.I. 1973/1017 (1973 II, p. 3082).

New Year's Day if it be not a Sunday, or if it be a Sunday, 2nd January;
Good Friday;
Easter Monday;
the last Monday in May;
the last Monday in August;
or where a day is substituted for any of the above days by national proclamation, that day;

(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
three 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"

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order, which has effect from 28th June 1974, sets out the increased statutory minimum remuneration payable to workers in relation to whom the Sack and Bag Wages Council (Great Britain) operates, in substitution for that fixed by the Wages Regulation (Sack and Bag) (No. 2) Order 1973 (Order S.B. (78)) which Order is revoked. Schedule 2 amends the Wages Regulation (Sack and Bag) (Holidays) Order 1973 (Order S.B. (76)) by providing for an additional day of customary holiday.

New provisions are printed in italics.

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