1958 No. 1565

The Wages Regulation (Sugar Confectionery and Food Preserving) Order, 1958

Made - - - - 18*th September*, 1958
Coming into Operation 3*rd October*, 1958

Whereas the Minister of Labour and National Service (hereafter in this Order referred to as "the Minister") has received from the Sugar Confectionery and Food Preserving Wages Council (Great Britain) the wages regulation proposals set out in the Schedule hereto;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 10 of the Wages Councils Act, 1945(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 (Sugar Confectionery and Food Preserving) Order, 1958.

2.—(1) In this Order the expression "the specified date" means the 3rd day of October, 1958, 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), applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Sugar Confectionery and Food Preserving Wages Council (Great Britain) Wages Regulation Order, 1954(c) and the Wages Regulation (Sugar Confectionery and Food Preserving) (Amendment) Order, 1957(d), shall cease to have effect.

Signed by order of the Minister of Labour and National Service this 18th day of September, 1958.

Guildhaume Myrddin-Evans,
Deputy-Secretary,
Ministry of Labour and National Service.

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Sugar Confectionery and Food Preserving Wages Council (Great Britain) Wages Regulation Order, 1954 (Order F. (61)) as amended by the Wages Regulation (Sugar Confectionery and Food Preserving) (Amendment) Order, 1957 (Order F. (67)).

(a) 8 & 9 Geo. 6. c. 17.
(b) 52 & 53 Vict. c. 63.
(c) S.I. 1954/1527 (1954 II, p. 2739).
(d) S.I. 1957/1387 (1957 II, p. 3012).

STATUTORY MINIMUM REMUNERATION

PART I

GENERAL

1.—(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 III of this Schedule is:—

(*a*) in the case of a time worker, the hourly general minimum time rate applicable to the worker under Part II of this Schedule.

(*b*) in the case of a worker employed on piece work (including a juvenile worker), piece rates each of which would yield, in the circumstances of the case, to an ordinary worker of average industry and ability at least the same amount of money as the hourly piece work basis time rate applicable to the worker under Part II of this Schedule.

(2) In this Schedule the expression "hourly general minimum time rate" means the general minimum time rate applicable to the worker under Part II of this Schedule divided by 45 where the worker is aged 16 years or over and by 44 where the worker is aged under 16 years, and the expression "hourly piece work basis time rate" means the piece work basis time rate applicable to the worker under Part II of this Schedule divided by 45.

PART II

GENERAL MINIMUM TIME RATES AND PIECE WORK BASIS TIME RATES

2. The general minimum time rate applicable to a worker of a class specified in Col. 1 of the following Table is the amount set out in such one of Cols. 2 to 8 as is appropriate to the age of the worker, and the piece work basis time rate applicable to such a worker when employed on piece work is the amount set out in Col. 9.

Col. 1 Class of Worker	General Minimum Time Rates							Col. 9 Piece Work Basis Time Rates Per week of 45 hours
	Per week of 44 hours	Per week of 45 hours						
	Col. 2 Under 16 years	Col. 3 16 and under 17 years	Col. 4 17 and under 18 years	Col. 5 18 and under 19 years	Col. 6 19 and under 20 years	Col. 7 20 and under 21 years	Col. 8 21 years or over	
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
(1) All Male Workers and (2) All Female Workers employed in one or more of the following operations:— Cocoa making; Boiling sugar for boiled sweets, other than the boiling of sugar in vacuum pans; Brogueing of hermetically sealed receptacles containing meat, poultry, fish or soup during the process of cooking; Hand soldering of hermetically sealed receptacles containing meat, poultry, fish or soup; Tongue pumping; Butchers' or pork butchers' work in preparing meat for sausages or "smalls"; Brining vegetables for pickling; Making extract of meat.	*54 6*	*65 0*	*79 6*	*98 0*	*111 6*	*127 6*	*152 6*	*190 6*
(3) All other Female Workers	*54 6*	*65 0*	*79 6*	*102 6*	*108 6*	*108 6*	*108 6*	*135 6*

PART III

OVERTIME AND WAITING TIME

MINIMUM OVERTIME RATES FOR ALL WORKERS

3.—(1) Subject to the provisions of this paragraph, minimum overtime rates are payable to any worker as follows:—

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

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

(ii) thereafter ... ... Time-and-a-half

Provided that where the employer normally requires attendance on five days only in the week, the said minimum overtime rates of time-and-a-quarter and time-and-a-half shall be payable after 9½ and 11½ hours' work respectively.

(*b*) on a Saturday, not being a customary holiday—

(i) for the first 2 hours worked in excess of 5 hours ... ... Time-and-a-quarter

(ii) thereafter ... ... Time-and-a-half

Provided that where the employer normally requires attendance on five days only in the week the minimum overtime rate of time-and-a-half shall be payable for all time worked.

(*c*) on a Sunday or a customary holiday—

for all time worked ... ... Double time

(*d*) in any week, exclusive of any time in respect of which a minimum overtime rate is payable under the foregoing provisions of this sub-paragraph—

for all time worked in excess of 45 hours ... Time-and-a-quarter

(2) Notwithstanding the provisions of sub-paragraph (1) (*d*) of this paragraph, where the employer normally requires attendance—

(*a*) on Saturdays in alternate weeks only, the said weekly minimum overtime rate of time-and-a-quarter shall be payable—

(i) in any week after 48 hours' work, and

(ii) in the second week of any two consecutive weeks (the first of which shall be that in which Saturday is not normally worked), exclusive of any time in respect of which the said overtime rate is payable under (*a*) (i) of this sub-paragraph, after 90 hours' work in the said two weeks;

or (*b*) on not more than two Saturdays in a cycle of three consecutive weeks, the said weekly minimum overtime rate of time-and-a-quarter shall be payable—

(i) in any week after 48 hours' work; and

(ii) in the third week of any such cycle, exclusive of any time in respect of which the said overtime rate is payable under (*b*) (i) of this sub-paragraph, after 132 hours' work in the said three weeks:

Provided that in calculating the said weekly overtime rate there shall be excluded any time in respect of which a minimum overtime rate is payable under sub-paragraph (1) (*a*), (*b*) or (*c*) of this paragraph.

(3) The minimum overtime rates specified in sub-paragraph (1) (*a*), (*b*) and (*c*) of this paragraph are payable in any week whether or not a weekly minimum overtime rate is also payable under sub-paragraph (1) (*d*) or under sub-paragraph (2).

4. 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 hourly general minimum time rate otherwise payable to the worker;

(*b*) in the case of a male or female worker employed on piece work and aged 21 years or over—

(i) a time rate equal respectively to one quarter, one half and the whole of the hourly piece work basis time rate otherwise applicable to the worker, and in addition thereto,

(ii) the piece rates otherwise payable to the worker under paragraph 1 (1) (*b*) of this Schedule;

(*c*) in the case of a male or female worker employed on piece work and aged less than 21 years—

(i) a time rate equal respectively to one quarter, one half and the whole of the hourly general minimum time rate which would be payable to the worker if he were a time worker and a minimum overtime rate did not apply, and in addition thereto,

(ii) the piece rates otherwise payable to the worker under paragraph 1 (1) (*b*) of this Schedule.

(2) the expression "customary holiday" means—

(*a*) (i) In England and Wales—

Christmas Day (or, if Christmas Day falls on a Sunday, such week-day 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 (or, if New Year's Day falls on a Sunday, the following Monday);

the local Spring holiday;

the local Autumn holiday; and

three other days 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, such week-day as may be substituted therefor by agreement between the employer and the worker.

WAITING TIME

5.—(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 the 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 IV

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

6. This Schedule does not apply to workers employed as clerks, salesmen, saleswomen, travellers, engineers, carpenters, vanmen, watchmen, outside messengers, cleaners of premises, or time-keepers or to any other workers whose work stands in a similar relationship to the Sugar Confectionery and Food Preserving Trade.

7. Subject to the provisions of paragraph 6 of this Schedule, this Schedule applies to all workers in relation to whom the Sugar Confectionery and Food Preserving Wages Council (Great Britain) operates, namely, workers employed in Great Britain in the branches of trade specified in the Trade Boards (Sugar Confectionery and Food Preserving Trade, Great Britain) (Constitution and Proceedings) Regulations, 1939(a), that is to say :—

The making of sugar confectionery, cocoa, chocolate, jam, marmalade, preserved fruits, fruit and table jellies, meat extracts, meat essences, sauces and pickles; the preparation of meat, poultry, game, fish, vegetables and fruit for sale in a preserved state in tins, pots, bottles, and similar receptacles; the processes of wrapping, filling, packing, and labelling in respect of articles so made or prepared, excluding the covering and filling of biscuits, wafers and cakes with chocolate or sugar confectionery and excluding also all processes or operations included in the Appendix to the Trade Boards (Grocery and Provisions) Order, 1920(b).

EXPLANATORY NOTE

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

This Order, which has effect from 3rd October, 1958, sets out the statutory minimum remuneration payable in substitution for that fixed by the Sugar Confectionery and Food Preserving Wages Council (Great Britain) Wages Regulation Order, 1954 (Order F. (61)) as amended by the Wages Regulation (Sugar Confectionery and Food Preserving) (Amendment) Order, 1957 (Order F. (67)), which Orders are revoked.

New provisions are printed in italics.

(a) S.R. & O. 1939/1424 (1939 II, p. 3194). (b) S.R. & O. 1920/958 (1920 II, p. 774).