STATUTORY INSTRUMENTS

1971 No. 1393

WAGES COUNCILS

The Wages Regulation (Toy Manufacturing) Order 1971

Made - - - -	19*th August* 1971
Coming into Operation	13*th September* 1971

Whereas the Secretary of State has received from the Toy Manufacturing Wages Council (Great Britain) 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 (Toy Manufacturing) Order 1971.

2.—(1) In this Order the expression "the specified date" means the 13th September 1971, 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 (Toy Manufacturing) Order 1970(c) shall cease to have effect.

Signed by order of the Secretary of State.
19th August 1971.

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

(a) 1959 c. 69.
(b) 1889 c. 63.
(c) S.I. 1970/498 (1970 I, p. 1692).

SCHEDULE

Article 3

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Toy Manufacturing) Order 1970 (Order Y. (83)).

STATUTORY MINIMUM REMUNERATION

PART I

GENERAL

1. The minimum remuneration payable to a worker to whom this Schedule applies is:—

(1) for all work except work to which a minimum overtime rate applies under Part III of this Schedule—

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

(*b*) 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 piece work basis time rate applicable to the worker under Part II of this Schedule;

(2) for all work to which a minimum overtime rate applies under Part III of this Schedule, that rate;

(3) any additional remuneration payable to the worker under Part IV of this Schedule.

PART II

GENERAL MINIMUM TIME RATES

MALE OR FEMALE WOOD-CUTTING MACHINISTS OR WOOD BODY MAKERS

2. The following general minimum time rates are payable to male or female workers aged 21 years or over:—

	Per hour	
	Up to and including 31st October 1971	*On and after 1st November 1971*
(1) WOOD-CUTTING MACHINISTS as follows:—	*p*	*p*
(*a*) Workers employed on wood-cutting machines who are required to set up, take down and sharpen cutters and to keep in order their machines	*34·0*	*34·5*
(*b*) Workers who have had not less than 12 months' experience in any trade on any wood-working machine and who are employed on any such machine (except boring, sanding or dowelling machines) but do not sharpen their own tools	*33·3*	*33·8*
(*c*) Other workers employed, wholly or mainly, on wood-cutting machines	*32·4*	*32·9*
(2) WOOD BODY MAKERS, that is to say, workers employed in wood-working operations which necessitate the use of hand wood-cutting tools, such operations being performed in connection with the construction of bodies of toy perambulators which are not capable of carrying a child or of toy motor cars which are capable of carrying, and of being pedal driven by, a child ...	*33·3*	*33·8*

MALE WORKERS

3. The following general minimum time rates are payable to male workers to whom paragraph 2 does not apply:—

	Per hour	
	Up to and including 31st October 1971	*On and after 1st November 1971*
	p	*p*
(1) BODY PAINTERS, aged 21 years or over, that is to say, workers employed on body colour painting by hand with brush (excluding priming and spraying) of bodies of toy perambulators which are not capable of carrying a child or of toy motor cars which are capable of carrying, and of being pedal driven by, a child	*32·1*	*32·6*
(2) OTHER WORKERS		
(*a*) Workers aged 21 years or over	*31·5*	*32·0*
(*b*) Workers aged under 21 years whose employment is not of a casual, seasonal or temporary nature and who are employed under conditions which, in the circumstances of the case, afford a reasonable prospect of advancement to a minimum rate of *31·5p* per hour, *up to and including 31st October 1971, and 32·0p per hour on and after 1st November 1971*, being aged		
20 and under 21 years	*27·1*	*27·5*
19 „ „ 20 „	*24·1*	*24·5*
18 „ „ 19 „	*22·0*	*22·4*
17 „ „ 18 „	*19·6*	*20·0*
16 „ „ 17 „	*16·7*	*17·0*
under 16 years	*13·5*	*13·8*
(*c*) All other workers aged under 21 years ...	*31·0*	*31·5*

FEMALE WORKERS

4. The following general minimum time rates are payable to female workers to whom paragraph 2 does not apply:—

	Per hour	
	Up to and including 31st October 1971	*On and after 1st November 1971*
	p	*p*
(1) Workers aged 20 years or over	*26·5*	*27·0*
(2) Workers aged under 20 years whose employment is not of a casual, seasonal or temporary nature and who are employed under conditions which, in the circumstances of the case, afford a reasonable proposect of advancement to a minimum rate of *26·5p* per hour, *up to and including 31st October 1971, and 27·0p per hour on and after 1st November 1971*, being aged		
19 and under 20 years	*23·4*	*23·8*
18 „ „ 19 „	*22·0*	*22·4*
17 „ „ 18 „	*19·6*	*20·0*
16 „ „ 17 „	*16·7*	*17·0*
under 16 years	*13·5*	*13·8*
(3) All other workers aged under 20 years ...	*25·9*	*26·4*

MALE OR FEMALE WORKERS

LATE ENTRANTS

5. Notwithstanding the foregoing provisions of this Part of this Schedule, the general minimum time rate payable to a male or female worker whose employment is not of a casual, seasonal or temporary nature and who enters the trade for the first time at or over the age of 16 years and cannot suitably be employed on piece work shall, until the expiry of two months' employment in the trade, be a rate equal to three quarters of the general minimum time rate appropriate to the worker's age under paragraph 3 or 4.

PIECE WORK BASIS TIME RATE

6. The piece work basis time rate applicable to any worker, male or female, employed on piece work shall be a rate equal to the general minimum time rate which would be payable to the worker, if he were a time worker, increased by 10 per cent.

PART III

OVERTIME AND WAITING TIME

MINIMUM OVERTIME RATES

7.—(1) Minimum overtime rates are payable to a worker to whom this Schedule applies as follows:—

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

(i) for the first 2 hours worked in excess of 7½ hours ... time-and-a-quarter

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

Provided that where the employer normally requires the worker's attendance on 5 days only in the week, the foregoing minimum overtime rates of time-and-a-quarter and time-and-a-half shall be payable after 8 and 10 hours' work respectively.

(*b*) On a Saturday not being a customary holiday—

for all time worked in excess of 2½ hours ... ... time-and-a-half

Provided that the said overtime rate of time-and-a-half shall be payable in respect of all time worked on Saturday by a worker who is normally required by the employer to attend on 5 days only in the week if that worker has worked for the employer for at least 40 hours during the 5 days immediately preceding the Saturday, and for the purposes of this provision the worker shall be treated as though he had worked for the employer for any normal working hours in the said 5 days during which he is absent from work with the permission of the employer or on account of his proved sickness or accident to him or the allowance of a holiday under a wages regulation order.

(*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 preceding provisions of this sub-paragraph—

for all time worked in excess of 40 hours... ... ... time-and-a-quarter

(2) Where the employer normally requires the worker's attendance on Sunday instead of Saturday, for the purposes of this Part of this Schedule (except where in the case of a woman or young person such attendance on Sunday is unlawful) Saturday shall be treated as a Sunday and Sunday as a Saturday.

8. In this Part of this Schedule—

(1) 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 (or where another day is substituted therefor by national proclamation, that day) 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 (being days on which the worker normally works for the employer) 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) a day substituted by the employer therefor, being a day recognised by local custom as a day of holiday in substitution for the said day.

(2) 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 applicable 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 general minimum time rate which would be applicable to the worker if he were a time worker and a minimum overtime rate did not apply, and, in addition thereto,

(ii) 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 otherwise applicable to the worker.

WAITING TIME

9.—(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; or

(*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

ADDITIONAL MINIMUM REMUNERATION

NIGHT WORK

10. A worker shall be paid for all time worked between 10.0 p.m. and 7.0 a.m. the minimum remuneration to which he is entitled under the foregoing provisions of this

Schedule with the addition of an amount equal to one quarter of the general minimum time rate applicable to the worker under Part II of this Schedule or which would be applicable to the worker if he were a time worker:

Provided that this paragraph shall not apply to a shift worker whose shift commences at 6.0 a.m. or between 6.0 a.m. and 7.0 a.m.

PART V

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

11. This Schedule does not apply to workers who are persons registered as handicapped by disablement in pursuance of the Disabled Persons (Employment) Acts 1944 and 1958(a), in respect of their employment by Remploy Limited, but save as aforesaid, applies to workers in relation to whom the Toy Manufacturing Wages Council (Great Britain) operates, that is to say, workers employed in Great Britain in the trade specified in the Schedule to the Trade Boards (Toy Manufacturing Trade, Great Britain) (Constitution and Proceedings) Regulations 1935(b), as varied by the exclusion therefrom of operations specified in the Appendix to the Trade Boards (Rubber Manufacturing) Order 1938(c). The Schedule to the said Regulations is as follows:—

1. Except as hereinafter provided the Toy Manufacturing Trade shall consist of all work in connection with the making of children's toys and carnival novelties when performed:—

   (*a*) in a toy making establishment or a perambulator making establishment, or

   (*b*) in any other establishment by a worker who during the whole time that he works in any week in such other establishment is wholly employed on such work, or

   (*c*) by a home worker.

2. For the purposes of this Schedule the following expressions shall have the meanings hereby respectively assigned to them, that is to say:—

   "Carnival novelties" includes carnival hats or caps, carnival noise makers, folly sticks and favours, fancy paper costumes, confetti, paper garlands, streamers and any other articles which are known in the trade as carnival novelties (whether intended for children or otherwise, and whether made from paper or other materials); or parts of such articles.

   "Children's toys" includes children's novelties such as Christmas stockings, miniature shops, snowballs, lucky dips, surprise packets, dabs, suckers and other similar novelties and any parts of such toys or novelties.

   "Home worker" means a worker who works in his or her own home or any other place not under the control or management of the employer.

   "Making" includes:—

   (*a*) the assembling of parts of articles, and

   (*b*) the filling of articles with sweets or toys.

   "Perambulator making establishment" means an establishment, branch or department in which the principal business carried on is the trade specified in the Trade Boards (Perambulator and Invalid Carriage) Order 1926(d), or any amendment or variation thereof.

   "Toy making establishment" means an establishment, branch or department in which work in connection with the making of children's toys and/or carnival novelties is the principal business carried on.

   "Work in connection with the making of children's toys and carnival novelties" including all operations of sweeping up in any part of an establishment, branch or department, mainly engaged upon work in connection

(a) 1944 c. 10 and 1958 c. 33.
(b) S.R. & O. 1935/399 (1935, p. 1684).
(c) S.R. & O. 1938/1159 (1938 II, p. 3229).
(d) S.R. & O. 1926/23 (1926, p. 1332).

with the making of such articles, and packing, warehousing, despatching, stock taking and any other such work in connection with children's toys or carnival novelties when carried on in association or in conjunction with the making of such articles.

3. Notwithstanding any of the foregoing provisions of this Schedule, but without prejudice to the construction of any expression contained in those provisions, there shall not be deemed to be included in the Toy Manufacturing Trade any of the following operations, that is to say:—

(*a*) the making of sports requisites;

(*b*) the making from ceramic materials of dolls or dolls' parts, dolls' china, marbles or similar articles, when carried on in association with or in conjunction with the manufacture of other pottery;

(*c*) operations included in the trades specified in the Orders hereinafter mentioned or any amendments or variations thereof, that is to say:—

The Trade Boards (Brush and Broom) Order 1919(a).

The Trade Boards (Hat, Cap and Millinery) Order 1919(b).

The Trade Boards (Hollow-ware Making) Order 1928(c).

The Trade Boards (Paper Box) Order 1925(d).

The Trade Boards (Sugar Confectionery and Food Preserving) Order 1913(e).

The Trade Boards (Tailoring) Order 1919(f).

The Trade Boards (Women's Clothing) Order 1919(g).

EXPLANATORY NOTE

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

This Order, which has effect from 13th September 1971, sets out the statutory minimum remuneration payable in substitution for that fixed by the Wages Regulation (Toy Manufacturing) Order 1970 (Order Y. (83)), which Order is revoked.

New provisions are printed in italics.

(a) S.R. & O. 1919/610 (1919 II, p. 505). (b) S.R. & O. 1919/1262 (1919 II, p. 515).
(c) S.R. & O. 1928/842 (1928, p. 1258). (d) S.R. & O. 1925/1126 (1925, p. 1613).
(e) Confirmed by 3 & 4 Geo. 5. c. clxii. (f) S.R. & O. 1919/1201 (1919 II, p. 528).
(g) S.R. & O. 1919/1263 (1919 II, p. 531).