1958 No. 565

The Wages Regulation (Wholesale Mantle and Costume) Order, 1958

Made - - - -	31*st March*, 1958
Coming into Operation	18*th April*, 1958

Whereas the Minister of Labour and National Service (hereafter in this Order referred to as " the Minister ") has received from the Wholesale Mantle and Costume 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 (Wholesale Mantle and Costume) Order, 1958.

2.—(1) In this Order the expression " the specified date " means the 18th day of April, 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 Wholesale Mantle and Costume Wages Council (Great Britain) Wages Regulation Order, 1953(c) and the Wages Regulation (Wholesale Mantle and Costume) (Amendment) Order, 1956(d), shall cease to have effect.

Signed by order of the Minister of Labour and National Service this 31st day of March, 1958.

Harold Emmerson,
Secretary,
Ministry of Labour and National Service.

(a) 8 & 9 Geo. 6. c. 17.
(b) 52 & 53 Vict. c. 63.
(c) S.I. 1953/298 (1953 II, p. 2743).
(d) S.I. 1956/1820 (1956 II, p. 2945).

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wholesale Mantle and Costume Wages Council (Great Britain) Wages Regulation Order, 1953 (Order W.M. (52)) as amended by the Wages Regulation (Wholesale Mantle and Costume) (Amendment) Order, 1956 (Order W.M. (58)).

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:—
   (a) 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;
   (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 or Part III of this Schedule.

PART II

MALE WORKERS

GENERAL MINIMUM TIME RATES AND PIECE WORK BASIS TIME RATES

2. Subject to the provisions of this Schedule, the general minimum time rates payable to male workers with the qualifications specified in Column 2 of the next following Table when employed on time work and the piece work basis time rates applicable to such workers when employed on piece work are those set out in Columns 3 and 4 respectively of the said Table.

Column 1	Column 2	Column 3	Column 4
Class of Worker	Qualifying Period of Employment or Age of Worker	General Minimum Time Rates	Piece Work Basis Time Rates
		Per hour s. d.	Per hour s. d.
(a) MEASURE CUTTER, that is to say, a person employed in any process of measure cutting who is capable of taking a complete set of measures and of cutting all garments for a female person from patterns.	Not less than four years' employment after the age of 18 years in actual cutting processes, including not less than three years' employment as a measure cutter, but excluding designing.	*3 10*	*4 0*

Column 1	Column 2	Column 3	Column 4
Class of Worker	Qualifying Period of Employment or Age of Worker	General Minimum Time Rates	Piece Work Basis Time Rates
		Per hour s. d.	Per hour s. d.
(b) CUTTER or TRIMMER, that is to say, a person substantially employed in one or more of the following processes:— (i) marking-in or marking-up cloth or linings or other materials; (ii) laying-up, hooking-up or folding cloth or linings or other materials; (iii) cutting cloth or linings or other materials or cutting out patterns of any description to be used afterwards for the cutting out of garments; and (iv) dividing (that is to say, the process ordinarily carried on by cutters or their assistants of dividing, parting or separating the parts of garments after being cut and of assembling them into suitable bundles for making up), other than a measure cutter to whom the minimum rates specified in (a) of this Table apply or a knife cutter or knifeman.	Not less than three years' employment after the age of 18 years as a cutter of any of the classes specified in Column 1 or as a knifeman.	*3 8*	*3 10*
(c) KNIFE CUTTER or KNIFEMAN, that is to say, a person wholly or mainly employed on band, electric or hand knife processes.	Not less than three years' employment after the age of 18 years as a cutter of any of the classes specified in Column 1 or as a knifeman.	*3 8*	*3 10*
(d) FITTER-UP, that is to say, a person employed in fitting-up (which is a process between that of cutting and that of sewing, baisting or machining, and which consists of preparing or fitting accurately the various parts of the garments before being baisted, sewn or machined, such work of preparing or fitting being always done by shears or knives or other cutting appliances—sewing, baisting or machining forming no part or process of fitting-up).	Not less than three years' employment after the age of 18 years as a fitter-up or tailor.	*3 8*	*3 10*

(e) TAILOR, that is to say, a person employed in sewing by hand in a process of:— (i) making a garment or portion of a garment, or (ii) altering, repairing, renovating or re-making a garment or portion of a garment, when such process is carried out in a factory.	Not less than three years' employment after the age of 18 years as a tailor.	*3 8*	*3 10*
(f) PRESSER, that is to say, a person employed in pressing-off by hand or by machine.	Not less than three years' employment after the age of 18 years in the processes of pressing-off or under-pressing.	*3 8*	*3 10*
(g) MACHINIST, that is to say, a person employed in machining other than as a plain machinist and capable of machining any one garment or portion of a garment.	Not less than three years' employment after the age of 18 years as a machinist.	*3 8*	*3 10*
(h) PASSER, that is to say, a person employed in examining garments, either in the course of being made up or upon completion.	Not less than three years' employment after the age of 18 years as a passer or tailor.	*3 8*	*3 10*
(i) UNDER-PRESSER, that is to say, a person employed in pressing processes other than pressing-off.	Not less than three years' employment after the age of 18 years as an under-presser or presser.	*3 5*	*3 7*
(j) PLAIN MACHINIST, that is to say, a person employed in the process of making up plain sleeves, facings, linings, inside pockets, quilting or padding.	Not less than three years' employment after the age of 18 years as a plain machinist or machinist.	*3 5*	*3 7*
(k) WAREHOUSEMAN, that is to say, a person employed, wholly or mainly, upon one or more of the operations of assembling, keeping, storing and distributing stock, and cutting off lengths of cloth, linings or other materials.	Not less than three years' employment as a warehouseman after the age of 18 years.	*3 6¼*	*3 8¼*
(l) PACKER, that is to say, a person employed, wholly or mainly, in packing goods and materials.	Not less than three years' employment as a packer after the age of 18 years.	*3 5½*	*3 7½*
(m) LEARNERS (as defined in paragraph 9 of this Schedule) ...	Workers aged 21 years or over	*3 2½*	
	„ „ 20 and under 21 years ...	*2 10¼*	
	„ „ 19 „ „ 20 „ ...	*2 7*	
	„ „ 18 „ „ 19 „ ...	*2 3¾*	*3 5½*
	„ „ 17 „ „ 18 „ ...	*2 0¾*	
	„ „ 16 „ „ 17 „ ...	*1 9*	
	„ „ under 16 years	*1 5¼*	
Provided that the general minimum time rate payable during his first year's employment to a learner who enters or has entered the trade for the first time at or over the age of 19 years shall be	(i) where the worker is aged under 21 years ...	*2 5*	
	(ii) where the worker is aged 21 years or over...	*2 7½*	

PART III

FEMALE WORKERS

GENERAL MINIMUM TIME RATES

3. Subject to the provisions of this Schedule, the general minimum time rates payable to female time workers are as follows:—

	Per hour s.	d.
(a) Conveyor Belt Machinists (that is to say, female workers employed in machining any work conveyed directly to or from them on a mechanical conveyor belt), not being learners to whom (c) of this paragraph applies	2	7
(b) Cutters, Trimmers or Fitters-up being workers aged—		
under 19 years	2	5½
19 and under 20 years	2	6
20 years or over	2	6½

Provided that where the worker is employed as a cutter, trimmer or fitter-up for the first time at or over the age of 19 years the general minimum time rate payable during the first two months of such employment shall be 1d. per hour less than the general minimum time rate otherwise payable.

(c) Learners (as defined in paragraph 9 of this Schedule) during the following periods of employment in the trade—

	Per hour s.	d.
First 6 months	1	3½
Second 6 months	1	5½
Second year	1	9½
Third year	2	0½

Provided that a worker who enters or has entered the trade for the first time at or over the age of 18 years shall be treated for the purposes of this paragraph as though she had, at the date of her entry, completed 1 year of employment as a learner.

	Per hour s.	d.
(d) All other workers	2	5½

PIECE WORK BASIS TIME RATES

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

	Per hour s.	d.
(a) Workers employed as cutters, trimmers or fitters-up being workers aged—		
under 19 years	2	7
19 and under 20 years	2	7½
20 years or over	2	8
(b) All other workers (including homeworkers)	2	7

PART IV

OVERTIME AND WAITING TIME

NORMAL NUMBER OF HOURS

5. Subject to the provisions of this Part of this Schedule, the minimum overtime rates set out in paragraph 6 of this Schedule are payable to a worker in respect of any time worked—

(a) in excess of the hours following, that is to say,

(i) in any week ... ... 44 hours
or, where the employer normally requires the worker's attendance on Saturday in alternate weeks only, in the week in which attendance on Saturday is required ... 46 hours

(ii) on any day other than a Saturday, Sunday or customary holiday ... ... 8½ hours
or, where the employer normally requires the worker's attendance on 5 days only in the week ... ... 9 hours

(iii) on a Saturday, not being a customary holiday, where the employer normally requires the worker's attendance on 6 days in the week ... ... 4 hours

(b) on a Sunday or customary holiday, or, where the employer normally requires the worker's attendance on 5 days only in the week, on a Saturday.

MINIMUM OVERTIME RATES

6—(1) 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) for the next 2 hours ... ... TIME-AND-A-HALF

(iii) thereafter ... ... DOUBLE TIME

Provided that where the employer normally requires the worker's attendance on 5 days only in the week, the said minimum overtime rates of time-and-a-quarter, time-and-a-half and double time shall be payable after 9, 11 and 13 hours' work respectively;

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

(i) where the employer normally requires the worker's attendance on 6 days in the week—
for the first 4 hours worked in excess of 4 hours ... ... TIME-AND-A-HALF
thereafter ... ... DOUBLE TIME

(ii) where the employer normally requires the worker's attendance on 5 days only in the week—
for the first 2 hours worked ... ... TIME-AND-A-QUARTER
for the next 2 hours ... ... TIME-AND-A-HALF
thereafter ... ... DOUBLE TIME

(c) on a Sunday or customary holiday—
for all time worked ... ... DOUBLE TIME

(d) in any week, exclusive of any time in respect of which any minimum overtime rate is payable under the foregoing provisions of this sub-paragraph—
for all time worked in excess of 44 hours ... TIME-AND-A-QUARTER

Provided that where the employer normally requires the worker's attendance on Saturday in alternate weeks only, the said weekly minimum overtime rate shall be payable in the week in which attendance on Saturday is required after 46 hours' work (exclusive of any time in respect of which a minimum overtime rate is payable as aforesaid).

(2) The minimum overtime rates set out in sub-paragraph (1) (a), (b) or (c) of this paragraph are payable in any week whether or not the minimum overtime rate set out in sub-paragraph (1) (d) is also payable.

(3) Where the employer normally requires the worker's attendance on Sunday and not on 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, subject to the provisions of sub-paragraph (4) of this paragraph, Sunday shall be treated as a Saturday.

(4) Where an ordinary week-day is substituted for Saturday or, in a case where the provisions of sub-paragraph (3) of this paragraph apply, for Sunday, as the worker's weekly short day, for the purposes of this Part of this Schedule (except where in the case of a woman or young person such substitution is unlawful) that ordinary week-day shall be treated as a Saturday, and Saturday or Sunday, as the case may be, shall be treated as an ordinary week-day.

7. 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 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 (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 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 payable to the worker;

(b) in the case of a male worker aged 21 years or over who is employed on piece work or of a female worker (not being a learner) who is 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 applicable to the worker and in addition thereto,

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

(c) in the case of a male worker aged less than 21 years who is employed on piece work or of a female learner who is 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 payable if the worker 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 (b) of this Schedule.

WAITING TIME

8.—(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

INTERPRETATION

9. In this Schedule—

(1) A FEMALE CUTTER, TRIMMER or FITTER-UP is a worker substantially occupied in one or more of the following processes :—

(a) marking-in or marking-up cloth or linings or other materials ;

(b) laying-up, hooking-up or folding cloth or linings or other materials ;

(c) cutting cloth or linings or other materials ;

(d) trimming (that is to say, the process as ordinarily carried on of cutting and assembling together the linings and fittings of garments) ;

(e) dividing (that is to say, the process as ordinarily carried on by cutters or their assistants, of dividing, parting or separating the parts of garments after being cut, and of assembling them into suitable bundles for making-up) ; and

(f) fitting-up (which is a process between that of cutting and that of sewing, baisting, or machining, and which consists of preparing and fitting accurately the various parts of the garment before being baisted, sewn or machined, such work of preparing and fitting being always done by shears or knives or other cutting appliances—sewing, baisting or machining forming no part or process of fitting-up).

(2) A LEARNER is a worker who :—

(a) is employed during the whole or a substantial part of his time in learning any branch or process of the trade by an employer who provides him with reasonable facilities for such learning ; and

(b) does not work in a room used for dwelling purposes, except where he is in the employment of his parent or guardian.

(3) "THE TRADE" means the trade of wholesale mantle and costume making as specified in paragraph 11 of this Schedule.

RECKONING OF EMPLOYMENT

10. For the purpose of determining whether a worker has completed any period of employment specified in paragraph 2 or paragraph 3 of this Schedule, there shall be taken into account—

(a) any such employment as a worker in relation to whom there operated one or more of the following Wages Councils (or of the Trade Boards which respectively preceded them), that is to say, the Wholesale Mantle and Costume Wages Council (Great Britain), the Retail Bespoke Tailoring Wages Councils for England and Wales and for Scotland and the Ready-made and Wholesale Bespoke Tailoring Wages Council (Great Britain) and

(b) in the case of a male worker employed as a cutter of any description or as a knifeman any such employment in the rubberised waterproof trade.

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

11. This Schedule applies to workers in relation to whom the Wholesale Mantle and Costume Wages Council (Great Britain) operates, that is to say, workers employed in Great Britain in wholesale mantle and costume making as specified in the Regulations made by the Minister of Labour and dated 20th November, 1919, with respect to the constitution and proceedings of the Trade Board for the Wholesale Mantle and Costume Trade (Great Britain)(a), namely:—

"Women's, girls' and children's ready-made and wholesale bespoke tailoring and all women's, girls' and children's retail bespoke tailoring carried on in a factory where garments are made up for three or more retail establishments, and any other branch of women's, girls' and children's tailoring which is not included within the scope of the Trade Boards (Tailoring) Order, 1919(b),

including:—

(1) All operations and processes of cutting, making or finishing by hand or machine of coats, costumes, tailored skirts, coat-frocks, mantles, service clothing or similar garments made by tailoring processes ;

(2) (a) The altering, repairing, renovating, or remaking of any of the above-mentioned tailored garments, except where included within the scope of the Retail Bespoke Tailoring Trade Board.

(b) The cleaning of such garments where carried out in association with or in conjunction with the altering, repairing, renovating, or remaking of the garments ;

(3) The lining with fur of any of the above-mentioned garments where carried out in association with or in conjunction with the making of such garments ;

(4) (a) All processes of embroidery or decorative needlework where carried on in association with or in conjunction with the making, altering, repairing, renovating or remaking of any of the above-mentioned tailored garments other than hand-embroidery or hand-drawn thread work on garments made of linen or cotton or of mixed linen or cotton ;

(a) S.R. & O. 1919/2218 (1919 II, p. 576). (b) S.R. & O. 1919/1201 (1919 II, p. 528).

(b) The following processes if done by machine, namely, thread-drawing, thread clipping, top-sewing, scalloping, nickelling and paring;

(5) Warehousing, packing and all other operations incidental to or appertaining to any of the above-mentioned branches of tailoring;

but excluding:—

(1) Those branches of women's or girls' bespoke tailoring, and all operations or processes covered by the Trade Boards (Tailoring) Order, 1919;

(2) The making of head-gear;

(3) The making of rubberised or oilskin garments;

(4) Warehousing, packing and other similar operations carried on in shops mainly engaged in the retail distribution of articles of any description that are not made on the premises."

EXPLANATORY NOTE

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

This Order, which has effect from 18th April, 1958, sets out the statutory minimum remuneration payable in substitution for that fixed by the Wholesale Mantle and Costume Wages Council (Great Britain) Wages Regulation Order, 1953 (Order W.M. (52)), as amended by the Wages Regulation (Wholesale Mantle and Costume) (Amendment) Order, 1956 (Order W.M. (58)), which Orders are revoked.

New provisions are printed in italics.