STATUTORY INSTRUMENTS

1970 No. 1150

WAGES COUNCILS

The Wages Regulation (Wholesale Mantle and Costume) Order 1970

Made - - - 31*st July* 1970

Coming into Operation 1*st September* 1970

Whereas the Secretary of State 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 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 (Wholesale Mantle and Costume) Order 1970.

2.—(1) In this Order the expression "the specified date" means the 1st September 1970, 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 (Wholesale Mantle and Costume) Order 1968(**c**) shall cease to have effect.

Signed by order of the Secretary of State.

31st July 1970.

R. R. D. McIntosh,
Deputy Under Secretary of State,
Department of Employment and Productivity.

SCHEDULE Article 3

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Wholesale Mantle and Costume) Order 1968 (Order W.M. (81)).

(**a**) 1959 c. 69. (**b**) 1889 c. 63.
(**c**) S.I. 1968/1320 (1968 II, p. 3653).

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* otherwise applicable to the worker under Part II or Part III of this Schedule.

PART II

MALE WORKERS

GENERAL MINIMUM 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 are those set out in Column 3 of the said Table.

Column 1	Column 2	Column 3
Class of Worker	Qualifying Period of Employment or Age of Worker	General Minimum Time Rates
		Per hour s. d.
(1) 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 three years' employment after the age of 18 years as a measure cutter, but excluding designing.	*6 7*

(2) CUTTER or TRIMMER, that is to say, a person substantially employed 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 or cutting out patterns of any description to be used afterwards for the cutting out of garments; and (*d*) 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 (1) 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.	6	5
(3) 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.	6	5
(4) 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.	6	5
(5) TAILOR, that is to say, a person employed in sewing by hand in a process of:— (*a*) making a garment or portion of a garment, or (*b*) 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.	6	7

Column 1	Column 2	Column 3
Class of Worker	Qualifying Period of Employment or Age of Worker	General Minimum Time Rates
		Per hour s. d.
(6) 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.	6 5
(7) 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.	6 5
(8) 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.	6 5
(9) 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.	6 1½
(10) 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.	6 1½
(11) 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.	6 3
(12) 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.	6 3

(13) LEARNERS (as defined in paragraph 10)	Aged 21 years or over	*5 11*
	„ 20 and under 21 years	*5 6*
	„ 19 „ „ 20 „	*5 3*
	„ 18 „ „ 19 „	*4 9*
	„ 17 „ „ 18 „	*4 0*
	„ 16 „ „ 17 „	*3 6*
	„ under 16 years	*3 0*
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	(*a*) Aged under 21 years	*4 9*
	(*b*) „ 21 years or over	*5 3*

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:—

(*1*) *LEARNERS* (*as defined in paragraph 10*) *during the following periods of employment in the trade*—

	During 1st 6 months per hour	*During 2nd 6 months per hour*	*During 2nd year per hour*
	s. d.	*s. d.*	*s. d.*
Entering the trade:			
Aged 15 and under 16 years	*2 9*	*3 3*	*4 0*
„ 16 „ „ 17 „	*3 0*	*3 6*	*4 3*
„ 17 „ „ 18 „	*3 3*	*3 9*	*4 3*
„ 18 years and over	*4 0*	*4 3*	*4 9*

	Per hour s. d.
(2) ALL OTHER WORKERS	*4 9*

PART IV

OVERTIME AND WAITING TIME

ALL WORKERS OTHER THAN ALTERATION HANDS WHO ARE NORMALLY REQUIRED TO ATTEND ON 6 DAYS IN THE WEEK

NORMAL NUMBER OF HOURS

4. Subject to the provisions of this Part of this Schedule, the minimum overtime rates set out in paragraph 5 are payable to workers other than alteration hands referred to in paragraphs 6 and 7 in respect of any time worked—

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

(*a*) in any week	40 hours
(*b*) on any day other than a Saturday, Sunday or customary holiday—	
where the normal working hours exceed 8½	9 hours
or	
where the normal working hours are more than 8 but not more than 8½	8½ hours
or	
where the normal working hours are not more than 8 ...	8 hours

(2) on a Saturday, Sunday or customary holiday.

MINIMUM OVERTIME RATES

5.—(1) Minimum overtime rates are payable to a worker other than an alteration hand referred to in paragraphs 6 and 7 as follows:—

(*a*) on any day other than a Sunday or customary holiday—	
(i) for the first 2 hours of overtime worked ...	time-and-a-quarter
(ii) for the next 2 hours	time-and-a-half
(iii) thereafter	double time
(*b*) on a Sunday or customary holiday—	
for all time worked	double time

Provided that where it is the practice in a Jewish undertaking for the employer to require attendance on Sunday instead of Saturday the provisions of this paragraph shall apply as if in such provisions the word "Saturday" were substituted for "Sunday", except where such substitution is unlawful.

(*c*) 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 40 hours ... time-and-a-quarter

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

ALTERATION HANDS WHO ARE NORMALLY REQUIRED TO ATTEND ON 6 DAYS IN THE WEEK

NORMAL NUMBER OF HOURS

6. Subject to the provisions of this Part of this Schedule, the minimum overtime rates set out in paragraph 7 are payable to workers who are normally required to attend on 6 days in the week and who are employed solely in the alteration (including repairing and renovating) of any of the garments specified in inclusion (1) in paragraph 12 and who are employed in or about a shop engaged in the retail sale of the garments so specified in respect of any time worked—

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

(*a*) in any week	40 hours
(*b*) on any day other than a Saturday, Sunday or customary holiday	8 hours
(*c*) on a Saturday, not being a customary holiday	4 hours

(2) on a Sunday or customary holiday.

MINIMUM OVERTIME RATES

7.—(1) Minimum overtime rates are payable to a worker who is normally required to attend on 6 days in the week and who is employed solely in the alteration (including repairing and renovating) of any of the garments specified in inclusion (1) in paragraph 12 and who is employed in or about a shop engaged in the retail sale of the garments so specified as follows:—

(*a*) on any day other than a Saturday, Sunday or customary holiday—	
(i) for the first 2 hours worked in excess of 8 hours	time-and-a-quarter
(ii) for the next 2 hours	time-and-a-half
(iii) thereafter	double time
(*b*) on a Saturday, not being a customary holiday—	
(i) for the first 4 hours worked in excess of 4 hours	time-and-a-half
(ii) 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 the sub-paragraph— for all time worked in excess of 40 hours ...	time-and-a-quarter

(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 such attendance 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 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.

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 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 (or where another day is substituted therefor by national proclamation, that day), August Bank Holiday, and one other day (being a day of the week 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;

(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 four other days (being days of the week 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 worker 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(2).

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;

(*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

10. In this Schedule—

(1) 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.

(2) "THE TRADE" means the trade of wholesale mantle and costume making as specified in paragraph 12.

RECKONING OF EMPLOYMENT

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

(1) 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 day, the Wholesale Mantle and Costume Wages Council (Great Britain), the Retail Bespoke Tailoring Wages Councils for England and Wales and for Scotland and the Readymade and Wholesale Bespoke Tailoring Wages Council (Great Britain) and

(2) 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

12. 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;

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

(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 and cotton;

(*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.)

This Order, which has effect from 1st September 1970, sets out the statutory minimum remuneration payable in substitution for that fixed by the Wages Regulation (Wholesale Mantle and Costume) Order 1968 (Order W.M. (81)), which Order is revoked.

New provisions are printed in italics.

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