1974. No. 267 **[NC]**

WAGES COUNCILS

Wages Regulation (Road Haulage)

ORDER, DATED 25TH OCTOBER 1974, MADE BY THE DEPARTMENT OF MANPOWER SERVICES UNDER THE WAGES COUNCILS ACT (NORTHERN IRELAND) 1945.

The Department of Manpower Services, in exercise of the powers conferred on it by section 10 of the Wages Councils Act (Northern Ireland) 1945(a), hereby makes the following Order to give effect to wages regulation proposals received from the Road Haulage Wages Council (Northern Ireland):—

Citation

1. This Order may be cited as the Road Haulage Wages Regulation Order (Northern Ireland) 1974.

Commencement

2. The wages regulation proposals set out in the Schedule shall come into operation on the specified date and on the day immediately preceding that date the Road Haulage Wages Regulation Order (Northern Ireland) 1970(b), and the Road Haulage Wages Regulation (Amendment) Order (Northern Ireland) 1973(c), shall cease to have effect.

Interpretation

3. In this Order the expression "the specified date" means the 12th day of November 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.

Sealed with the Official Seal of the Department of Manpower Services for Northern Ireland this 25th day of October 1974.

(L.S.)

J. H. Scott,
Assistant Secretary.

(a) 1945. c. 21.
(b) S.R. & O. (N.I.) 1970, No. 241.
(c) S.R. & O. (N.I.) 1973, No. 449.

SCHEDULE

Statutory Minimum Remuneration

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Road Haulage Wages Regulation Order (Northern Ireland) 1970(b) (Order N.I.R.H. (46)) as amended by the Road Haulage Wages Regulation (Amendment) Order (Northern Ireland) 1973(c) (Order N.I.R.H. (53)).

"GENERAL MINIMUM TIME RATES

MALE WORKERS	Per week (as defined in Paragraph 3)
Paragraph 1.	£
(*a*) DRIVER (as defined in paragraph 8) of a vehicle (as defined in paragraph 8) with a carrying capacity (as defined in paragraph 8) of—	
(*i*) 18 tons and over	*29·45*
(*ii*) 12 tons and under 18 tons	*29·03*
(*iii*) 8 tons and under 12 tons	*28·62*
(*iv*) 1 ton and under 8 tons	*28·20*
(*v*) under 1 ton	*26·12*
(*b*) ASSISTANT (as defined in paragraph 8) on a vehicle with a carrying capacity of—	
(i) 1 ton and over, who is aged—	
21 years and over	*26·74*
20 and under 21 years	*23·82*
19 „ „ 20 „	*21·10*
18 „ „ 19 „	*18·38*
17 „ „ 18 „	*16·07*
under 17 years	*14·18*
(ii) under 1 ton, who is aged—	
21 years and over	*25·70*
20 and under 21 years	*22·98*
19 „ „ 20 „	*20·26*
18 „ „ 19 „	*17·54*
17 „ „ 18 „	*16·07*
under 17 years	*14·18*"

Paragraph 1A. *"COST OF LIVING SAFEGUARD*

If after 29 August 1974 the Retail Price Index exceeds the appropriate trigger points mentioned in the Pay Board Stage 3 Guidance Leaflet of 7 June 1974, the appropriate Cost of Living Supplement shall be paid accordingly to full time adult employees with proportionate increases to juveniles, provided always that the appropriate increases shall continue to be paid subsequent to, but not augmented beyond the 16th day of November 1974."

Notes which do not form part of the Order

1. *The "Trigger points" listed in the Pay Board leaflet dated 7 June 1974 mentioned in the above paragraph are as follows:—*

211·4	*218·8*
213·3	*220·7*
215·1	*222·5*
217·0	

2. *The full time adult "Cost of Living Supplement" shall be 40p per "Trigger point."*

ADDITIONAL PAYMENT FOR CERTAIN MALE WORKERS

Paragraph 2.

Subject to the provisions of paragraph 5, the general minimum time rate payable to a worker in respect of each hour worked between 1800 hours on one day and 0800 hours on the next following day shall be the appropriate hourly rate specified in paragraph 1 (calculated in accordance with paragraph 3) increased by twenty-five per cent which increase shall not be taken into account for the purpose of the calculation of statutory minimum remuneration payable in respect of overtime.

CALCULATION OF HOURLY RATES

Paragraph 3.

The general minimum time rates specified in paragraph 1 are weekly rates based on a week of 40 hours.

For the purpose of calculating the hourly minimum rate the respective weekly rates should be divided by 40.

OVERTIME

Paragraph 4.

All time worked in excess of the normal working day (as defined in paragraph 8) shall be regarded as overtime to which the overtime rates specified in paragraph 5 shall apply.

OVERTIME RATES

Paragraph 5.

The rates payable for overtime are:—

(*a*) in any week (exclusive of the worker's weekly rest day, Sunday or a Customary holiday (as defined in paragraph 8))	TIME-AND-A-HALF
(*b*) on the worker's weekly rest day (not being a Sunday or a Customary Holiday)—	
(i) where the time worked does not exceed 4 hours	TIME-AND-A-HALF FOR 4 HOURS
(ii) where the time worked exceeds 4 hours	DOUBLE TIME FOR ALL TIME WORKED IN EXCESS OF 4 HOURS
(*c*) on Sunday, for all time worked	DOUBLE TIME
(*d*) on a Customary Holiday—	
(i) for each hour worked within the number of hours (excluding overtime) ordinarily worked by the worker for the employer on that day of the week	DOUBLE TIME
(ii) thereafter	TWICE THE OVERTIME RATE SPECIFIED IN (*a*)

Paragraph 6.

The expressions time-and-a-half and double time mean, respectively, one-and-a-half-times, and twice the amount of the general minimum time rate otherwise payable.

Paragraph 7.

When a worker's hours of duty or any part thereof entail employment between 1800 hours on one day and 0800 hours on the next following day, a day shall be deemed to be a period of 24 hours commencing at 1200 hours.

DEFINITIONS

Paragraph 8.

In this Schedule—

'VEHICLE' means — a mechanically or electrically propelled vehicle operating on any public highway and constructed or adapted for the carriage or haulage of tangible, moveable objects including livestock, animals and burden of any kind whatsoever other than human beings.

'DRIVER' means — a worker who is wholly or mainly employed in driving a vehicle and in performing, when so required, any other road haulage work.

'ASSISTANT' means — a worker (other than a driver) who is wholly or mainly employed on any or all of the following work—

(*a*) collecting or loading goods to be carried in or on a vehicle;

(*b*) attending to goods while so carried;

(*c*) unloading or delivering goods after being so carried;

(*d*) acting as an attendant to a vehicle,

and who is required to travel on or accompany the vehicle for the purpose of doing any such work.

'CARRYING CAPACITY' means —

(*a*) the weight of the load which the vehicle has been designed or constructed to carry and/or haul according to the pay load rating as specified or declared by the manufacturers of the vehicle.

(*b*) where a trailer is attached to a vehicle the carrying capacity of that vehicle shall be the carrying capacity of the vehicle and trailer combined.

'CUSTOMARY HOLIDAY' means — Christmas Day (or, if Christmas Day falls on a Sunday, such other day as may be appointed by national proclamation or, if none is so appointed, either (*a*) the following Monday or (*b*) in the case where Boxing Day is allowed by the employer as a customary holiday, the following Tuesday), Easter Monday, and four other days (being days on which the worker would normally work) in the course of a calendar year, to be fixed by agreement between the employer and the worker or his representative.

'NORMAL WORKING DAY' means	— a day of 8 hours' work.
'WEEK' means	— pay week.

GENERAL

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

Paragraph 9.

The statutory minimum remuneration aforesaid applies, subject to the provisions of the Wages Council Act (Northern Ireland) 1945, to workers in relation to whom the Road Haulage Wages Council (Northern Ireland) operates, that is to say, workers employed in Northern Ireland in the trade specified in the Schedule to the Road Haulage Wages Council (Northern Ireland) (Variation) Order 1952, namely:—

(1) Subject to the provisions of sub-paragraph (2) hereof the workers to whom this Order applies are all workers wholly or mainly employed in Northern Ireland in road haulage work, that is to say, all or any of the following work:—

(*a*) driving or assisting in the driving or control of mechanically or electrically propelled goods vehicles operating on any public highway;

(*b*) collecting or loading goods to be carried in or on such vehicles;

(*c*) attending to goods while so carried;

(*d*) unloading or delivering goods after being so carried;

(*e*) acting as attendants to such vehicles;

and who are required to travel on or accompany the vehicles for the purpose of doing any such work.

(2) This Order does not apply to any of the following workers in respect of their employment in any of the following circumstances, that is to say:—

(*a*) drivers of and attendants on vehicles operated by companies controlled by the Northern Ireland Transport Holding Company;

(*b*) drivers of and attendants on vehicles while the vehicles are being used under, and in accordance with the regulations applicable to, a licence taken out by a manufacturer or a dealer under section nine of the Roads Act 1920, or by a repairer under section five of the Finance Act (Northern Ireland) 1922;

(*c*) drivers of and attendants on vehicles used in the laundry trade for the collection of articles of every description for laundering or for the delivery of such articles after they have been laundered;

(*d*) drivers of and attendants on vehicles used by funeral furnishers in the course of their business as such furnishers;

(*e*) drivers of and attendants on vehicles owned by farmers and used for the carriage or haulage of agricultural produce, or goods used, or to be used, for agricultural purposes;

(*f*) drivers of and attendants on vehicles used for the carriage of livestock, except when the vehicles are used for hire or reward by persons other than farmers;

(*g*) milk roundsmen and milk roundswomen and workers who accompany or assist them on their rounds;

(*h*) workers engaged in the distribution of mineral or aerated waters;

(*i*) workers employed on operations included in the Schedule to the Trade Boards (Baking Trade, Northern Ireland) (Constitution, Proceedings and Meetings) Regulations 1938, dated 17th June 1938, as operations in the Baking Trade.

EXPLANATORY NOTE

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

This Order, which comes into operation on 12th November 1974, sets out the statutory minimum remuneration payable in substitution for that fixed by the Road Haulage Wages Regulation Order (Northern Ireland) 1970 (Order N.I.R.H. (46)) as amended by the Road Haulage Wages Regulation (Amendment) Order (Northern Ireland) 1973 (Order N.I.R.H. (53)) by increasing the statutory minimum remuneration fixed by those Orders.

Order N.I.R.H. (46) and Order N.I.R.H. (53) are revoked.

New provisions in the Schedule are printed in italics.