(28) SUGAR CONFECTIONERY AND FOOD PRESERVING (G.B.)

The Sugar Confectionery and Food Preserving Wages Council (Great Britain) Wages Regulation Order, 1948

1948 No. 1208

Made - - - - 7th June, 1948

F. (45)

Whereas the Minister of Labour and National Service (hereinafter referred to as " the Minister ") has received from the Sugar Confectionery and Food Preserving Wages Council (Great Britain) (hereinafter referred to as " the Council ")

(*a*) the wages regulation proposals set out in the First Schedule hereto, being proposals for fixing the remuneration to be paid by their employers to workers in relation to whom the Council operates in substitution for the remuneration fixed for those workers by the Sugar Confectionery and Food Preserving Wages Council (Great Britain) Wages Regulation Order, 1947(a) (hereinafter referred to as " Order F. (43) ") and

(*b*) the wages regulation proposals set out in the Second Schedule hereto being proposals for amending the Order of the Minister of Labour dated the 4th day of May, 1939, confirming holidays provided for by a direction given and the holiday remuneration fixed under the Holidays with Pay Act, 1938 in relation to the said workers (hereinafter referred to as " Order F. (18) "); 1 & 2 Geo. 6. c. 70.

Now, therefore, the Minister by virtue of the powers conferred on him by Section 10 of the Wages Councils Act, 1945 and of all other powers in that behalf, hereby makes the following Order:— 8 & 9 Geo. 6. c. 17

1.—(1) This Order may be cited as the Sugar Confectionery and Food Preserving Wages Council (Great Britain) Wages Regulation Order, 1948. Short title and interpretation.

(2) In this Order the expression " the specified date " means the 23rd day of June, 1948, 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.

(3) The Interpretation Act, 1889, applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament. 52 & 53 Vict. c. 63.

2.—(1) Effect is hereby given to the said wages regulation proposals set out in the First Schedule hereto. Fixing of statutory minimum remuneration and revocation of Order F. (43).

(2) The provisions of the First Schedule hereto shall have effect as from the specified date and as from that date Order F. (43) (a) shall cease to have effect.

(a) S.R. & O. 1947 (No. 1179) I, p. 2628.

Amendment of Order F. (18) as to holidays and holiday remuneration.

*3.—(1) Effect is hereby given to the said wages regulation proposals set out in the Second Schedule hereto.

(2) The provisions of the Second Schedule hereto shall have effect as from the specified date.

Signed by order of the Minister of Labour and National Service this 7th day of June, 1948.

H. H. Wiles,
Deputy Secretary of the
Ministry of Labour and National Service.

FIRST SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by Order F. (43).

STATUTORY MINIMUM REMUNERATION

PART I

GENERAL

Paragraph 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 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.*

* For revocation of Article 3 by S.I. 1948 No. 1851, *see* p. 4694 below.

PART II

GENERAL MINIMUM TIME RATES AND PIECE WORK BASIS TIME RATES

Paragraph 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	
(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.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
	33 0	*39 0*	*46 0*	*56 0*	*66 0*	*77 0*	*92 0*	*110 6*
(3) All other Female Workers	*33 0*	*39 0*	*46 0*	*60 0*	*62 0*	*62 0*	*62 0*	*74 6*

PART III

OVERTIME AND WAITING TIME

MINIMUM OVERTIME RATES FOR ALL WORKERS

Paragraph 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).

Paragraph 4

(1) In this Part of this Schedule—

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 other 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 workers 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 therefore by agreement between the employer and the workers.

WAITING TIME

Paragraph 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

Paragraph 6

This Schedule shall 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.

Paragraph 7

Subject to the provisions of paragraph 6 of this Schedule and to the provisions of the Wages Councils Act, 1945, 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).

*SECOND SCHEDULE

HOLIDAYS AND HOLIDAY REMUNERATION

The provisions of the First Schedule to Order F. (18) shall be amended as follows:—

(1) The words " prior to the termination of the employment " shall be substituted for the words " prior to his holiday " in paragraph 16 thereof.

(2) Any reference therein to a minimum rate of wages fixed by the Trade Board shall be read as including a reference to statutory minimum remuneration fixed by a wages regulation order pursuant to proposals of the Sugar Confectionery and Food Preserving Wages Council (Great Britain) and the reference in paragraph 10 to the Holidays with Pay Act, 1938, as including a reference to the Wages Councils Act, 1945; and

(3) The amount of any holiday remuneration due to any worker under the said Schedule shall be calculated in accordance with the provisions of Part II of the Wages Councils Act, 1945.

EXPLANATORY NOTE

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

1. This Order, which has effect from the 23rd June, 1948, revokes the Sugar Confectionery and Food Preserving Wages Council (Great Britain) Wages Regulation Order, 1947 (Order F. (43)), which fixed the statutory minimum remuneration payable to workers in relation to whom the Council operates, and substitutes the statutory minimum remuneration set out in the First Schedule to this Order.

The provisions of the First Schedule to this Order which differ from those in the First Schedule to Order F. (43) are set out in italics.

2. The Order also reproduces the amendments to the Direction for holidays with pay, confirmed by Order F. (18), contained in the Second Schedule to Order F. (43).

(a) S.R. & O. 1939 (No. 1424) II, p. 3194.
(b) S.R. & O. 1920 (No. 958) II, p. 774.
* For revocation of Second Schedule by S.I. 1948 No. 1851, *see* p. 4694 below.