(28) RETAIL FOOD TRADES

(i) *England and Wales.* | (ii) *Scotland*, p. 4539.

(i) ENGLAND AND WALES

The Retail Food Trades Wages Council (England and Wales) Wages Regulation Order, 1949

1949 No. 1708

Made - - - - 13*th September*, 1949
Coming into Operation 17*th October*, 1949

R.F.C. (3)

Whereas the Minister of Labour and National Service (hereinafter in this Order referred to as "the Minister") has received from the Retail Food Trades Wages Council (England and Wales) (hereinafter in this Order referred to as "the Wages Council") the wages regulation proposals set out in the Schedule hereto, being proposals for fixing the remuneration to be paid by their employers to workers in relation to whom the Wages Council operates;

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 in that behalf hereby makes the following Order:—

Short title and interpretation

1.—(1) This Order may be cited as the Retail Food Trades Wages Council (England and Wales) Wages Regulation Order, 1949.

(2) In this Order the expression "the specified date" means the 17th day of October, 1949, 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(**b**), applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Fixing of statutory minimum remuneration

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

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

Signed by order of the Minister of Labour and National Service this 13th day of September, 1949.

Godfrey H. Ince,
Secretary of the
Ministry of Labour and National Service.

SCHEDULE

STATUTORY MINIMUM REMUNERATION

Paragraph 1

Subject to the provisions of paragraphs 4, 7 and 8 of this Schedule, the minimum remuneration payable to workers to whom this Schedule applies is the remuneration set out in paragraphs 2 and 3 of this Schedule.

(**a**) 8 & 9 Geo. 6. c. 17. (**b**) 52 & 53 Vict. c. 63.

BRANCH SHOP MANAGERS AND BRANCH SHOP MANAGERESSES

Paragraph 2

Subject to the provisions of this paragraph, the weekly minimum remuneration payable to Branch Shop Managers and Branch Shop Manageresses employed in the areas specified in Column 2 of the next following table is the amount appearing in the said Column 2 against the amount of weekly trade (as hereafter defined) shown in Column 1 of the said table.

Column 1	Column 2											
	London Area per week				Provincial A Area per week				Provincial B Area per week			
	Male		Female		Male		Female		Male		Female	
WEEKLY TRADE:—	*s.*	*d.*	*s.*	*d.*	*s.*	*d.*	*s.*	*d.*	*s.*	*d.*	*s.*	*d.*
Under £50	109	0	93	0	105	0	89	0	99	0	82	0
£50 and under £60 ...	110	0	94	0	106	0	90	0	100	0	83	0
£60 „ „ £70 ...	111	0	95	0	107	0	91	0	101	0	84	0
£70 „ „ £80 ...	112	0	96	0	108	0	92	0	102	0	85	0
£80 „ „ £90 ...	114	0	98	0	110	0	94	0	104	0	87	0
£90 „ „ £100 ...	116	0	100	0	112	0	96	0	106	0	89	0
£100 „ „ £120 ...	122	0	106	0	118	0	102	0	112	0	95	0
£120 „ „ £140 ...	125	0	109	0	121	0	105	0	115	0	98	0
£140 „ „ £160 ...	127	0	111	0	123	0	107	0	117	0	100	0
£160 „ „ £180 ...	128	0	112	0	124	0	108	0	118	0	101	0
£180 „ „ £200 ...	129	0	113	0	125	0	109	0	119	0	102	0
£200 „ „ £210 ...	132	0	116	0	128	0	112	0	122	0	105	0
£210 „ „ £220 ...	133	0	117	0	129	0	113	0	123	0	106	0
£220 „ „ £230 ...	134	0	118	0	130	0	114	0	124	0	107	0
£230 „ „ £240 ...	135	0	119	0	131	0	115	0	125	0	108	0
£240 „ „ £250 ...	136	0	120	0	132	0	116	0	126	0	109	0
£250 „ „ £260 ...	137	0	121	0	133	0	117	0	127	0	110	0
£260 „ „ £270 ...	138	0	122	0	134	0	118	0	128	0	111	0
£270 „ „ £280 ...	139	0	123	0	135	0	119	0	129	0	112	0
£280 „ „ £290 ...	140	0	124	0	136	0	120	0	130	0	113	0
£290 „ „ £300 ...	141	0	125	0	137	0	121	0	131	0	114	0
£300 „ „ £310 ...	142	0	126	0	138	0	122	0	132	0	115	0
£310 „ „ £320 ...	143	0	127	0	139	0	123	0	133	0	116	0
£320 „ „ £330 ...	144	0	128	0	140	0	124	0	134	0	117	0
£330 „ „ £340 ...	145	0	129	0	141	0	125	0	135	0	118	0
£340 „ „ £350 ...	146	0	130	0	142	0	126	0	136	0	119	0
£350 „ „ £370 ...	147	0	131	0	143	0	127	0	137	0	120	0
£370 „ „ £390 ...	148	0	132	0	144	0	128	0	138	0	121	0
£390 „ „ £410 ...	149	0	133	0	145	0	129	0	139	0	122	0
£410 „ „ £430 ...	150	0	134	0	146	0	130	0	140	0	123	0
£430 „ „ £450 ...	151	0	135	0	147	0	131	0	141	0	124	0
£450 „ „ £470 ...	152	0	136	0	148	0	132	0	142	0	125	0
£470 „ „ £490 ...	153	0	137	0	149	0	133	0	143	0	126	0
£490 „ „ £510 ...	154	0	138	0	150	0	134	0	144	0	127	0
£510 „ „ £530 ...	155	0	139	0	151	0	135	0	145	0	128	0
£530 „ „ £550 ...	156	0	140	0	152	0	136	0	146	0	129	0
£550 „ „ £570 ...	157	0	141	0	153	0	137	0	147	0	130	0
£570 „ „ £590 ...	158	0	142	0	154	0	138	0	148	0	131	0
£590 „ „ £610 ...	159	0	143	0	155	0	139	0	149	0	132	0
£610 „ „ £630 ...	160	0	144	0	156	0	140	0	150	0	133	0
£630 „ „ £650 ...	161	0	145	0	157	0	141	0	151	0	134	0
£650 „ „ £670 ...	162	0	146	0	158	0	142	0	152	0	135	0
£670 „ „ £690 ...	163	0	147	0	159	0	143	0	153	0	136	0
£690 „ „ £710 ...	164	0	148	0	160	0	144	0	154	0	137	0
£710 „ „ £730 ...	165	0	149	0	161	0	145	0	155	0	138	0
£730 or over	166	0	150	0	162	0	146	0	156	0	139	0

Provided that in branch shops where the sales of excisable liquors amount to 20 per cent. or more of the weekly trade, the minimum weekly remuneration of the Branch Shop Manager or Branch Shop Manageress shall be that specified in the foregoing table less the following amounts:—

Where the percentage of weekly trade from sales of excisable liquors amounts to—

	s.	d.		s.	d.
20% and under 30%	1	0	60% and under 70%	5	0
30% „ „ 40%	2	0	70% „ „ 80%	6	0
40% „ „ 50%	3	0	80% „ „ 90%	7	0
50% „ „ 60%	4	0	90% or over	8	0

For the purposes of this paragraph, "weekly trade" shall be calculated half-yearly and based on the period of twelve months immediately preceding the commencement of each half-year in the following manner:—

For the period of 26 weeks beginning (*a*) with the fifth week or (*b*) with the 31st week following the accounting date in any year, the weekly trade of a branch shop shall be 1/52nd of the amount of the total receipts for goods sold at that branch shop during the 52 weeks immediately preceding the accounting date (in the case of (*a*) hereof) or immediately preceding the 26th week following the accounting date (in the case of (*b*) hereof).

Except as provided as aforesaid, the weekly trade in respect of any week shall be the amount of the total receipts for goods sold at the branch shop in the preceding week.

In this paragraph the expression "accounting date" means that date in each year on which the books of accounts of a branch shop are closed for the purpose of preparing the annual accounts in respect of that branch shop, or, in the absence of any such date, the fifth day of April in any year.

WORKERS OTHER THAN BRANCH SHOP MANAGERS OR BRANCH SHOP MANAGERESSES

Paragraph 3

Subject to the provisions of this paragraph, the weekly minimum remuneration payable to male and female workers of the classes specified in Column 1 of the next following table employed in the London Area, Provincial A Area or Provincial B Area as the case may be, is the amount set out in Column 2 of the said table.

Column 1	Column 2					
	London Area per week		Provincial A Area per week		Provincial B Area per week	
	Male	Female	Male	Female	Male	Female
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
(1) SHOP ASSISTANT, STOCKMAN OR ORDERMAN, CANVASSER, VAN SALESMAN, CASHIER or CENTRAL WAREHOUSE WORKER:—						
Workers aged 24 years or over	102 0	75 0	98 0	71 0	92 0	64 0
„ „ 23 years and under 24 ...	98 0	71 0	94 0	66 6	88 0	61 0
„ „ 22 „ „ „ 23 ...	95 0	68 0	90 0	63 6	84 0	58 0
„ „ 21 „ „ „ 22 ...	92 0	66 0	86 0	61 6	80 0	56 0
„ „ 20 „ „ „ 21 ...	75 0	58 0	70 0	53 6	65 0	50 0
„ „ 19 „ „ „ 20 ...	66 0	53 0	61 0	48 6	56 0	45 0
„ „ 18 „ „ „ 19 ...	56 0	47 0	52 0	42 6	47 0	39 0
„ „ 17 „ „ „ 18 ...	48 0	40 0	43 0	35 6	39 0	32 0
„ „ 16 „ „ „ 17 ...	42 0	36 0	37 0	31 6	34 0	28 0
„ „ under 16 years	38 0	32 0	33 0	27 6	30 0	24 0

Column 1—*cont.*	Column 2—*cont.*					
	London Area per week		Provincial A Area per week		Provincial B Area per week	
	Male	Female	Male	Female	Male	Female
	s. d.	*s. d.*	*s. d.*	*s. d.*	*s. d.*	*s. d.*
(2) All other workers:—						
Workers aged 24 years or over	96 0	69 0	91 6	64 6	90 0	61 0
" " 23 years and under 24 ...	95 0	68 0	91 0	63 6	85 0	58 0
" " 22 " " " 23 ...	93 0	66 0	88 0	61 6	82 0	56 0
" " 21 " " " 22 ...	90 0	64 0	84 0	59 6	78 0	54 0
" " 20 " " " 21 ...	74 0	57 0	69 0	52 6	64 0	49 0
" " 19 " " " 20 ...	65 0	52 0	60 0	47 6	55 0	44 0
" " 18 " " " 19 ...	55 0	46 0	51 0	41 6	46 0	38 0
" " 17 " " " 18 ...	47 0	39 0	42 0	34 6	38 0	31 0
" " 16 " " " 17 ...	41 0	35 0	36 0	30 6	33 0	27 0
" " under 16 years	37 0	31 0	32 0	26 6	29 0	23 0

Any increase in remuneration payable under the provisions of this paragraph shall become effective on the first day of the first full pay week following the date upon which the increase would otherwise become payable under those provisions.

MINIMUM OVERTIME RATES

Paragraph 4

Subject to the provisions of this paragraph, overtime is payable at the following minimum rates:—

A. (1) To any worker wholly engaged in the sale of excisable liquors in an undertaking with a 7-day Licence open on seven days in the week, for employment on a weekly rest day or customary holiday, or

(2) To any worker other than a worker specified in A (1) or A (3) of this paragraph, for employment on a Sunday or customary holiday—

(*a*) Where time worked does not exceed 4½ hours .. double time for 4½ hours

(*b*) Where time worked exceeds 4½ hours but does not exceed 8 hours .. .. double time for 8 hours

(*c*) Where time worked exceeds 8 hours—
For all time worked .. .. double time

(3) to any worker wholly engaged in the fish trade, for employment on a Sunday or customary holiday when the shop is not open for sale by retail—

(*a*) where time worked does not exceed 2 hours .. .. double time for two hours

(*b*) where time worked exceeds two hours but does not exceed 4½ hours .. .. double time for 4½ hours

(*c*) where time worked exceeds 4½ hours but does not exceed 8 hours .. .. double time for 8 hours

(*d*) where time worked exceeds 8 hours—
For all time worked .. .. .. double time

Provided that—

(i) Overtime rates in accordance with the foregoing provisions of this paragraph shall be payable to a Branch Shop Manager or Branch Shop Manageress only if the overtime worked is specifically authorised in writing by the employer or his representative.

(ii) Where it is, or becomes, the established practice in a Jewish undertaking for the employer to require attendance on Sunday instead of Saturday, the foregoing provisions of this paragraph shall apply in like manner as if in such provisions the word "Saturday" were substituted for "Sunday," except where such substitution is unlawful.

B. To any worker, other than a Branch Shop Manager or Branch Shop Manageress—

(1) On the weekly short day—

For any time worked in excess of 5 hours .. time-and-a-half

(2) In any week, exclusive of any time in respect of which a minimum overtime rate is payable under the foregoing provisions of this paragraph—

(*a*) In the case of workers engaged whole-time in the sale of excisable liquors and employed in an undertaking with a 7-day Licence—

(i) For the first two hours worked in excess of 48 hours .. .. .. hourly rate
(ii) For the next four hours .. .. time-and-a-quarter
(iii) Thereafter .. .. time-and-a-half

(*b*) In the case of workers employed in a shop which is wholly or mainly engaged in the sale of cooked meats or other cooked foods—

(i) For the first four hours worked in excess of 47 hours .. .. .. time-and-a-quarter
(ii) Thereafter .. .. time-and-a-half

(*c*) In the case of all workers other than those specified in B (2) (*a*) and (*b*) of this paragraph—

(i) For the first four hours worked in excess of 46 hours .. .. .. time-and-a-quarter
(ii) Thereafter .. .. time-and-a-half

Provided that in any week which includes one customary holiday the periods of "46 hours", "47 hours" and "48 hours", where they appear in the foregoing provisions of this paragraph, shall be reduced by eight hours and, in any week which includes two customary holidays, by sixteen hours.

WAITING TIME

Paragraph 5

A worker is entitled to payment of the minimum remuneration specified in this Schedule for all the time during which he is present on the premises of the employer, unless he is present thereon in any of the following circumstances, that is to say—

(*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, and he is not waiting for work to be given to him to perform.

WORKERS WHO ARE NOT REQUIRED TO WORK ON A DAY OF CUSTOMARY HOLIDAY

Paragraph 6

Where a worker is not required to work on a day of customary holiday he shall be paid for the day of customary holiday not less than the amount to which he would have been entitled under the provisions of this Schedule had the

day not been a day of customary holiday and had he worked the number of hours ordinarily worked by him on that day of the week; provided that the worker (unless excused by the employer or absent by reason of the proved illness of, or accident to, the worker) has worked for the employer throughout the last working day on which work was available to him immediately prior to the customary holiday and that he presents himself for employment at the usual starting hour on the first working day following the holiday.

GUARANTEED WEEKLY REMUNERATION PAYABLE TO A FULL-TIME WORKER

Paragraph 7

(1) Notwithstanding the other provisions of this Schedule, where in respect of any week the total remuneration payable to a full-time worker (as defined in paragraph 9 of this Schedule);

(*a*) under those other provisions; and

(*b*) by way of holiday remuneration under a wages regulation order, made by the Minister to give effect to proposals of the Wages Council

is less than the guaranteed weekly remuneration provided under this paragraph, the minimum remuneration payable to that worker for that week shall be that guaranteed weekly remuneration.

(2) The guaranteed weekly remuneration payable in respect of any week to a full-time worker is the remuneration to which he would be entitled under paragraph 2 or 3 of this Schedule for work in his normal occupation for the number of hours specified in (*a*), (*b*), (*c*) or (*d*) of sub-paragraph (1) of paragraph 8 of this Schedule, as the case may be.

(3) Guaranteed weekly remuneration is not payable in respect of any week unless the worker throughout his normal working hours in that week (excluding any time allowed to him as a holiday) is

(*a*) capable of and available for work; and

(*b*) willing to perform such duties outside his normal occupation as the employer may reasonably require if his normal work is not available in the establishment in which he is employed.

(4) Guaranteed weekly remuneration is not payable in respect of any week if the worker's employment is terminated before the end of that week.

(5) If the employer is unable to provide the worker with work by reason of a strike or other circumstances beyond his control and gives the worker four clear days' notice to that effect, guaranteed weekly remuneration shall not be payable after the expiry of such notice in respect of any week during which or during part of which the employer continues to be unable to provide work as aforesaid.

Provided that in respect of the week in which the said notice expires there shall be paid to the worker, in addition to any remuneration payable in respect of time worked in that week, any remuneration that would have been payable if the worker had worked his normal hours of work on every day in the week prior to the expiry of the notice.

BASIS OF REMUNERATION

Paragraph 8

(1) The weekly minimum remuneration specified in this Schedule relates—

(*a*) in the case of a worker aged 16 years or over engaged whole-time in the sale of excisable liquors in an undertaking with a 7-day Licence, to a week of 48 hours exclusive of overtime,

(*b*) in the case of a worker aged 16 years or over who is employed in a shop which is wholly or mainly engaged in the sale of cooked meats or other cooked foods, to a week of 47 hours exclusive of overtime,

(*c*) in the case of any other worker aged 16 years or over, to a week of 46 hours exclusive of overtime,

(*d*) in the case of any worker aged under 16 years, to a week of 44 hours exclusive of overtime,

and, except as provided in paragraph 7 (which deals with guaranteed weekly remuneration), is subject to a proportionate reduction according as the number of hours worked is less than 48, 47, 46 or 44, as the case may be.

(2) In calculating the remuneration for the purpose of this Schedule recognised breaks for meal-times shall, subject to the provisions of paragraph 5 hereof (which relates to waiting time), be excluded.

DEFINITIONS

Paragraph 9

For the purposes of this Schedule—

"BRANCH SHOP" means a branch of an undertaking being a shop engaged—

(i) wholly or mainly in the retail food trades; or

(ii) wholly or mainly in the retail food trades and one or more of the groups of retail distributive trades set out in the Appendix to paragraph 11 of this Schedule and to a greater extent in the retail food trades than in any one of those groups;

"BRANCH SHOP MANAGER", "BRANCH SHOP MANAGERESS" means a worker who is in charge of a branch shop, being responsible to the employer for the custody of cash and stock, for the control of staff and for the conduct of the business of the branch shop and who in the London Area or Provincial A Area has at least one worker whether full-time or part-time under him or her and in Provincial B Area has at least one full-time or two part-time workers under him or her;

"CANVASSER" means a worker wholly or mainly employed on canvassing for orders;

"CASHIER" means a worker employed in a shop and engaged wholly or mainly in receiving cash and giving change or in the handling of ration coupons;

"CENTRAL WAREHOUSE WORKER" means a worker wholly or mainly employed in a central warehouse, that is to say, a warehouse from which an undertaking in the retail food trades supplies its branch shops;

"CUSTOMARY HOLIDAY" means—

Christmas Day (or, if Christmas Day falls on a Sunday, such weekday as may be prescribed by national proclamation or, if no such day is prescribed, the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday, August Bank Holiday and any day proclaimed as an additional Bank Holiday or a general holiday; or where in any establishment it is not the custom or practice to observe such days as holidays, such other days, not fewer in number, as may be substituted by agreement between the employer or his representative and the worker or his representative.

"FULL-TIME WORKER" means a worker who normally works for the employer for at least 36 hours in the week on work to which this Schedule applies;

"HOURLY RATE" in paragraph 4 B (2) of this Schedule means the rate obtained by dividing by 48 the weekly minimum remuneration to which the worker is entitled under the provisions of paragraph 2 or 3 of this Schedule;

"LONDON AREA", "PROVINCIAL A AREA" and "PROVINCIAL B AREA" have the meanings respectively assigned to them in paragraph 10 of this Schedule;

"SHOP ASSISTANT" means a worker wholly or mainly employed in the serving of customers;

"STOCKMAN OR ORDERMAN" means a worker employed in a shop, or in a warehouse carried on in conjunction with a shop and wholly or mainly engaged in the custody of goods or the receiving and checking of stock or the assembly of orders;

"TIME-AND-A-QUARTER", "TIME-AND-A-HALF" and "DOUBLE TIME" mean respectively, one and a quarter times, one and a half times and twice the hourly rate obtained by dividing the weekly minimum remuneration to which the worker is entitled under the provisions of paragraph 2 or 3 of this Schedule—

(*a*) in the case of a worker aged 16 years or over engaged whole-time in the sale of excisable liquors in an undertaking with a 7-day Licence, by 48;

(*b*) in the case of a worker aged 16 years or over who is employed in a shop which is wholly or mainly engaged in the sale of cooked meats or other cooked foods, by 47;

(*c*) in the case of any other worker aged 16 years or over, by 46; and

(*d*) in the case of any worker aged under 16 years, by 44;

"VAN SALESMAN" means a worker wholly or mainly employed in the sale of goods to customers from a van or other vehicle;

"WATCHMAN" means a worker engaged in guarding the employer's premises for the prevention of theft, fire, damage or trespass.

"WEEK" means "pay week".

"WEEKLY REST DAY" means one day in each week which has been notified to the worker before the commencement of that week as a rest day or, failing such notification, Sunday;

AREAS

Paragraph 10

In this Schedule—

(*a*) "LONDON AREA" means the City of London and the Metropolitan Police District,

(*b*) "PROVINCIAL B AREA" means all areas other than those defined in sub-paragraphs (*a*) and (*c*) of this paragraph;

(*c*) "PROVINCIAL A AREA" means—

(i) all areas other than the London Area which according to the Registrar General's Statistical Review for 1945 were administered by County Borough, Municipal Borough or Urban District Councils and which had a population of ten thousand or more, and,

(ii) the areas administered by the following Municipal Boroughs and Urban District Councils which had a population in 1945 of less than ten thousand:—

ANGLESEY—
Holyhead

BEDFORDSHIRE—
Biggleswade
Kempston
Leighton Buzzard

BERKSHIRE—
Abingdon
Wokingham

BRECKNOCKSHIRE—
Brecknock
Brynmawr

BUCKINGHAMSHIRE—
Beaconsfield
Bletchley
Eton

CAERNARVONSHIRE—
Caernarvon
Conway

CARDIGANSHIRE—
Aberystwyth

CARMARTHENSHIRE—
Ammanford
Burry Port

CHESHIRE—
Alderley Edge
Bollington
Bowdon
Hoole
Knutsford
Lymm
Middlewich
Nantwich
Neston
Sandbach

CORNWALL—
Newquay
St. Ives
Saltash

CUMBERLAND—
Cockermouth
Keswick
Penrith

DENBIGHSHIRE—
Abergele
Denbigh

DERBYSHIRE—
Ashbourne
Clay Cross
Dronfield
New Mills

DEVONSHIRE—
Brixham
Dawlish
Ilfracombe
Sidmouth
Teignmouth

DORSETSHIRE—
Bridport
Portland
Swanage

ELY, ISLE OF—
Ely
Whittlesey

ESSEX—
Canvey Island
Epping
Frinton and Walton
Halstead
Harwich
Maldon

ESSEX—(*contd.*)
Rayleigh
Witham

FLINTSHIRE—
Connah's Quay
Holywell
Prestatyn

GLOUCESTERSHIRE—
Charlton Kings

GLAMORGANSHIRE—
Glyncorwg
Porthcawl

HAMPSHIRE—
Alton
Fleet
Petersfield
Romsey

HEREFORDSHIRE—
Leominster
Ross-on-Wye

HERTFORDSHIRE—
Tring
Ware

HUNTINGDONSHIRE—
Old Fletton

KENT—
Broadstairs and St. Peters
Hythe
Southborough
Swanscombe

LANCASHIRE—
Abram
Adlington
Aspull
Barrowford
Billinge and Winstanley
Blackrod
Brierfield
Church
Clayton-le-Moors
Formby
Kearsley
Kirkham
Lees
Littleborough
Little Lever
Longridge
Milnrow
Mossley
Orrell
Padiham

LANCASHIRE—(*contd.*)
Poulton le Fylde
Preesall
Rainford
Rishton
Skelmersdale
Standish with Langtree
Tottington
Trawden
Ulverston
Upholland
Wardle
Whitworth
Withnell

LEICESTERSHIRE—
Ashby de la Zouch
Ashby Woulds
Market Harborough
Oadby
Shepshed

LINCOLNSHIRE—
Louth
Skegness
Sleaford

MERIONETHSHIRE—
Ffestiniog

MONMOUTHSHIRE—
Abergavenny
Bedwas and Machen
Blaenavon
Monmouth
Rhymney

NORFOLK—
East Dereham

NORTHAMPTONSHIRE—
Daventry
Desborough
Irthlingborough
Raunds
Rothwell

NORTHUMBERLAND—
Hexham
Morpeth
Newbiggin by the Sea
Prudhoe

NOTTINGHAMSHIRE—
Eastwood

OXFORDSHIRE—
Henley-on-Thames
Witney

PEMBROKESHIRE—
Haverfordwest
Milford Haven

SHROPSHIRE—
Bridgnorth
Dawley
Ludlow
Whitchurch

SOMERSETSHIRE—
Burnham-on-Sea
Clevedon
Keynsham
Minehead
Wells

STAFFORDSHIRE—
Amblecote
Lichfield
Rugeley
Stone
Tettenhall
Uttoxeter

SUFFOLK—
Felixstowe
Newmarket

SUSSEX—
East Grinstead
Newhaven
Seaford
Shoreham-by-Sea
Southwick

WARWICKSHIRE—
Kenilworth

WESTMORLAND—
Windermere

WIGHT, ISLE OF—
Ventnor

WILTSHIRE—
Devizes
Warminster

YORKSHIRE—
Baildon
Cudworth
Darfield
Denby Dale
Denholme

YORKSHIRE—(*contd.*)
Dodworth
Driffield
Earby
Filey
Guisborough
Hebden Royd
Heckmondwike
Horbury
Knaresborough
Knottingley
Loftus
Meltham
Northallerton
Penistone
Queensbury and Shelf
Ripon
Ripponden
Royston
Saltburn and Marske by the Sea
Scalby
Selby
Silsden
Stocksbridge
Whitby

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

Paragraph 11

(1) (i) Subject to the provisions of sub-paragraph (2) of this paragraph the workers to whom this Schedule applies are all workers employed in England and Wales in any undertaking or any branch or department of an undertaking being an undertaking, branch or department engaged—

(*a*) wholly or mainly in the retail food trades; or

(*b*) wholly or mainly in the retail food trades and one or more of the groups of retail distributive trades set out in the Appendix hereto, and to a greater extent in the retail food trades than in any one of those groups.

Provided that if a branch or department of an undertaking is not so engaged, this Schedule shall not apply to workers employed in that branch or department (notwithstanding that the undertaking as a whole is so engaged), except in the case of workers as respects their employment in a department of that branch if that department is so engaged.

(ii) For the purposes of this sub-paragraph

(*a*) in determining the extent to which an undertaking or branch or department of an undertaking is engaged in a group of trades, regard shall be had to the time spent in the undertaking, branch or department on work in that group of trades;

(*b*) an undertaking or branch or department of an undertaking which is engaged in any operation in a group of trades shall be treated as engaged in that group of trades.

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

(i) workers in relation to whom any Wages Council operates (other than the Retail Food Trades Wages Council (England and Wales)) in respect of any employment which is for the time being within the field of operation of that Wages Council;

(ii) workers in relation to whom any Wages Board established under the Catering Wages Act, 1943(a), operates in respect of any employment which is for the time being within the field of operation of that Wages Board;

(iii) workers in relation to whom the Road Haulage Wages Council operates in respect of any employment which is within the field of operation of that Council;

(iv) workers employed on post office business;

(v) workers for whom minimum rates of wages are fixed by the Agricultural Wages Board;

(vi) workers employed on the maintenance or repair of buildings, plant, equipment or vehicles (but not including workers employed as cleaners);

(vii) workers employed in any ship (which includes every description of vessel used in navigation);

(viii) workers employed as watchmen for any time during which they are so employed.

(3) For the purpose of this Schedule the retail food trades do not include the sale by retail of bread pastry or flour confectionery (other than biscuits or meat pastries) or the sale by retail of meat (other than bacon, ham, pressed beef, sausages, or meat so treated as to be fit for human consumption without further preparation or cooking) or the sale by retail of milk (other than dried or condensed milk) or the sale by retail of ice-cream, aerated waters, chocolate confectionery or sugar confectionery, or the sale of food or drink for immediate consumption, but save as aforesaid consist of the sale by retail of food or drink for human consumption and operations connected therewith including:—

(i) operations in or about the shop or other place where the food or drink aforesaid is sold, being operations carried on for the purpose of such sale or otherwise in connection with such sale;

(ii) operations in connection with the warehousing or storing of such food or drink for the purpose of sale by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where such food or drink is sold by retail;

(iii) operations in connection with the transport of such food or drink when carried on in conjunction with its sale by retail or with the warehousing or storing operations specified in (ii) of this sub-paragraph; and

(iv) clerical or other office work carried on in conjunction with the sale by retail aforesaid and relating to such sale or to any of the operations in (i) to (iii) of this sub-paragraph;

and for the purpose of this definition "sale by retail" includes any sale of food or drink to a person for use in connection with a catering business carried on by him, when such sale takes place at or in connection with a shop engaged in the retail sale of food or drink to the general public.

(a) 6 & 7 Geo. 6. c. 24.

APPENDIX TO PARAGRAPH 11

GROUPS OF RETAIL DISTRIBUTIVE TRADES

Group 1. The Retail Furnishing and Allied Trades, that is to say—

(1) the sale by retail of the following articles:—

(*a*) household and office furniture, including garden furniture, mattresses, floor coverings and mirrors, but excluding billiard tables, clocks, pianos, gramophones and pictures;

(*b*) ironmongery, turnery and hardware, of kinds commonly used for household purposes, including gardening implements;

(*c*) hand tools;

(*d*) woodware, basketware, glassware, potteryware, chinaware, brassware, plasticware and ceramic goods, being articles or goods of kinds commonly used for household purposes or as household ornaments;

(*e*) electrical and gas appliances and apparatus, of kinds commonly used for household purposes (excluding clocks), and accessories and component parts thereof;

(*f*) heating, lighting and cooking appliances and apparatus, of kinds commonly used for household purposes, and accessories and component parts thereof;

(*g*) radio and television sets and their accessories and component parts;

(*h*) pedal cycles and their accessories and component parts;

(*i*) perambulators, push chairs and invalid carriages;

(*j*) toys, indoor games, requisites for outdoor games, gymnastics and athletics, but excluding billiard tables and sports clothing;

(*k*) saddlery, leather goods (other than articles of wearing apparel and ladies' handbags) and travel goods;

(*l*) paint, distemper and wallpaper, and oils of kinds commonly used for household purposes (excluding petrol and lubricating oils);

(*m*) brushes mops and brooms, used for household purposes, and similar articles;

(*n*) disinfectants, chemicals, candles, soaps and polishes of kinds commonly used for household purposes;

(2) operations in or about the shop or other place where any of the articles specified in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale;

(3) operations in connection with the warehousing or storing of any of the articles specified in (1) above for the purpose of the sale thereof by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail;

(4) operations in connection with the transport of any of the articles specified in (1) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) above; and

(5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles specified in (1) above and relating to such sale or to any of the operations specified in (2) to (4) above;

and for the purpose of this definition the sale by retail of any of the articles specified in (1) above does not include sale by auction (except where the auctioneer sells articles by retail which are his property or the property of his master) but

includes the sale of any of the articles therein specified to a person for use in connection with a trade or business carried on by him if such sale takes place at or in connection with a shop engaged in the retail sale to the general public of any of the said articles.

Group 2. The Retail Drapery, Outfitting and Footwear Trades that is to say—

(1) the sale by retail of the following articles:—

(*a*) wearing apparel of all kinds (including footwear, headwear and handwear) and accessories, trimmings and adornments for wearing apparel excluding jewellery and imitation jewellery);

(*b*) haberdashery;

(*c*) textile fabrics in the piece, leather cloth, plastic cloth and oil cloth (but not including carpets, linoleum and other kinds of floor covering);

(*d*) knitting, rug, embroidery, crochet and similar wools or yarns;

(*e*) made-up household textiles (but excluding mattresses and floor coverings);

(*f*) umbrellas, sunshades, walking sticks, canes and similar articles;

(*g*) ladies' handbags;

(2) operations in or about the shop or other place where any of the articles included in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale;

(3) operations in connection with the warehousing or storing of any of the articles included in (1) above for the purpose of the sale thereof by retail or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail;

(4) operations in connection with the transport of any of the articles included in (1) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) above; and

(5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles included in (1) above and relating to such sale or to any of the operations specified in (2) to (4) above;

and for the purpose of this definition the sale by retail of any of the articles in (1) above includes the sale of that article to a person for use in connection with a trade or business carried on by him if such sale takes place at or in connection with a shop engaged in the retail sale to the general public of any of the articles included in (1) above.

Group 3. The Retail Bookselling and Stationery Trades, that is to say—

(1) the sale by retail of the following articles:—

(*a*) books (excluding printed music and periodicals);

(*b*) all kinds of stationery including printed forms, note books, diaries and similar articles, and books of kinds used in an office or business for the purpose of record;

(*c*) pens, pencils, ink, blotting paper and similar articles;

(*d*) maps and charts;

(*e*) wrapping and adhesive paper, string, paste and similar articles;

(2) operations in or about the shop or other place where any of the articles specified in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale;

(3) operations in connection with the warehousing or storing of any of the articles specified in (1) above for the purpose of the sale thereof by retail or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail;

(4) operations in connection with the transport of any of the articles specified in (1) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) above; and

(5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles specified in (1) above and relating to such sale or to any of the operations specified in (2) to (4) above.

Group 4. The Retail Newsagency, Tobacco and Confectionery Trades, that is to say—

(1) the sale by retail of the following articles:—

(*a*) newspapers, magazines and other periodicals;

(*b*) tobacco, cigars, cigarettes, snuff and smokers' requisites;

(*c*) articles of sugar confectionery and chocolate confectionery, and ice-cream;

(2) operations in or about the shop or other place where any of the articles specified in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale;

(3) operations in connection with the warehousing or storing of any of the articles specified in (1) above for the purpose of the sale thereof by retail or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail;

(4) operations in connection with the transport of any of the articles specified in (1) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) above; and

(5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles specified in (1) above and relating to such sale or to any of the operations specified in (2) to (4) above.

EXPLANATORY NOTE

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

The Schedule to this Order sets out the statutory minimum remuneration payable as from the 17th October, 1949, to workers (other than watchmen) in relation to whom the Retail Food Trades Wages Council (England and Wales) operates.