EXPLANATORY NOTE

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

This Order, which has effect from the 26th June, 1950, amends Order R.N.T. (3) and (4). The principal amendments are the fixing of statutory minimum remuneration for clerks and transport workers in relation to whom the Council operates and the exclusion of certain delivery workers from the operation of Order R.N.T. (3) and (4).

The Schedule to this Order is substituted for the First Schedule to Order R.N.T. (3) and (4). New and amended provisions in the Schedule are shown in italics.

The Retail Newsagency, Tobacco and Confectionery Trades Wages Council (England and Wales) Wages Regulation (No. 2) Order, 1950

1950 No. 1817

Made - - - - 10*th November*, 1950
Coming into Operation 27*th November*, 1950

R.N.T.(8)

Whereas the Minister of Labour and National Service (hereinafter in this Order referred to as "the Minister") has received from the Retail Newsagency, Tobacco and Confectionery Trades Wages Council (England and Wales) (hereinafter in this Order referred to as "the Council") the wages regulation proposals set out in the Schedule hereto, being proposals for amending the Retail Newsagency, Tobacco and Confectionery Trades Wages Council (England and Wales) Wages Regulation Order, 1949(a) (hereinafter in this Order referred to as "Order R.N.T. (3) & (4)"), as amended by the Retail Newsagency, Tobacco and Confectionery Trades Wages Council (England and Wales) Wages Regulation Order, 1950(b) (hereinafter in this Order referred to as "Order R.N.T. (6)"), which fixed the minimum remuneration to be paid by their employers to workers in relation to whom the Council operates;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 10 of the Wages Councils Act, 1945(c), 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 Newsagency, Tobacco and Confectionery Trades Wages Council (England and Wales) Wages Regulation (No. 2) Order, 1950.

(a) S.I. 1949 (No. 1755) I, p. 4574. (b) S.I. 1950 No. 927, p. 1451 above.
(c) 8 & 9 Geo. 6. c. 17.

(2) In this Order the expression "the specified date" means the 27th day of November, 1950, 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(a), applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Amendment of Order R.N.T. (3) & (4) *as amended by Order R.N.T.* (6)

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 10th day of November, 1950.

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

SCHEDULE

STATUTORY MINIMUM REMUNERATION

Order R.N.T. (3) & (4) as amended by Order R.N.T. (6) shall have effect as if in the First Schedule thereto:—

1. In paragraph 2, after (*c*) of sub-paragraph (2) there were added the following:—

"(*d*) *a cleaner employed for not more than two hours per day and for not more than twelve hours per week shall not be counted.*"

2. For paragraph 5 there were substituted the following paragraph:—

"MINIMUM OVERTIME RATES

Paragraph 5

Subject to the provisions of this paragraph, overtime is payable to all workers (other than to shop managers, shop manageresses and street newsvendors) at the following minimum rates:—

(*a*) *on the weekly short day in any week during which, under sub-section (3) of Section 40 of the Shops Act, 1950*(b), *the employer is relieved of his obligation to allow a worker a weekly half day—*

for any time worked after 1.30 p.m. .. .. Double time.

(*b*) *on the weekly short day (not being a weekly short day to which (a) of this paragraph applies)—*

for any time worked after 1.30 p.m. .. .. Time-and-a-half.

(a) 52 & 53 Vict. c. 63. (b) 14 Geo. 6. c. 28.

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

for the first 4 hours worked in excess of 48 hours	Time-and-a-quarter.
thereafter	Time-and-a-half.

Provided that in any week which includes one customary holiday '40 hours' shall be substituted for '48 hours' where it appears in the foregoing provisions of this paragraph and in any week which includes two customary holidays '32 hours' shall be substituted for the said '48 hours'."

3. For paragraph 12 there were substituted the following paragraph:—

"GUARANTEED WEEKLY REMUNERATION

Paragraph 12

(1) Notwithstanding the other provisions of this Schedule, where in respect of any week the total remuneration (*excluding remuneration in respect of overtime for work on a weekly short day and additional payments which may be payable under paragraph 6 of this Schedule for work on a Sunday*) payable to a full-time worker—

(*a*) under those other provisions, and

(*b*) by way of holiday remuneration under a wages regulation order,

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 *with the addition of any amount which may be payable in respect of overtime for work on a weekly short day and any additional payments which may be payable under paragraph 6 of this Schedule for work on a Sunday.*

(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 paragraph 3 of this Schedule for 48 hours' work in his normal occupation, or for 44 hours' such work in the case of a worker under 16 years of age.

Provided that—

(i) where the worker normally works for the employer on work to which this Schedule applies for less than 48 hours in the week, or for less than 44 hours in the case of a worker under 16 years of age, by reason only of the fact that he does not hold himself out as normally available for work for more than the number of hours he normally works in the week, and the worker has informed his employer in writing that he does not so hold himself out, the guaranteed weekly remuneration shall be the remuneration to which the worker would be entitled (calculated as in paragraph 13 of this Schedule) for the number of hours in the week normally worked by the worker for the employer on work to which this Schedule applies;

(ii) *where in any week the worker at his request and with the written consent of his employer is absent from work during any part of his normal working hours on any day (other than a holiday allowed in pursuance of a wages regulation order or a customary holiday or a holiday allowed to all persons employed in the undertaking or branch of an undertaking in which the worker is employed), the guaranteed weekly remuneration payable in respect of that week shall be reduced in respect of each day on which he is absent as aforesaid by one-sixth where the worker's normal working week is six days or by one-fifth where his normal working week is five days.*

(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 *or during which he is absent from work in accordance with proviso (ii) to sub-paragraph (2) of this paragraph*) 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."

4. In paragraph 15, after the definition of " Carrying Capacity ", there were inserted the following definition :—

" ' CLEANER ' means, in paragraph 2 of this Schedule, a worker engaged wholly or mainly in cleaning 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 the 27th November, 1950, further amends Order R.N.T. (3) & (4), as amended by Order R.N.T. (6). It provides for the exclusion of certain part-time cleaners when calculating the number of staff employed at a shop for the purpose of computing the minimum remuneration of a shop manager or manageress. It also amends the provisions relating to minimum overtime rates and guaranteed weekly remuneration. New provisions are printed in italics.