Wages Regulation Order, 1952 (Order R.F.C. (11)), as amended by the Retail Food Trades Wages Council (England and Wales) Wages Regulation (Amendment) Order, 1952 (Order R.F.C. (13)).

New provisions in the First Schedule are printed in italics.

The Second Schedule repeats without alteration the amendment to the Retail Food Trades Wages Council (England and Wales) Wages Regulation (Holidays) Order, 1949 (Order R.F.C. (4)), which was contained in Order R.F.C. (11).

Order R.F.C. (11) and Order R.F.C. (13) are revoked.

1953 No. 1333

The Retail Food Trades Wages Council (Scotland) Wages Regulation Order, 1953

Made - - - - 31*st August*, 1953
Coming into Operation 28*th September*, 1953

Whereas the Minister of Labour and National Service (hereafter in this Order referred to as "the Minister") has received from the Retail Food Trades Wages Council (Scotland) the wages regulation proposals set out in the First and Second Schedules hereto;

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 enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Retail Food Trades Wages Council (Scotland) Wages Regulation Order, 1953.

2.—(1) In this Order the expression "the specified date" means the 28th day of September, 1953, 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), applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. The wages regulation proposals set out in the First and Second Schedules hereto shall have effect as from the specified date and as from that date the Retail Food Trades Wages Council (Scotland) Wages Regulation Order, 1950(c), the Retail Food Trades Wages Council (Scotland) Wages Regulation (Amendment) Order, 1951(d), and the Retail Food Trades Wages Council (Scotland) Wages Regulation (Amendment) Order, 1952(e), shall cease to have effect.

Signed by order of the Minister of Labour and National Service this 31st day of August, 1953.

Guildhaume Myrddin-Evans,
Deputy Secretary,
Ministry of Labour and National Service.

(a) 8 & 9 Geo. 6. c. 17. (b) 52 & 53 Vict. c. 63.
(c) S.I. 1950/1391; 1950 II, p. 1425. (d) S.I. 1951/955; 1951 II, p. 1224.
(e) S.I. 1952/1627; 1952 III, p. 3831.

FIRST SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Retail Food Trades Wages Council (Scotland) Wages Regulation Order, 1950, (Order R.F.C.S. (6)), as amended by the Retail Food Trades Wages Council (Scotland) Wages Regulation (Amendment) Order, 1951, (Order R.F.C.S. (9)) and the Retail Food Trades Wages Council (Scotland) Wages Regulation (Amendment) Order, 1952, (Order R.F.C.S. (11)).

STATUTORY MINIMUM REMUNERATION

1. Subject to the provisions of paragraphs 6, 7, 11 and 12 of this Schedule, the minimum remuneration payable to workers to whom this Schedule applies is the remuneration set out in paragraphs 2, 3, 4 and 5 of this Schedule: Provided that any increase in remuneration payable under the provisions of paragraph 4 or paragraph 5 of this Schedule 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.

SHOP MANAGERS AND SHOP MANAGERESSES

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

Column 1	Column 2	
Weekly trade	Shop Manageresses All Areas Per Week	Shop Managers All Areas Per Week
	s. d.	s. d.
Under £50	*96 0*	*128 0*
£50 and under £60	*99 0*	*128 0*
£60 „ „ £70	*102 0*	*128 0*
£70 „ „ £80	*104 0*	*128 0*
£80 „ „ £90	*107 0*	*128 0*
£90 „ „ £100	*109 0*	*128 0*
£100 „ „ £110	*116 0*	*135 0*
£110 „ „ £120	*119 0*	*137 0*
£120 „ „ £130	*121 0*	*139 0*
£130 „ „ £140	*123 0*	*141 0*
£140 „ „ £150	*124 0*	*143 0*
£150 „ „ £160	*125 0*	*144 0*
£160 „ „ £170	*126 0*	*146 0*
£170 „ „ £180	*128 0*	*147 0*
£180 „ „ £190	*129 0*	*148 0*
£190 „ „ £200	*130 0*	*149 0*
£200	*132 0*	*150 0*

For Shop Managers and Shop Manageresses employed in shops with weekly trade in excess of £200 per week there shall be added to the above amounts of weekly remuneration for Shop Managers and Shop Manageresses employed in shops with a weekly trade of £200, one shilling for each additional complete £10 of weekly trade above £200 per week up to £350 per week and thereafter a further one shilling for every additional complete £20 of weekly trade.

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 26 pay weeks beginning with the fifth pay week following the last Saturday in February in any year, or for any part thereof, the weekly trade of a shop shall be one fifty-second of the amount of the total receipts in respect of goods sold at that shop during the 52 weeks immediately preceding the last Saturday in February in that year and for the 26 pay weeks in any year immediately following (hereinafter called the "second period"), or for any part thereof, the weekly trade of a shop shall be one fifty-second of the amount of the total receipts in respect of goods sold at that shop during the 52 weeks immediately preceding the last Saturday in August of the same year as that in which the second period begins: Provided that, so long as a shop has been under management for less than 52 weeks immediately preceding the last Saturday in February in any year or the last Saturday in August in any year as the case may be, the weekly trade of that shop, for the purpose of calculating the weekly minimum remuneration payable in any pay week under the foregoing table, shall until such period of 52 weeks has elapsed be the amount of the total receipts in respect of goods sold at that shop in the week immediately preceding such pay week and for the purpose of calculating such weekly minimum remuneration as aforesaid payable in respect of each of the first two pay weeks during which a shop is under management the weekly trade of that shop shall be the amount of the total receipts in respect of goods sold thereat in the first week during which the shop is under management.

TEMPORARY SHOP MANAGERS AND TEMPORARY SHOP MANAGERESSES

3.—(1) Subject to the provisions of this paragraph, the weekly minimum remuneration payable to temporary shop managers and temporary shop manageresses during any of the periods of employment in Column 1 shall be at the rate appearing in Column 2 of the following table:—

Column 1	Column 2	
Continuous period of employment as Temporary Shop Manager or Temporary Shop Manageress ...	Temporary Shop Manageresses All Areas Rate per week	Temporary Shop Managers All Areas Rate per week
	s. d.	s. d.
(*a*) during the first two weeks	*92 0*	*131 0*
(*b*) during the third and fourth weeks	*97 0*	*141 0*
(*c*) thereafter	the appropriate weekly minimum remuneration for a shop manager or shop manageress, as the case may be, under the provisions of paragraph 2 of this Schedule.	

Provided that where a temporary shop manageress takes charge of a shop managed by a shop manager the weekly minimum remuneration payable to the temporary shop manageress during the periods of employment in

Column 1 shall be at the rate appearing in Column 2 of the following table:—

Column 1 Continuous period of employment as Temporary Shop Manageress	Column 2 Temporary Shop Manageresses All Areas Rate per week s. d.
(i) during the first two weeks	*97 0*
(ii) during the third and fourth weeks	*107 0*
(iii) thereafter	the appropriate weekly minimum remuneration for a shop manageress under the provisions of paragraph 2 of this Schedule.

(2) For the purposes of this paragraph where a worker commences a period of employment as a temporary shop manager or temporary shop manageress within six months of the termination of such a period of employment at the same shop, the two periods of employment shall be treated as continuous.

WORKERS OTHER THAN SHOP MANAGERS, SHOP MANAGERESSES, TEMPORARY SHOP MANAGERS, TEMPORARY SHOP MANAGERESSES, CENTRAL TRANSPORT WORKERS AND RETAIL TRANSPORT WORKERS

4. Subject to the provisions of paragraph 1 of this Schedule, the weekly minimum remuneration payable to male or female workers of the classes specified in Column 1 of the following table employed in Area 1 or Area 2, as the case may be, is the appropriate amount set out in Column 2 of the said table:—

Column 1	Column 2			
	Male Workers		Female Workers	
	Area 1	Area 2	Area 1	Area 2
	Per week *s. d.*	Per week *s. d.*	Per week *s. d.*	Per week *s. d.*
(1) CLERKS GRADE I other than those referred to in (2) of this paragraph, CLERKS GRADE II, SHOP ASSISTANTS, CENTRAL WAREHOUSE WORKERS, TRANSPORT WORKERS (other than those referred to in paragraph 5) and all other workers—				
Workers aged 15 and under 16 years ...	*42 0*	*40 0*	*37 0*	*35 0*
„ „ 16 „ „ 17 „ ...	*47 0*	*45 0*	*40 0*	*38 0*
„ „ 17 „ „ 18 „ ...	*52 0*	*50 0*	*45 0*	*43 0*
„ „ 18 „ „ 19 „ ...	*63 0*	*61 0*	*51 0*	*49 0*
„ „ 19 „ „ 20 „ ...	*73 0*	*70 0*	*56 0*	*53 0*
„ „ 20 „ „ 21 „ ...	*83 0*	*80 0*	*65 0*	*62 0*
„ „ 21 „ „ 22 „ ...	*99 0*	*96 0*	*71 0*	*68 0*
„ „ 22 „ „ 23 „ ...	*105 0*	*101 0*	*77 0*	*73 0*
„ „ 23 „ „ 24 „ ...	*110 0*	*106 0*	*82 0*	*78 0*
„ „ 24 years of age or over ...	*121 0*	*117 0*	*87 0*	*83 0*
(2) CLERKS GRADE I aged 25 years or over	*125 0*	*121 0*	*90 0*	*86 0*

CENTRAL TRANSPORT WORKERS AND RETAIL TRANSPORT WORKERS

5. Subject to the provisions of paragraph 1 of this Schedule, the weekly minimum remuneration payable to Central Transport Workers and Retail Transport Workers employed in Area 1 or Area 2, as the case may be, on the types of vehicle described in Column 2 of the following table, is the appropriate amount set out in Column 3 of the said table:—

Column 1	Column 2		Column 3	
Age of transport worker	Type of vehicle		Area 1	Area 2
	Mechanically propelled vehicle with carrying capacity of	Horse-drawn vehicle		
(1) CENTRAL TRANSPORT WORKERS			Per week	Per week
			s. d.	*s. d.*
21 years or over ...	1 ton or less	One-horse	*121 0*	*117 0*
20 and under 21 years ...			*98 9*	*96 9*
19 „ „ 20 „ ...			*87 9*	*85 9*
18 „ „ 19 „ ...			*77 0*	*75 0*
Under 18 years			*67 3*	*65 3*
All ages	Over 1 ton up to 2 tons	Two-horse	*124 0*	*120 0*
	Over 2 tons up to 5 tons	—	*124 0*	*120 0*
	Over 5 tons	—	*128 0*	*124 0*
(2) RETAIL TRANSPORT WORKERS				
All ages	Over 1½ tons up to 2 tons	Two-horse	*121 0*	*117 0*
	Over 2 tons up to 5 tons	—	*121 0*	*117 0*
	Over 5 tons	—	*125 0*	*121 0*

MINIMUM OVERTIME RATES

6. Subject to the provisions of this paragraph, overtime is payable to any worker to whom this Schedule applies at the following minimum rates:—

(1) For employment on a Sunday—

(*a*) Where the worker is required to work in connection with the preservation of perishable goods—

(i) where time worked does not exceed 2 hours ... ... double time for 2 hours

(ii) where time worked exceeds 2 hours—for all time worked ... ... double time

(*b*) Where the worker is required to work for any reason other than that referred to in (*a*) of this sub-paragraph—

(i) where time worked does not exceed 4 hours ... ... double time for 4 hours

(ii) where time worked exceeds 4 hours—for all time worked ... ... double time

(2) In any week, exclusive of any time

(*a*) in respect of which a minimum overtime rate is payable under the foregoing provisions of this paragraph ;

(*b*) in respect of which a special time rate is payable under the provisions of paragraph 7 of this Schedule ;

(*c*) worked on a day of customary holiday ; or

(*d*) *worked immediately after the closing of the shop to the public not exceeding fifteen minutes on any one day or one hour in the aggregate in any week ;*

for all time worked in excess of *46* hours ... time-and-a-half

Provided that in any week which includes one customary holiday the period of *46* hours shall be reduced by eight hours and, in any week which includes two customary holidays, by sixteen hours.

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

SPECIAL TIME

7. The following special time rate is payable to a worker who is a shop assistant within the meaning of the Shops Act, 1950(a)—

On the worker's weekly half day, where, under section 40 of the Shops Act, 1950, the employer is relieved of his obligation to allow the worker a weekly half day—

for all time worked after 1.30 p.m. ... ... double time

WAITING TIME

8. 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 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.

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

9. 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 arrangement current immediately prior to the holiday 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.

(a) 14 Geo. 6. c. 28.

WORKERS WHO WORK ON A DAY OF CUSTOMARY HOLIDAY

10. Where a worker works on a day of customary holiday he shall be paid not less than the amount to which he would have been entitled under the arrangement current immediately prior to the holiday 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, and, in addition

(1) for any time worked not exceeding 2 hours ...	double time for 2 hours
(2) for any time worked in excess of 2 hours but not in excess of 8 hours	hourly rate
(3) for all time worked in excess of 8 hours	double time

GUARANTEED WEEKLY REMUNERATION PAYABLE TO A FULL-TIME WORKER

11.—(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 13)

(*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 Retail Food Trades Wages Council (Scotland),

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: Provided that 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 sub-paragraph (3) of this paragraph) is capable of and available for work.

(2) The guaranteed weekly remuneration is the remuneration to which the worker would be entitled under paragraph 2, paragraph 3, paragraph 4 or paragraph 5 of this Schedule for 46 hours' work in his usual occupation (or 44 hours' such work in the case of a worker under 16 years of age).

(3) Where in any week a 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.

BASIS OF REMUNERATION

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

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

(*b*) 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 11 (which deals with guaranteed weekly remuneration), is subject to a proportionate reduction according as the number of hours worked is less than 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 8 hereof (which relates to waiting time), be excluded.

DEFINITIONS

13. For the purposes of this Schedule—

"AREA 1" and "AREA 2" have the means respectively assigned to them in paragraph 14 of this Schedule.

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

"CARRYING CAPACITY" means the weight of the maximum load normally carried by the vehicle, and such carrying capacity when so established shall not be affected either by variations in the weight of the load resulting from collections or deliveries or emptying of containers during the course of the journey, or by the fact that on any particular journey a load greater or less than the established carrying capacity is carried.

"CENTRAL TRANSPORT WORKER" means a worker engaged wholly or mainly in driving a mechanically propelled or horse-drawn road vehicle for the transport of goods from any receiving point to a Central Warehouse or Depot or from any Central Warehouse or Depot to Shops and on work in connection with the vehicle and its load (if any) while on the road.

"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.

"CLERK GRADE I" means a worker engaged wholly or mainly on clerical work which includes responsibility for maintaining ledgers or wages books or for preparing financial accounts of the undertaking or of a branch or department thereof.

"CLERK GRADE II" means a worker, other than a Clerk Grade I, engaged wholly or mainly on clerical work.

"CUSTOMARY HOLIDAY" means 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, Christmas Day (or, if Christmas Day falls on a Sunday, the following Monday), two other days, observed by local custom as holidays, to be fixed by the employer and notified to the worker *and any day proclaimed as a public holiday throughout Scotland.*

"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 10 (2) of this Schedule means the rate obtained by dividing by 46 the weekly minimum remuneration to which the worker is entitled under the provisions of paragraph 2, paragraph 3, paragraph 4 or paragraph 5 of this Schedule.

"RETAIL TRANSPORT WORKER" means a worker engaged wholly or mainly in driving a mechanically propelled or horse-drawn road vehicle for the transport of goods to the consumer and on work in connection with the vehicle and its load (if any) while on the road.

"SHOP ASSISTANT" means (except in paragraph 7 of this Schedule) a worker (other than a Clerk Grade I or a Clerk Grade II) wholly or mainly employed in or about the business of a shop or undertaking 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 groups of retail distributive trades set out in the Appendix to paragraph 15 of this Schedule, and to a greater extent in the retail food trades than in any one of those groups.

"SHOP MANAGER", "SHOP MANAGERESS" means the worker, other than a temporary shop manager or temporary shop manageress, who is employed at and is in charge of the shop and who has supervision of other workers (if any) employed at the shop.

"TEMPORARY SHOP MANAGER", "TEMPORARY SHOP MANAGERESS" means a worker who, during the temporary absence (for a period of not less than one day) of a shop manager or shop manageress, carries out the duties of the shop manager or shop manageress, whilst the worker is so carrying out the duties of a shop manager or shop manageress.

"TIME-AND-A-HALF" and "DOUBLE TIME" mean respectively, one and a half times and twice the hourly rate obtained by dividing by 46 the weekly minimum remuneration to which the worker is entitled under the provisions of paragraph 2, paragraph 3, paragraph 4 or paragraph 5 of this Schedule.

"WEEK" means the period of six days commencing at midnight on any Sunday and ending at midnight on the following Saturday.

"WEEKLY HALF DAY" means that day in any week on which a worker is, in accordance with the provisions of section 17 of the Shops Act, 1950, required not to be employed about the business of a shop after half-past one o'clock in the afternoon.

AREAS

14. In this Schedule—

(*a*) "AREA 2" means all areas other than those defined in sub-paragraph (*b*) of this paragraph.

(*b*) "AREA 1" means—

(i) all Burghs which, according to the Annual Report of the Registrar-General for Scotland for 1946, had a population of ten thousand or more;

(ii) the following Special Lighting Districts, the boundaries of which have been defined, namely, Vale of Leven and Renton in the County of Dunbarton; and Larbert in the County of Stirling;

(iii) the following areas the boundaries of which were defined as Special Lighting Districts prior to the 10th March, 1943, namely Bellshill and Mossend, Blantyre, Cambuslang, Larkhall, and Holytown, New Stevenston and Carfin, all in the County of Lanark; and

(iv) the following Burghs—

ANGUS COUNTY
Brechin
Forfar

ARGYLL COUNTY
Dunoon

AYR COUNTY
Ardrossan
Largs
Troon

BANFF COUNTY
Buckie

BUTE COUNTY
Rothesay

DUNBARTON COUNTY
Helensburgh
Milngavie

EAST LOTHIAN COUNTY
North Berwick

FIFE COUNTY
Burntisland
Leven
Lochgelly
St. Andrews

KINCARDINE COUNTY
Stonehaven

LANARK COUNTY
Lanark

MIDLOTHIAN COUNTY
Dalkeith

ORKNEY COUNTY
Kirkwall

RENFREW COUNTY
Gourock

ROSS AND CROMARTY COUNTY
Stornoway

STIRLING COUNTY
Denny and Dunipace
Kilsyth

WEST LOTHIAN COUNTY
Armadale
Bo'ness

WIGTOWN COUNTY
Stranraer

ZETLAND COUNTY
Lerwick

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

15.—(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 Scotland 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 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 (Scotland)) 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 Scottish 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 caretakers.

(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

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

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.

APPENDIX TO PARAGRAPH 15

GROUPS OF RETAIL DISTRIBUTIVE TRADES

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

(1) the sale by retail of:—

(*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) travel goods and ladies' handbags;

(*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:—

(*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;

(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.

SECOND SCHEDULE

HOLIDAYS AND HOLIDAY REMUNERATION

The Retail Food Trades Wages Council (Scotland) Wages Regulation (Holidays) Order, 1949(a), (Order R.F.C.S. (4)), shall have effect as if in the Schedule thereto for paragraph 12 there were substituted the following paragraph:—

"Paragraph 12

In this Schedule, unless the context otherwise requires, the following expressions have the meanings hereby respectively, assigned to them, that is to say:—

'CUSTOMARY HOLIDAY' means—

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, Christmas Day (or, if Christmas Day falls on a Sunday, the following Monday), two other days, observed by local custom as holidays, to be fixed by the employer and notified to the worker *and any day proclaimed as a public holiday throughout Scotland.*

'MONTH' means 'calendar month'.

'ONE DAY'S HOLIDAY PAY' means one-sixth of the amount which the worker would be entitled to receive from his employer for a week's work under the arrangement current immediately prior to the annual holiday, or the termination date, as the case may be, if he worked his normal working week and the daily number of hours normally worked by him (exclusive of overtime)."

EXPLANATORY NOTE

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

This Order has effect from the 28th September, 1953. The First Schedule sets out the statutory minimum remuneration payable in substitution for that fixed by the Retail Food Trades Wages Council (Scotland) Wages Regulation Order, 1950, (Order R.F.C.S. (6)), as amended by the Retail Food Trades Wages Council (Scotland) Wages Regulation (Amendment) Order, 1951, (Order R.F.C.S. (9)), and the Retail Food Trades Wages Council (Scotland) Wages Regulation (Amendment) Order, 1952, (Order R.F.C.S. (11)).

The Second Schedule amends the Retail Food Trades Wages Council (Scotland) Wages Regulation (Holidays) Order, 1949, (Order R.F.C.S. (4)), which relates to holidays and holiday remuneration:—

(1) by adding to the customary holidays to be allowed to workers, any day proclaimed as a public holiday throughout Scotland;

(2) by altering the definition of "one day's holiday pay".

Order R.F.C.S. (6), Order R.F.C.S. (9) and Order R.F.C.S. (11) are revoked.

New provisions in the Schedules are printed in italics.

(a) S.I. 1949/2031; 1949 I, p. 4550.