# 1958 No. 1150

# The Wages Regulation (Retail Bread and Flour Confectionery) (England and Wales) Order, 1958

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|---|---|
| *Made* - - - - | 11*th July*, 1958 |
| *Coming into Operation* | 11*th August*, 1958 |

Whereas the Minister of Labour and National Service (hereafter in this Order referred to as " the Minister ") has received from the Retail Bread and Flour Confectionery Trade Wages Council (England and Wales) the wages regulation proposals set out in the Schedule 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 Wages Regulation (Retail Bread and Flour Confectionery) (England and Wales) Order, 1958.

**2.**—(1) In this Order the expression " the specified date " means the 11th day of August, 1958, 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 Schedule hereto shall have effect as from the specified date and as from that date the Retail Bread and Flour Confectionery Trade Wages Council (England and Wales) Wages Regulation Order, 1954(**c**) and the Wages Regulation (Retail Bread and Flour Confectionery) (England and Wales) (Amendment) Order, 1957(**d**), shall cease to have effect.

Signed by order of the Minister of Labour and National Service this 11th day of July, 1958.

*Harold Emmerson,*
Secretary,
Ministry of Labour and National Service.

## SCHEDULE

The following minimum remuneration and provisions as to holidays and holiday remuneration shall be substituted for the statutory minimum remuneration and the provisions as to holidays and holiday remuneration fixed by the Retail Bread and Flour Confectionery Trade Wages Council (England and Wales) Wages Regulation Order, 1954 (hereafter in this Schedule referred to as " Order B.F.C. (2) ") as amended by the Wages Regulation (Retail Bread and Flour Confectionery) (England and Wales) (Amendment) Order, 1957 (Order B.F.C. (6)).

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(a) 8 & 9 Geo. 6. c. 17.
(b) 52 & 53 Vict. c. 63.
(c) S.I. 1954/1750 (1954 II, p. 2682).
(d) S.I. 1957/774 (1957 II, p. 2888).

## PART I

## STATUTORY MINIMUM REMUNERATION

1. Subject to the provisions of paragraphs 9, 10, 15 and 16 of this Schedule, the minimum remuneration for workers to whom this Schedule applies shall be the remuneration set out in paragraphs 2, 3, 4, 5, 6 and 7 of this Schedule.

Any increase in remuneration payable under the provisions of paragraph 4, paragraph 5, paragraph 6 or paragraph 7 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.

## MANAGERS AND MANAGERESSES

2. Subject to the provisions of this paragraph, the minimum remuneration for Managers and Manageresses employed in the areas specified in Column 2 of the next following table shall be the amount appearing in the said Column 2 against the amount of weekly trade (as hereinafter defined) shown in Column 1 of the said table:—

| Column 1 | Column 2 | | | | | |
|---|---|---|---|---|---|---|
| WEEKLY TRADE | 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. |
| Under £70 ... ... ... ... | *161 6* | *140 0* | *157 6* | *136 0* | *151 6* | *129 0* |
| £70 and under £80 ... ... | *163 6* | *142 0* | *159 6* | *138 0* | *153 6* | *131 0* |
| £80 „ „ £90 ... ... | *165 6* | *144 0* | *161 6* | *140 0* | *155 6* | *133 0* |
| £90 „ „ £100 ... ... | *167 6* | *146 0* | *163 6* | *142 0* | *157 6* | *135 0* |
| £100 „ „ £110 ... ... | *171 6* | *150 0* | *167 6* | *146 0* | *161 6* | *139 0* |
| £110 „ „ £120 ... ... | *173 6* | *152 0* | *169 6* | *148 0* | *163 6* | *141 0* |
| £120 „ „ £130 ... ... | *175 6* | *154 0* | *171 6* | *150 0* | *165 6* | *143 0* |
| £130 „ „ £140 ... ... | *177 6* | *156 0* | *173 6* | *152 0* | *167 6* | *145 0* |
| £140 „ „ £150 ... ... | *179 6* | *158 0* | *175 6* | *154 0* | *169 6* | *147 0* |
| £150 „ „ £160 ... ... | *181 6* | *160 0* | *177 6* | *156 0* | *171 6* | *149 0* |
| £160 „ „ £170 ... ... | *182 6* | *161 0* | *178 6* | *157 0* | *172 6* | *150 0* |
| £170 „ „ £180 ... ... | *183 6* | *162 0* | *179 6* | *158 0* | *173 6* | *151 0* |
| £180 „ „ £190 ... ... | *184 6* | *163 0* | *180 6* | *159 0* | *174 6* | *152 0* |
| £190 „ „ £200 ... ... | *185 6* | *164 0* | *181 6* | *160 0* | *175 6* | *153 0* |
| £200 „ „ £210 ... ... | *186 6* | *165 0* | *182 6* | *161 0* | *176 6* | *154 0* |
| *£210* „ „ *£220* ... ... | *187 6* | *166 0* | *183 6* | *162 0* | *177 6* | *155 0* |
| *£220* „ „ *£230* ... ... | *188 6* | *167 0* | *184 6* | *163 0* | *178 6* | *156 0* |
| *£230* „ „ *£240* ... ... | *189 6* | *168 0* | *185 6* | *164 0* | *179 6* | *157 0* |
| *£240* „ „ *£250* ... ... | *190 6* | *169 0* | *186 6* | *165 0* | *180 6* | *158 0* |
| *£250* „ „ *£260* ... ... | *191 6* | *170 0* | *187 6* | *166 0* | *181 6* | *159 0* |
| *£260* „ „ *£270* ... ... | *192 6* | *171 0* | *188 6* | *167 0* | *182 6* | *160 0* |
| *£270* „ „ *£280* ... ... | *193 6* | *172 0* | *189 6* | *168 0* | *183 6* | *161 0* |
| *£280* „ „ *£290* ... ... | *194 6* | *173 0* | *190 6* | *169 0* | *184 6* | *162 0* |
| *£290* „ „ *£300* ... ... | *195 6* | *174 0* | *191 6* | *170 0* | *185 6* | *163 0* |
| *£300* „ „ *£310* ... ... | *198 6* | *177 0* | *194 6* | *173 0* | *188 6* | *166 0* |
| *£310* up to and including £730 ... | The appropriate amount specified in this table for a worker employed at a shop where the weekly trade is *£300* and in addition one shilling for every complete £10 of weekly trade in excess of that sum. | | | | | |
| More than £730 ... ... ... | *241 6* | *220 0* | *237 6* | *216 0* | *231 6* | *209 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 shop shall be 1/52nd of the amount of the total receipts for goods sold at that 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 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 shop are closed for the purpose of preparing the annual accounts in respect of that shop, or, in the absence of any such date, the fifth day of April in any year.

TEMPORARY MANAGERS AND TEMPORARY MANAGERESSES

3.—(1) Subject to the provisions of this paragraph, the minimum remuneration for Temporary Managers and Temporary Manageresses, for each continuous period of employment as Temporary Manager or Temporary Manageress (reckoned in accordance with the provisions of sub-paragraph (2) of this paragraph), shall be calculated as follows:—

| | |
|---|---|
| (*a*) during the first two weeks ... | for each week, the minimum remuneration which would be payable to the worker under the provisions of paragraph 4 of this Schedule for the number of hours worked in the week, plus one half of the difference between such remuneration and the appropriate minimum remuneration for a Manager or Manageress, as the case may be, under the provisions of paragraph 2 of this Schedule; |
| (*b*) thereafter ... ... ... | the appropriate minimum remuneration for a Manager or Manageress, as the case may be, under the provisions of paragraph 2 of this Schedule. |

(2) In reckoning any continuous period of employment as Temporary Manager or Temporary Manageress, for the purposes of this paragraph, no account shall be taken of any—

(*a*) period of employment which does not exceed two consecutive working days in duration; or

(*b*) day of employment on which the Manager or Manageress, as the case may be, is allowed a day of holiday (whether in pursuance of this Schedule or not) other than a day included in a period of employment mentioned in (*a*) of this sub-paragraph:

Provided that the total number of days of which no account shall be taken as aforesaid by virtue of (*b*) of this sub-paragraph shall not exceed twelve in any one calendar year.

(3) The minimum remuneration payable to a Temporary Manager or a Temporary Manageress for any period or day of employment mentioned in (*a*) or (*b*) of sub-paragraph (2) of this paragraph shall be not less than the minimum remuneration appropriate to the worker under paragraph 4 of this Schedule.

(4) Where a worker commences a period of employment as a Temporary Manager or Temporary Manageress within three months of the end of such a period of employment with the same employer, the two periods of employment (provided neither is a period of employment mentioned in (*a*) or (*b*) of sub-paragraph (2) of this paragraph) shall for the purposes of this paragraph be treated as one continuous period of employment.

## WORKERS OTHER THAN MANAGERS, MANAGERESSES, TEMPORARY MANAGERS, TEMPORARY MANAGERESSES, ROUNDSWORKERS AND TRANSPORT WORKERS

4.—(1) Subject to the provisions of this Schedule, the minimum remuneration for male or 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, shall be the appropriate amount set out in Column 2 of the said table:—

| Column 1 | Column 2 | | | | | |
|---|---|---|---|---|---|---|
| (*a*) FIRST ASSISTANTS | The minimum remuneration which would be payable to the worker under (*b*) of this sub-paragraph increased by 5s. 0d. | | | | | |
| | London Area per week | | Provincial A Area per week | | Provincial B Area per week | |
| | Male | Female | Male | Female | Male | Female |
| (*b*) ALL OTHER INDOOR WORKERS | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. |
| Aged 22 years or over ... | *150 0* | *113 0* | *146 0* | *109 0* | *140 0* | *102 0* |
| „ 21 and under 22 years | *135 6* | *101 6* | *129 6* | *97 0* | *123 6* | *91 6* |
| „ 20 „ „ 21 „ | *114 0* | *89 6* | *109 0* | *85 0* | *104 0* | *81 6* |
| „ 19 „ „ 20 „ | *103 6* | *83 6* | *98 6* | *79 0* | *93 6* | *75 6* |
| „ 18 „ „ 19 „ | *92 0* | *76 0* | *88 0* | *71 6* | *83 0* | *68 0* |
| „ 17 „ „ 18 „ | *80 6* | *67 6* | *75 6* | *63 0* | *71 6* | *59 6* |
| „ 16 „ „ 17 „ | *72 6* | *62 0* | *67 6* | *57 6* | *64 6* | *54 0* |
| „ under 16 years ... | *67 0* | *57 0* | *62 0* | *52 6* | *59 0* | *49 0* |

(2) Notwithstanding the foregoing provisions of this paragraph, the minimum remuneration payable under the provisions of this paragraph during his or her first six months of employment in the retail bread and flour confectionery trade to a male or female worker who enters, or has entered, that trade for the first time at or over the age of 20 years shall be the appropriate minimum remuneration specified at (*b*) of the foregoing table reduced—

(*a*) during the first three months of the employment by 10s. 0d., and

(*b*) during the second three months of the employment by 5s. 0d.

## ROUNDSWORKERS

5. Subject to the provisions of this Schedule, the minimum remuneration for Roundsworkers employed in the London Area, Provincial A Area or Provincial B Area, as the case may be, shall be the appropriate amount set out in Column 2 of the next following table:—

| Column 1 | Column 2 | | |
|---|---|---|---|
| | London Area per week | Provincial A Area per week | Provincial B Area per week |
| | s. d. | s. d. | s. d. |
| Workers aged 21 years or over ... ... ... ... | *156 6* | *152 6* | *146 6* |
| „ „ 20 and under 21 years ... ... ... | *134 0* | *131 0* | *126 0* |
| „ „ 19 „ „ 20 „ ... ... ... | *116 6* | *113 6* | *108 6* |
| „ „ 18 „ „ 19 „ ... ... ... | *105 6* | *103 6* | *98 6* |
| „ „ 17 „ „ 18 „ ... ... ... | *94 6* | *91 6* | *87 6* |
| „ „ 16 „ „ 17 „ ... ... ... | *83 6* | *80 6* | *77 6* |
| „ „ under 16 years ... ... ... ... | *73 6* | *70 6* | *67 6* |

## ASSISTANT ROUNDSWORKERS

6. Subject to the provisions of this Schedule, the minimum remuneration for Assistant Roundsworkers employed in the London Area, Provincial A Area or Provincial B Area, as the case may be, shall be the appropriate amount set out in Column 2 of the next following 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. |
| Workers aged 21 years or over ... | *150 0* | *121 0* | *146 0* | *117 0* | *140 0* | *111 0* |
| „ „ 20 and under 21 years ... ... | *127 6* | *103 6* | *124 6* | *100 6* | *119 6* | *95 6* |
| „ „ 19 and under 20 years ... ... | *110 6* | *90 0* | *107 6* | *87 0* | *102 6* | *82 0* |
| „ „ 18 and under 19 years ... ... | *98 6* | *80 0* | *96 6* | *78 0* | *91 6* | *73 0* |
| „ „ 17 and under 18 years ... ... | *88 6* | *73 0* | *85 6* | *70 0* | *81 6* | *66 0* |
| „ „ 16 and under 17 years ... ... | *77 6* | *65 0* | *74 6* | *62 0* | *71 6* | *59 0* |
| „ „ under 16 years ... | *67 6* | *56 6* | *64 6* | *53 6* | *61 6* | *50 6* |

## TRANSPORT WORKERS

7. Subject to the provisions of this Schedule, the minimum remuneration for Transport Workers employed in the London Area, Provincial A Area or Provincial B Area, as the case may be, shall be the appropriate amount set out in Column 3 of the next following table:—

| Column 1 | Column 2 | | Column 3 | | |
|---|---|---|---|---|---|
| Age of Transport Worker | Mechanically propelled vehicle with carrying capacity (as defined) of | Horse drawn vehicle | London Area per week | Provincial A Area per week | Provincial B Area per week |
| | | | s. d. | s. d. | s. d. |
| 21 years or over ... | 1 ton or less | One-Horse | *161 6* | *157 6* | *151 6* |
| 20 and under 21 years | | | *133 6* | *131 6* | *127 6* |
| 19 „ „ 20 „ | | | *123 6* | *121 6* | *117 6* |
| 18 „ „ 19 „ | | | *112 6* | *110 6* | *106 6* |
| Under 18 years ... | | | *102 0* | *100 0* | *96 0* |
| All ages ... ... | Over 1 ton and up to 5 tons | Two-Horse | *164 6* | *160 6* | *154 6* |
| | Over 5 tons | — | *168 6* | *164 6* | *158 6* |

## WORKERS WHO WORK IN TWO OR MORE AREAS

8. The minimum remuneration applicable to a Roundsworker, Assistant Roundsworker or Transport Worker in any week in which he works in the London Area, Provincial A Area and Provincial B Area or in any two of those areas is the remuneration which would be applicable if the worker worked solely at the bakery or depot from which he operates.

## NIGHT WORK

**9.** For any time worked between 9 p.m. and 5 a.m. a worker shall be paid, in addition to the minimum remuneration to which he is entitled under the other provisions of this Schedule, sixpence for each hour (or part of an hour) so worked.

## MINIMUM OVERTIME RATES

**10.** Overtime rates shall be payable to workers to whom this Schedule applies as follows:—

(1) To any worker for work on a Sunday—

(*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

(2) To any worker other than a roundsworker, assistant roundsworker or a transport worker—

(*a*) on the weekly short day in any week during which, under subsection (3) of section 40 of the Shops Act, 1950(a), the employer is relieved of his obligation to allow the worker a weekly half-holiday—
for all 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 sub-paragraph applies)—
for all time worked after 1.30 p.m. ... time-and-a-half

(*c*) on any day other than a weekly short day, a Sunday or a customary holiday—

(i) for the first 4 hours worked in excess of 9 ... ... ... ... ... time-and-a-quarter

(ii) thereafter ... ... ... ... time-and-a-half

Provided that where the employer normally requires the worker's 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 hours and 13½ hours work respectively;

(*d*) in any week exclusive of any time worked on a customary holiday and of any time for which a minimum overtime rate is payable under the other provisions of this paragraph—

(i) for the first 4 hours worked in excess of 46 ... ... ... ... ... time-and-a-quarter

(ii) thereafter ... ... ... ... time-and-a-half

(3) To a roundsworker or an assistant roundsworker in any week exclusive of any time worked on a Sunday or a customary holiday—

(*a*) for the first 6 hours worked in excess of 46 time-and-a-quarter

(*b*) thereafter ... ... ... ... ... time-and-a-half

(4) To a transport worker in any week exclusive of any time worked on a Sunday or a customary holiday whichever of the following amounts is the greater:—

(*a*) for all time worked in excess of 8 hours on any day on five days in the week and in excess of 10 hours on one day to be specified by the employer or where none is specified the last day of the week—

(i) for the first 4 hours so worked ... time-and-a-quarter

(ii) thereafter ... ... ... ... time-and-a-half

or (*b*) for all time worked in excess of 46 hours—

(i) for the first 4 hours ... ... ... time-and-a-quarter

(ii) thereafter ... ... ... ... time-and-a-half

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

Provided that—

(i) overtime rates under this paragraph shall be payable to a manager or manageress only if the overtime worked is specifically authorised by the employer or his representative:

(ii) where a worker is employed in a shop which is registered under section 53 of the Shops Act, 1950 (which relates to persons observing the Jewish Sabbath) the provisions of this paragraph shall apply as if for the word "Sunday" there were substituted the word "Saturday":

(iii) in any week which includes one customary holiday "38 hours" shall be substituted for "46 hours" where it occurs in the foregoing provisions of this paragraph and in any week which includes two customary holidays "30 hours" shall be substituted for the said "46 hours".

## BENEFITS OR ADVANTAGES

**11.**—(1) The benefits or advantages set out in this sub-paragraph being benefits or advantages provided, in pursuance of the terms and conditions of the employment of a worker to whom this Schedule applies, by the employer or by some other person under arrangements with the employer, are authorised to be reckoned as payment of wages by the employer in lieu of payment in cash in the following manner:—

(*a*) Dinner of good and sufficient quality and quantity provided on each day on which the worker normally works in the week, other than the weekly short day, as an amount of *10s. 0d.* per week.

(*b*) Tea of good and sufficient quality and quantity provided on each day on which the worker normally works in the week, other than the weekly short day, as an amount of *3s. 9d.* per week.

(2) Nothing in this paragraph shall be construed as authorising the making of any deduction or the giving of remuneration in any manner which is illegal by virtue of the Truck Acts, 1831 to 1940, or of any other enactment.

## WAITING TIME

**12.** A worker shall be entitled to payment of the minimum remuneration specified in this Part of 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 REQUIRED TO WORK ON A CUSTOMARY HOLIDAY

**13.** Where a worker is required to work on a customary holiday he shall be paid not less than the amount to which he would have been entitled under the other provisions of this Schedule had the day not been a customary holiday and had he worked the number of hours ordinarily worked by him on that day of the week and, in addition thereto—

| | |
|---|---|
| (*a*) where time worked does not exceed 4½ hours ... | time-and-a-half for 4½ hours |
| (*b*) where time worked exceeds 4½ hours but does not exceed 8 hours ... ... ... ... ... | time-and-a-half for 8 hours |
| (*c*) where time worked exceeds 8 hours— for all time worked ... ... ... ... | time-and-a-half. |

## WORKERS WHO ARE NOT REQUIRED TO WORK ON A CUSTOMARY HOLIDAY

14.—(1) Subject to the provisions of sub-paragraph (2) of this paragraph, a worker who is not required to work on a customary holiday shall be paid for that holiday the amount to which he would have been entitled under the foregoing provisions of this Schedule had the day not been a customary holiday and had he worked the number of hours ordinarily worked by him on that day of the week:

Provided that where, in the case of a worker who normally works for the employer on six days in the week, a customary holiday falls on his weekly short day, the worker shall be paid, in addition to any amount to which he is entitled under this paragraph, an amount equal to the statutory minimum remuneration to which he would be entitled for four hours' work, unless he has not been employed after 1.30 p.m. on another week day in the week in which the customary holiday occurs or in the week next following that week on a day other than his weekly short day being in neither case a day of customary holiday or a day of annual holiday.

(2) A worker shall not be entitled to any payment under this paragraph unless he—

(*a*) works for the employer throughout the last working day on which work was available for him preceding the holiday; and

(*b*) presents himself for employment at the usual starting time on the first working day after the holiday:

Provided that (*a*) or (*b*), as the case may be, of this sub-paragraph shall be deemed to be complied with where the worker is excused by his employer or is prevented by his proved illness or injury from working or presenting himself for employment as aforesaid.

## GUARANTEED WEEKLY REMUNERATION PAYABLE TO A FULL-TIME WORKER

15.—(1) Notwithstanding the other provisions of this Schedule, where in any week the total remuneration (including holiday remuneration but excluding the amount specified in sub-paragraph (2) of this paragraph) payable under those other provisions to a full-time worker 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 remuneration excluded from the total remuneration referred to in this sub-paragraph.

(2) The amount to be excluded from the total remuneration referred to in the foregoing sub-paragraph is the whole of the remuneration payable in respect of overtime for work on a Sunday or on the weekly short day and one half of the remuneration payable in respect of work on a customary holiday.

(3) 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, paragraph 3, paragraph 4, paragraph 5, paragraph 6 or paragraph 7 of this Schedule for 46 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 46 hours in the week (or, in the case of a worker under 16 years of age, for less than 44 hours) 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 the 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 16 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 a worker at his request and with the consent of his employer is absent from work during any part of his normal working hours on any day (other than a day of annual holiday allowed under Part II of this Schedule or a customary holiday or a holiday allowed to all persons 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.

(4) 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 the second proviso to sub-paragraph (3) 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.

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

(6) 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

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

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

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

and, except as provided in paragraph 15, 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 12, be excluded.

## PART II

## ANNUAL HOLIDAYS

17.—(1) An employer shall, between the date on which this Schedule becomes effective and the 31st day of October, 1958, and in each succeeding year between the Monday falling on or nearest to the 14th day of April and the 31st day of October, allow a holiday (hereafter in this Schedule referred to as an "annual holiday") to every worker in his employment to whom this Schedule applies who has been employed by him during the twelve months immediately preceding the commencement of the holiday season for any one of the periods of employment (calculated in accordance with the provisions of paragraph 23 of this Schedule) set out in the first column of the table below and the duration of the annual holiday shall in the case of each such worker be related to that period as follows:—

| Period of employment | Duration of annual holiday for workers with a normal working week of | | | |
|---|---|---|---|---|
| | Six days | Five days | Four days | Three days or less |
| 12 months ... ... ... ... ... ... | 12 days | 10 days | 8 days | 6 days |
| Not less than 11 months but less than 12 months ... | 11 „ | 9 „ | 7 „ | 5 „ |
| „ „ „ 10 „ „ „ „ 11 „ ... | 10 „ | 8 „ | 7 „ | 5 „ |
| „ „ „ 9 „ „ „ „ 10 „ ... | 9 „ | 7 „ | 6 „ | 4 „ |
| „ „ „ 8 „ „ „ „ 9 „ ... | 8 „ | 7 „ | 5 „ | 4 „ |
| „ „ „ 7 „ „ „ „ 8 „ ... | 7 „ | 6 „ | 5 „ | 3 „ |
| „ „ „ 6 „ „ „ „ 7 „ ... | 6 „ | 5 „ | 4 „ | 3 „ |
| „ „ „ 5 „ „ „ „ 6 „ ... | 5 „ | 4 „ | 3 „ | 2 „ |
| „ „ „ 4 „ „ „ „ 5 „ ... | 4 „ | 3 „ | 3 „ | 2 „ |
| „ „ „ 3 „ „ „ „ 4 „ ... | 3 „ | 2 „ | 2 „ | 1 day |
| „ „ „ 2 „ „ „ „ 3 „ ... | 2 „ | 2 „ | 1 day | 1 „ |
| „ „ „ 1 month „ „ „ 2 „ ... | 1 day | 1 day | 1 „ | — |

(2) Notwithstanding the provisions of the last foregoing sub-paragraph—

(*a*) the number of days of annual holiday which an employer is required to allow to a worker in any holiday season shall not exceed in the aggregate twice the number of days constituting the worker's normal working week;

(*b*) where before the expiration of any holiday season a worker enters into an agreement in writing with his employer that the annual holiday or part thereof shall be allowed on a specified date or dates after the expiration of the holiday season but before the commencement of the next following holiday season, then any day or days of annual holiday so allowed shall for the purposes of this Schedule be treated as having been allowed during the holiday season;

(*c*) where a worker has, on the 1st day of August in any year, been in the employment of the employer for not less than six months, the duration of his annual holiday in that year shall be not less than the number of days constituting his normal working week;

(*d*) the duration of the worker's annual holiday during the holiday season ending on the 31st day of October, 1958, shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of Order B.F.C. (2) between the 14th day of April, 1958, and the date on which the provisions of this Schedule become effective.

(3) In this Schedule the expression "holiday season" means in relation to the year 1958 the period between the 14th day of April, 1958, and the 31st day of October, 1958, and, in each succeeding year, the period between the Monday falling on, or nearest to, the 14th day of April and the 31st day of October of the same year.

18.—(1) Subject to the provisions of this paragraph, an annual holiday shall be allowed on consecutive working days, being days on which the worker is normally called upon to work for the employer.

(2) Where the number of days of annual holiday for which a worker has qualified exceeds the number of days constituting his normal working week, the holiday may by agreement between the employer and the worker be allowed in two periods of consecutive working days; so however that when a holiday is so allowed, one of the periods shall consist of a number of such days not less than the number of days constituting the worker's normal working week.

(3) For the purposes of this paragraph, days of annual holiday shall be treated as consecutive notwithstanding that a customary holiday on which the worker is not required to work for the employer or a day on which he does not normally work for the employer intervenes.

(4) Where a customary holiday on which the worker is not required to work for the employer immediately precedes a period of annual holiday or occurs during such a period and the total number of days of annual holiday required to be allowed in the period under the foregoing provisions of this paragraph, together with any customary holiday, exceeds the number of days constituting the worker's normal working week then, notwithstanding the foregoing provisions of this paragraph, the duration of that period of annual holiday may be reduced by one day and in such a case one day of annual holiday may be allowed on a day on which the worker normally works for the employer (not being the worker's weekly short day) in the holiday season.

(5) No day of annual holiday shall be allowed on a customary holiday.

(6) A day of annual holiday under this Schedule may be allowed on a day on which the worker is entitled to a day of holiday (not being a customary holiday) or to a half-holiday under any enactment other than the Wages Councils Act, 1945.

19. An employer shall give to a worker reasonable notice of the commencing date or dates and of the duration of his annual holiday. Such notice may be given individually to a worker or by the posting of a notice in the place where the worker is employed.

## HOLIDAY REMUNERATION

20.—(1) Subject to the provisions of paragraph 21 of this Schedule, a worker qualified to be allowed an annual holiday under this Schedule shall be paid by his employer, on the last pay day preceding such holiday, one day's holiday pay (as defined in paragraph 24 of this Schedule) in respect of each day thereof.

(2) Where an annual holiday is taken in more than one period, the holiday remuneration shall be apportioned accordingly.

21. Where any accrued holiday remuneration has been paid by the employer to the worker (in accordance with paragraph 22 of this Schedule or with Order B.F.C. (2)) in respect of employment during the periods referred to in that paragraph or that Order, the amount of holiday remuneration payable by the employer in respect of any annual holiday for which the worker has qualified by reason of employment during the said period shall be reduced by the amount of the said accrued holiday remuneration unless that remuneration has been deducted from a previous payment of holiday remuneration made under the provisions of this Schedule, or of Order B.F.C. (2).

## ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

22. Where a worker ceases to be employed by an employer after the provisions of this Schedule become effective the employer shall, immediately on the termination of the employment (hereafter in this Schedule referred to as "the termination date"), pay to the worker as accrued holiday remuneration:—

(1) in respect of employment in the twelve months up to the Sunday falling on or nearest to the 13th day of April immediately preceding the termination date, a sum equal to the holiday remuneration for any days of annual holiday for which he has qualified except days of annual holiday which he has been allowed or has become entitled to be allowed before leaving the employment; and

(2) in respect of any employment since the Sunday falling on or nearest to the 13th day of April immediately preceding the termination date, a sum equal to the holiday remuneration which would have been payable to him if he could have been allowed an annual holiday in respect of that employment at the time of leaving it:

Provided that—

(*a*) no worker shall be entitled to the payment by his employer of accrued holiday remuneration if he is dismissed on the grounds of misconduct and is so informed by the employer at the time of dismissal;

(*b*) where, during the period or periods in respect of which the said accrued holiday remuneration is payable, the worker—

(i) has at his written request been allowed any day or days of holiday for which he has not qualified under the provisions of this Schedule, any accrued holiday remuneration payable as aforesaid may be reduced by the amount of any sum paid by the employer to the worker in respect of such day or days of holiday; or

(ii) has been allowed an annual holiday in accordance with (*c*) of sub-paragraph (2) of paragraph 17 of this Schedule, any accrued holiday remuneration payable as aforesaid may be reduced by one day's holiday pay in respect of each day by which the said holiday exceeded the number of days of annual holiday to which he would have been entitled under the provisions of sub-paragraph (1) of the said paragraph 17;

(*c*) where a worker is employed under a contract of service under which he is required to give not less than one week's notice before terminating his employment and the worker without the consent of his employer terminates his employment without having given such notice or before one week has expired from the beginning of such notice, the amount of accrued holiday remuneration payable to the worker shall be the amount payable under the foregoing provisions of this paragraph less an amount—

(i) in the case of a worker who left without giving notice, equal to the statutory minimum remuneration which would be payable to him at the termination date for one week's work if working his normal working week and the normal number of daily hours worked by him; and

(ii) in the case of a worker who left without working the full period of his week's notice, equal to one day's holiday pay for each day during the said period on which he failed to work.

## CALCULATION OF EMPLOYMENT

23. For the purposes of calculating any period of employment qualifying a worker for an annual holiday or for any accrued holiday remuneration under this Schedule, the worker shall be treated as if he were employed for a month in respect of any month throughout which he has been in the employment of the employer.

## PART III
## DEFINITIONS

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

"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.

"CLEANER" means a worker engaged wholly or mainly in cleaning premises.

"CUSTOMARY HOLIDAY" means Christmas Day (or if Christmas Day falls on a Sunday, such 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, August Bank Holiday and any day proclaimed as an additional Bank Holiday or a general holiday; or, in the case of each of the said days, such week day (other than a weekly short day) as may be substituted therefor, being a day—

(*a*) on which the worker normally works for the employer, and

(*b*) which is by local custom recognised as a day of holiday.

"FIRST ASSISTANT" means—

(*a*) in a shop where a manager or manageress and not less than five other workers (excluding part-time workers employed as cleaners) are employed, such one of those other workers as may be designated by the employer as "first assistant" for the purposes of this Schedule or, if no worker is so designated, the worker who has been longest employed in the shop;

(*b*) in a shop where no manager or manageress is employed—

(i) where two or more workers (excluding part-time workers employed as cleaners) are employed, such one of those workers as may be designated by the employer as "first assistant" for the purposes of this Schedule or, if no worker is so designated, the worker who has been longest employed in the shop;

(ii) where only one worker is employed, that worker;

provided that a worker shall not be deemed to be a first assistant by virtue of (*b*) of this definition, except during a period when the employer is absent from the shop and the period of absence is of not less than one day's duration.

"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.

"LONDON AREA", "PROVINCIAL A AREA" and "PROVINCIAL B AREA" have the meanings respectively assigned to them in paragraph 25 of this Schedule.

"MANAGER", "MANAGERESS" means a worker who is employed at, and is normally immediately in charge of the operation of, a shop and who has immediate control of—

(*a*) one or more other workers being full-time workers, or

(*b*) two or more part-time workers (excluding part-time workers employed as cleaners);

and for the purpose of this definition a worker shall not be deemed not to be immediately in charge of the operation of a shop by reason only of being subject to the supervision of the employer or some person acting on his behalf, being in either case a person who is not normally, during the hours when the shop is open to the public, wholly or mainly engaged in work at the shop.

"MONTH" means the period commencing on a date of any number in one month and ending on the day before the date of the same number in the next month or, if the commencing date is the 29th, 30th or 31st day of a month and there is no date of the same number in the next month, then on the last day of that month.

"NORMAL WORKING WEEK" means the number of days on which it has been usual for the worker to work in a week while in the employment of the employer during the twelve months immediately preceding the commencement of the holiday season or, where under paragraph 22 of this Schedule accrued holiday remuneration is payable on the termination of the employment, during the twelve months immediately preceding the date of the termination of the employment.

Provided that—

(*a*) part of a day shall count as a day;

(*b*) no account shall be taken of any week in which the worker did not perform any work for which statutory minimum remuneration has been fixed.

"ONE DAY'S HOLIDAY PAY" means the appropriate proportion of the remuneration which the worker would be entitled to receive from his employer at the date of the annual holiday (or, where the holiday is taken in more than one period, at the date of the first period) or at the termination date, as the case may be, for one week's work, if working his normal working week and the number of daily hours normally worked by him (exclusive of overtime), and if paid at the appropriate rate of statutory minimum remuneration for work for which statutory minimum remuneration is payable and at the same rate for any work for the same employer for which such remuneration is not payable, and in this definition "appropriate proportion" means—

| | | |
|---|---|---|
| Where the worker's normal working week is six days | ... | one-sixth |
| Where the worker's normal working week is five days | ... | one-fifth |
| Where the worker's normal working week is four days | ... | one-quarter |
| Where the worker's normal working week is three days | ... | one-third |
| Where the worker's normal working week is two days | ... | one-half |
| Where the worker's normal working week is one day | ... | the whole. |

"ROUNDSWORKER" means a worker wholly or mainly employed as a salesman on a definite or established route and responsible for keeping account of retail sales to customers and of any cash or tokens received in payment and who is not accompanied, save in exceptional circumstances, by any other person who exercises control or supervision.

"ROUNDSWORKER, ASSISTANT" means any worker wholly or mainly employed in assisting a roundsworker.

"TEMPORARY MANAGER", "TEMPORARY MANAGERESS" means a worker who, in the absence of the Manager or Manageress, as the case may be, is employed at and is temporarily immediately in charge of the operation of a shop, whilst the worker is so in charge; and for the purpose of this definition a worker shall not be deemed not to be immediately in charge of the operation of a shop by reason only of being subject to the supervision of the employer or some person acting on his behalf, being in either case a person who is not normally, during the hours when the shop is open to the public, wholly or mainly engaged in work at the shop.

"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 by 46, or in the case of a worker aged under 16 years by 44, the minimum weekly remuneration to which the worker is entitled under the provisions of paragraph 2, paragraph 3, paragraph 4, paragraph 5, paragraph 6 or paragraph 7 of this Schedule.

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

"WEEK" means "pay week".

"WEEKLY SHORT DAY" means that day in any week on which the 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 or, where there is no such day, a working day in the week fixed by the employer and notified to the worker not later than the Saturday preceding the week during which it is to have effect or, failing such notification, the last working day in the week.

## AREAS

25. In this Schedule—

(*a*) "LONDON AREA" comprises the City of London and the Metropolitan Police District;

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

(*c*) "PROVINCIAL A AREA" comprises—

(i) all areas other than the London Area which according to the Registrar General's Preliminary Report on the Census of England and Wales, 1951, 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:—

BEDFORDSHIRE—
Biggleswade
Kempston
Leighton Buzzard

BERKSHIRE—
Wokingham

BRECKNOCKSHIRE—
Brecknock
Brynmawr

BUCKINGHAMSHIRE—
Beaconsfield
Eton

CAERNARVONSHIRE—
Caernarvon

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

DENBIGHSHIRE—
Abergele
Denbigh

DERBYSHIRE—
Ashbourne
Clay Cross
Dronfield
New Mills

DEVONSHIRE—
Brixham
Dawlish
Ilfracombe

DORSETSHIRE—
Bridport
Swanage

ELY, ISLE OF—
Ely
Whittlesey

ESSEX—
Epping
Frinton and Walton
Halstead
Maldon
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—
Hythe
Southborough
Swanscombe

LANCASHIRE—
Abram
Adlington
Aspull
Barrowford
Billinge and Winstanley
Blackrod
Brierfield
Church
Clayton le Moors
Kirkham
Lees
Little Lever
Longridge
Milnrow
Orrell
Poulton le Fylde
Preesall
Rainford
Rishton
Skelmersdale
Standish with Langtree
Tottington
Trawden
Upholland
Wardle
Whitworth
Withnell

LEICESTERSHIRE—
Ashby de la Zouch
Ashby Woulds
Oadby
Shepshed

LINCOLNSHIRE—
Sleaford

MERIONETHSHIRE—
Ffestiniog

MONMOUTHSHIRE—
Abergavenny
Bedwas and Machen
Blaenavon
Monmouth
Rhymney

NORFOLK—
East Dereham

NORTHAMPTONSHIRE—
Daventry
Desborough
Irthlingborough
Raunds
Rothwell

NORTHUMBERLAND—
Hexham
Newbiggin by the Sea
Prudhoe

NOTTINGHAMSHIRE—
Eastwood

OXFORDSHIRE—
Henley on Thames
Witney

PEMBROKESHIRE—
Haverfordwest

SHROPSHIRE—
Bridgnorth
Dawley
Ludlow
Whitchurch

SOMERSETSHIRE—
Burnham on Sea
Clevedon
Keynsham
Minehead
Wells

STAFFORDSHIRE—
Amblecote
Rugeley
Stone
Tettenhall
Uttoxeter

SUSSEX—
Newhaven
Seaford

WESTMORLAND—
Windermere

WIGHT, ISLE OF—
Ventnor

WILTSHIRE—
Devizes
Warminster

YORKSHIRE—
Cudworth
Darfield
Denby Dale
Denholme
Dodworth
Driffield
Earby
Filey
Guisborough
Heckmondwike
Horbury
Knaresborough
Knottingley
Loftus
Meltham
Northallerton
Penistone
Queensbury and Shelf
Ripon
Ripponden
Royston
Saltburn and Marske by the Sea
Scalby
Silsden

## PART IV

## APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

26.—(1) 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, wholly or mainly engaged in the retail bread and flour confectionery trade:

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 as respects their employment in a department of that branch if that department is so engaged.

(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 of the following wages councils operates in respect of any employment which is for the time being within the field of operation of that wages council, that is to say:—

(*a*) the Baking Wages Council (England and Wales);

(*b*) the Milk Distributive Wages Council (England and Wales);

(*c*) the Road Haulage 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 (other than workers employed as cleaners) employed in the maintenance or repair of buildings, plant, equipment or vehicles;

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

(v) workers employed on post office business.

(3) For the purposes of this Schedule the retail bread and flour confectionery trade does not include the sale of biscuits or meat pastries or any sale for immediate consumption on the premises at which the sale is effected, but save as aforesaid consists of the sale by retail of bread (including rolls) or flour confectionery (including pastry) and operations connected with any such sale, including:—

(i) operations in or about a shop or other place where the bread or flour confectionery is sold, being operations carried on for the purpose of or in connection with such sale;

(ii) operations in connection with the transport of bread or flour confectionery when carried on in conjunction with its sale by retail;

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

and for the purposes of this definition "sale by retail" includes any sale 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 bread or flour confectionery to the general public.

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## EXPLANATORY NOTE

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

This Order, which has effect from 11th August, 1958, sets out the statutory minimum remuneration payable and the holidays to be allowed in substitution for the statutory minimum remuneration and holidays set out in the Retail Bread and Flour Confectionery Trade Wages Council (England and Wales) Wages Regulation Order, 1954 (Order B.F.C. (2)), as amended by the Wages Regulation (Retail Bread and Flour Confectionery) (England and Wales) (Amendment) Order, 1957 (Order B.F.C. (6)), which Orders are revoked.

New provisions are printed in italics.

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