STATUTORY INSTRUMENTS

# 1974 No. 174

# WAGES COUNCILS

## The Wages Regulation (Retail Newsagency, Tobacco and Confectionery) (Scotland) Order 1974

| | |
|---|---|
| *Made* - - - | *6th February* 1974 |
| *Coming into Operation* | *25th March* 1974 |

Whereas the Secretary of State has received from the Retail Newsagency, Tobacco and Confectionery Trades Wages Council (Scotland) the wages regulation proposals set out in the Schedule hereto ;

Now, therefore, the Secretary of State in exercise of powers conferred by section 11 of the Wages Councils Act 1959(**a**), as modified by Article 2 of the Counter-Inflation (Modification of Wages Councils Act 1959) Order 1973(**b**), and now vested in him (**c**), 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 Newsagency, Tobacco and Confectionery) (Scotland) Order 1974.

**2.**—(1) In this Order the expression "the specified date" means the 25th March 1974, 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(**d**) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts 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 Wages Regulation (Retail Newsagency, Tobacco and Confectionery) (Scotland) Order 1973(**e**) shall cease to have effect.

Signed by order of the Secretary of State.
6th February 1974.

*W. H. Marsh,*
Assistant Secretary,
Department of Employment.

(**a**) 1959 c. 69. (**b**) S.I. 1973/661 (1973 I, p. 2141).
(**c**) S.I. 1959/1769, 1968/729 (1959 I, p. 1795; 1968 II, p. 2108).
(**d**) 1889 c. 63. (**e**) S.I. 1973/147 (1973 I, p. 600).

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Article 3

## 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 Wages Regulation (Retail Newsagency, Tobacco and Confectionery) (Scotland) Order 1973 (hereinafter referred to as "Order R.N.T.S. (40)").

### PART I

### STATUTORY MINIMUM REMUNERATION

### APPLICATION

1. Subject to the provisions of paragraphs 2, 5, 6 and 11, the minimum remuneration payable to workers to whom this Schedule applies shall be the remuneration set out in paragraphs 3 and 4:

Provided that any increase in remuneration payable under the provisions of paragraph 3 or 4 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.

## HOURS ON WHICH REMUNERATION IS BASED

2.—(1) Subject to the provisions of paragraph 11, the minimum remuneration specified in this Part of this Schedule relates to a week of 42 hours exclusive of overtime and is subject to a proportionate reduction according as the number of hours worked is less than 42.

(2) In calculating the remuneration for the purpose of this Schedule recognised breaks for meal times shall, subject to the provisions of paragraph 7 (which relates to waiting time), be excluded.

## MANAGERS AND MANAGERESSES

3. Subject to the provisions of this paragraph and of paragraph 1, the minimum remuneration payable to managers and manageresses shall be the appropriate amount set out in the following table:—

| Where the number of staff (exclusive of the manager or manageress) normally employed under his or her direct control is: | Male Workers | | Female Workers | |
|---|---|---|---|---|
| | Area 1 per week | Area 2 per week | Area 1 per week | Area 2 per week |
| | £ | £ | £ | £ |
| One or none | *17·90* | *17·35* | *16·95* | *16·40* |
| Two | *18·35* | *17·70* | *17·35* | *16·80* |
| Three or more | *18·65* | *18·10* | *17·80* | *17·20* |

In computing the number of staff normally employed for the purpose of the foregoing table both full-time workers and workers other than full-time workers shall be included except that in the case of workers other than full-time workers the number to be counted shall be the number disregarding fractions obtained by dividing by 36 the aggregate of the hours normally worked in the week by all such workers.

## WORKERS OTHER THAN MANAGERS AND MANAGERESSES

4. Subject to the provisions of paragraph 1, the minimum remuneration payable to male or female workers (other than managers or manageresses) employed in Area 1 or Area 2, as the case may be, shall be the appropriate amount set out in the following tables:—

| | Male Workers | | Female Workers | |
|---|---|---|---|---|
| | Area 1 per week | Area 2 per week | Area 1 per week | Area 2 per week |
| | £ | £ | £ | £ |
| (A) Clerks Grade 1 aged 22 years or over | *17·00* | *16·65* | *15·95* | *15·65* |
| (B) Clerks Grade 1 under 22 years of age, Clerks Grade II, Shop Assistants, Central Warehouse workers, and all other workers (except the workers referred to in (C) below) aged:— | | | | |
| 21 years or over | *16·65* | *16·30* | *15·65* | *15·35* |
| 20 and under 21 years | *14·15* | *13·85* | *13·35* | *13·15* |
| 19 ,, ,, 20 ,, | *13·30* | *13·05* | *12·50* | *12·25* |
| 18 ,, ,, 19 ,, | *12·55* | *12·30* | *11·70* | *11·35* |
| 17 ,, ,, 18 ,, | *10·80* | *10·50* | *10·20* | *9·90* |
| 16 ,, ,, 17 ,, | *10·00* | *9·75* | *9·40* | *9·15* |
| 15 ,, ,, 16 ,, | *9·15* | *8·85* | *8·60* | *8·25* |

(C) Transport workers

| Age of transport worker | Mechanically propelled vehicle with carrying capacity of | Area 1 per week | Area 2 per week |
|---|---|---|---|
| | | £ | £ |
| 21 years or over .. .. | 1 ton or less | *16·65* | *16·20* |
| 20 and under 21 years .. .. | | *13·55* | *13·25* |
| 19 „ „ 20 „ .. .. | | *12·75* | *12·45* |
| 18 „ „ 19 „ .. .. | | *12·00* | *11·70* |
| Under 18 years .. .. .. | | *10·20* | *9·90* |
| All ages .. .. .. | Over 1 ton and up to 5 tons | *17·15* | *16·70* |
| | Over 5 tons | *17·65* | *17·20* |

## MINIMUM OVERTIME RATES

5.—(1) Subject to the provisions of sub-paragraph (2) of this paragraph overtime shall be payable at the following minimum rates:—

(*a*) On a Sunday, not being the weekly rest day—
for all time worked .. .. .. .. .. time-and-a-quarter

(*b*) On the weekly rest day not being a customary holiday—
for all time worked .. .. .. .. .. double time

(*c*) In any week, exclusive of any time

(i) in respect of which a minimum overtime rate is payable under (*b*) of this sub-paragraph,

(ii) in respect of which a special time rate is payable under the provisions of paragraph 6, or

(iii) worked on a customary holiday in the circumstances specified in paragraph 10—
for the first 4 hours worked in excess of 42 hours .. .. .. .. .. .. hourly rate
thereafter .. .. .. .. .. .. time-and-a-half

Provided that in any week which includes a day taken by the worker as a customary holiday or as a holiday in lieu thereof the period of 42 hours shall be reduced by 7 hours, in any week which includes two days taken either as customary holidays or holidays in lieu thereof, by 14 hours and, in any week which includes three days taken as customary holidays or holidays in lieu thereof, by 21 hours.

(2) Overtime rates in accordance with the foregoing provisions of this paragraph shall be payable to managers and manageresses only if the overtime worked is specifically authorised in writing by the employer or his representative.

## SPECIAL TIME

6. The following special time rate is payable to a worker who is a shop assistant within the meaning of the Shops Act 1950(**a**), where, under sub-section (3) of section 40 of that Act, the employer is relieved of his obligation to allow the worker a weekly half-day:—

for all time worked after 1.30 p.m. on the worker's weekly half-day .. .. .. .. .. double time

(**a**) 1950 c. 28.

## WAITING TIME

7. A worker shall be 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:—

(1) without the employer's consent, express or implied;

(2) for some purpose unconnected with his work, and other than that of waiting for work to be given to him to perform;

(3) by reason only of the fact that he is resident thereon; or

(4) 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 CUSTOMARY HOLIDAY

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

(2) Where the customary holiday is a day which has been allowed to a worker and taken by him as a day of annual holiday under the provisions of Part II of this Schedule or where the customary holiday falls upon his weekly rest day—

(*a*) the worker shall be allowed within 28 days of the customary holiday, except in the case where (*b*) of this sub-paragraph applies, a day of holiday in lieu thereof fixed—

(i) by agreement between the employer and the worker; or

(ii) failing such agreement, by the employer with a minimum of seven clear days' notice to the worker;

and the worker shall be paid for the holiday so allowed in lieu of the customary holiday not less than the amount to which he would have been entitled had he worked for the number of hours ordinarily worked by him on that day of the week; or

(*b*) if there is an agreement between the employer and the worker that no day of holiday in lieu of the customary holiday be so allowed, the worker shall be paid for the customary holiday not less than the amount to which he would have been entitled under the provisions of this Schedule had the day not been a customary holiday and had he worked the number of hours ordinarily worked by him on that day of the week:

Provided that where the customary holiday is a day which has been allowed to and taken by the worker as a day of annual holiday, such payment shall be in addition to the remuneration to which he is entitled in respect of that day as a day of annual holiday under Part II of this Schedule.

## WORKERS WHO WORK ON A CUSTOMARY HOLIDAY AND WHO ARE GIVEN A DAY OFF IN LIEU

9. Where a worker works on a customary holiday his employer shall, except as provided in paragraph 10, allow him within 28 days of the customary holiday a day of holiday in lieu thereof on a day other than the weekly rest day or weekly half-day fixed (*a*) by agreement between the employer and the worker, or (*b*) failing such agreement, by the employer with a minimum of 7 clear days' notice to the worker, and the worker shall be paid at the rate payable to him under the provisions of this Schedule other than paragraph 10 for all time worked on the customary holiday and for the day given in lieu of the customary holiday not less than the amount to which he would have been entitled under the provisions

of this Schedule had he worked the number of hours ordinarily worked by him on that day of the week.

## WORKERS WHO WORK ON A CUSTOMARY HOLIDAY AND WHO ARE NOT GIVEN A DAY OFF IN LIEU

10. Where a worker works on a customary holiday and there is an agreement between the employer and the worker that no day of holiday in lieu of the customary holiday shall be allowed to the worker, he shall be paid for all time worked on the customary holiday:—

| | |
|---|---|
| (1) where the time worked does not exceed 3 hours .. | double time for 3 hours |
| (2) where the time worked exceeds 3 hours .. .. | double time for all time worked |

Provided that where a customary holiday falls upon the worker's weekly rest day the worker shall be paid in addition to the amount payable under this paragraph the amount to which he would be entitled for work performed on a weekly rest day under paragraph 5 (1) (*b*).

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

11.—(1) Notwithstanding the other provisions of this Schedule, where in any week the total remuneration (including holiday remuneration) payable to a full-time worker under those other provisions is less than the guaranteed weekly remuneration provided under this paragraph, the minimum remuneration payable to that worker for that week shall be that guaranteed weekly remuneration.

(2) The guaranteed weekly remuneration is the remuneration to which he would be entitled under paragraph 3 or 4 for 42 hours' work in his normal occupation:

Provided that—

(*a*) where the worker normally works for the employer on work to which this Schedule applies for less than 42 hours in the week 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 2) for the number of hours in the week normally worked by the worker for the employer on work to which this Schedule applies;

(*b*) 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 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.

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

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

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

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

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

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

## PART II

## ANNUAL HOLIDAY AND HOLIDAY REMUNERATION

### ANNUAL HOLIDAY

12.—(1) Subject to the provisions of sub-paragraph (2) of this paragraph and the provisions of paragraph 13 an employer shall, between 1st April 1974 and 31st October 1974, and in each succeeding year between 1st April and 31st October, allow a holiday (in this Schedule referred to as an "annual holiday") to every worker in his employment to whom this Schedule applies who was employed by him during the 12 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 18) 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 |
|---|---|
| 12 months | *18* days |
| Not less than 11 months but less than 12 months | *16* „ |
| „ „ „ 10 „ „ „ „ 11 „ | *15* „ |
| „ „ „ 9 „ „ „ „ 10 „ | *13* „ |
| „ „ „ 8 „ „ „ „ 9 „ | *12* „ |
| „ „ „ 7 „ „ „ „ 8 „ | *10* „ |
| „ „ „ 6 „ „ „ „ 7 „ | *9* „ |
| „ „ „ 5 „ „ „ „ 6 „ | *7* „ |
| „ „ „ 4 „ „ „ „ 5 „ | *6* „ |
| „ „ „ 3 „ „ „ „ 4 „ | *4* „ |
| „ „ „ 2 „ „ „ „ 3 „ | *3* „ |
| „ „ „ 1 month „ „ „ 2 „ | *1* day |

(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 *three times* the number of days constituting the worker's normal working week;

(*b*) where a worker does not wish to take his annual holiday or part thereof during the holiday season in any year and, before the expiration of such holiday season, enters into an agreement in writing with his employer that the annual holiday or part thereof shall be allowed, at a date or dates to be specified in that agreement, 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 be treated as having been allowed during the holiday season.

(3) (*a*) In this Schedule the expression "holiday season" means in relation to the year 1974 the period commencing on 1st April 1974, and ending on 31st

October 1974 and, in each succeeding year, the period commencing on 1st April and ending on 31st October of the same year.

(b) The revocation of Order R.N.T.S. (40) shall not affect the right of a worker to be allowed days of annual holiday pursuant to an agreement entered into under the provisions of paragraph 12(2)(*b*) of the Schedule to Order R.N.T.S. (40) in relation to the holiday season ended on 31st October 1973.

13.—(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 *but does not exceed twice that number* the holiday may 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) *Where the number of days of annual holiday for which a worker has qualified exceeds twice the number of days constituting his normal working week the holiday may be allowed as follows:—*

(*i*) *as to days not exceeding twice the number of days constituting his normal working week, in accordance with sub-paragraph (2) of this paragraph; and*

(*ii*) *as to any additional days, on working days which need not be consecutive, to be fixed by agreement between the employer and the worker or his representative either during the holiday season or before 1st April next following the holiday season.*

(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 (or after the holiday season in the circumstances specified in sub-paragraph (2)(*b*) of paragraph 12).

(5) 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 or to a half-holiday under any enactment other than the Wages Councils Act 1959:

Provided that where the total number of days of annual holiday allowed to a worker under this Schedule is less than the number of days in his normal working week, the annual holiday allowed shall be in addition to the said day of holiday or the said half-holiday.

14. 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 the worker or by the posting of a notice in the place where the worker is employed.

## REMUNERATION FOR ANNUAL HOLIDAY

15.—(1) Subject to the provisions of paragraph 16, 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 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.

16. Where any accrued holiday remuneration has been paid by the employer to the worker (in accordance with paragraph 17 of this Schedule or with Order R.N.T.S. (40), in respect of employment during either or both of the periods referred to in paragraph 17, 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 or periods 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 R.N.T.S. (40).

### ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

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

(1) in respect of employment occurring in the 12 months up to 1st 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 1st 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 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.

### CALCULATION OF EMPLOYMENT

18. 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:—

(1) as if he were employed for a month in respect of any month throughout which he has been in the employment of the employer and in which—

(*a*) he has worked for the employer for not less than 72 hours and has performed some work for which statutory mimimum remuneration is payable; or

(*b*) he has worked for the employer for less than 72 hours, or has performed no work, solely by reason of the proved illness of or accident to the worker (provided that the number of months which may be treated as months of employment for such reasons shall not exceed two in any such period as aforesaid);

(2) as if he were employed on any day of annual holiday allowed under the provisions of this Schedule or of Order R.N.T.S. (40) and, for the purpose of the provisions of (1) of this paragraph, a worker who is absent on such a holiday shall be treated as having worked thereon for the employer for the number of hours ordinarily worked by him on that day of the week on work for which statutory minimum remuneration is payable.

## PART III

## GENERAL

### DEFINITIONS

19. For the purposes of this Schedule:—

"AREA 1" and "AREA 2" have the meanings respectively assigned to them in paragraph 20.

"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 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 WAREHOUSE WORKER" means a worker wholly or mainly employed in the central warehouse, that is to say, a warehouse from which an undertaking in the retail newsagency, tobacco and confectionery 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 day), the local Spring holiday, the local Autumn holiday and three other days, observed by local custom as holidays, to be fixed by the employer and notified to the worker; and one other day (being a day on which the worker normally works) in the period commencing on 25th December and ending on the next following 8th January, to be fixed by the employer and notified to the worker not less than seven clear days before 25th December.

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

"HOURLY RATE" means the rate obtained by dividing by 42 the minimum remuneration to which the worker is entitled under paragraph 3 or 4, and "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 that rate.

"MANAGER", "MANAGERESS" means a worker who is in charge of a shop, kiosk or department and who (notwithstanding occasional supervisory visits) is responsible to the employer for all or any of the following: (i) the custody of cash and stock; (ii) the control of staff (if any); (iii) the conduct of the business of the shop, kiosk or department.

"MONTH" means calendar 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 12 months immediately preceding the commencement of the holiday season, or, where accrued holiday remuneration is payable under paragraph 17 on the termination of the employment, during the 12 months immediately preceding the termination date:

Provided that—

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

(ii) 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—

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| in | the | case | of | a | worker | whose | normal | working | week | is |

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| six | days | | | | | | | | | one-sixth |
| five | „ | | | | | | | | | one-fifth |
| four | „ | | | | | | | | | one-quarter |
| three | „ | | | | | | | | | one-third |
| two | „ | | | | | | | | | one-half |
| one | day | | | | | | | | | the whole |

"SHOP ASSISTANT" means (except for the purpose of paragraph 6 where it shall have the meaning therein attributed to it) a worker (other than a manager or manageress, clerk grade I or clerk grade II) employed in or about the business of a shop or kiosk.

"TRANSPORT WORKER" means a worker engaged wholly or mainly in driving a mechanically propelled vehicle for the transport of goods between a store or warehouse and a shop or other place where articles are sold by retail.

"WEEK" means pay week.

"WEEKLY HALF-DAY" means that day in any week on which a worker is, in accordance with the provisons 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.

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

## AREAS

20. In this Schedule—

(1) "AREA 1" means—

(*a*) all Burghs which, according to the Preliminary Report on the Sixteenth Census of Scotland 1961, had a population of ten thousand or more,

(*b*) 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 and Airth in the County of Stirling,

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

(*d*) the following Burghs—

ANGUS COUNTY
Brechin
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
WIGTOWN COUNTY
Stranraer
ZETLAND COUNTY
Lerwick

(2) "AREA 2" means all areas other than those defined in sub-paragraph (1) of this paragraph.

## WORKERS TO WHOM THE SCHEDULE APPLIES

21.—(A) (1) Subject to the provisions of sub-paragraph (B) of this paragraph the workers to whom the Schedule applies are the following workers, being workers employed in Scotland:—

(*a*) street newsvendors; and

(*b*) workers employed in any undertaking or any branch or department of an undertaking, being an undertaking, branch or department engaged—

(i) wholly or mainly in the retail newsagency, tobacco and confectionery trades; or

(ii) wholly or mainly in those 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 newsagency, tobacco and confectionery 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.

(2) For the purpose of this sub-paragraph:—

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

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

(B) 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:—

(1) workers in relation to whom any Wages Council (which was immediately before 30th May 1959 a 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 Council;

(2) 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;

(3) workers employed on post office business;

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

(5) workers employed in any ship (which includes every description of vessel used in navigation).

(6) workers employed by British Transport Hotels Limited in kiosks on railway stations.

(C) For the purpose of this Schedule the retail newsagency, tobacco and confectionery trades consist of:—

(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;

(**a**) 1943 c. 24.

(2) operations in or about the shop or other place where any of the articles specified in (1) of this sub-paragraph 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) of this sub-paragraph 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) of this sub-paragraph when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) of this sub-paragraph; and

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

## APPENDIX TO PARAGRAPH 21

## GROUPS OF RETAIL DISTRIBUTIVE TRADES

GROUP I. The Retail Food Trades, that is to say, 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) above; 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) above; but excluding

the sale by retail of bread, pastry or flour confectionery (other than biscuits or meat pastries) or the sale by retail of meat (other than bacon, ham, pressed beef, sausages, or meat so treated as to be fit for human consumption without further preparation or cooking) or the sale by retail of milk (other than dried or condensed milk) or the sale by retail of ice-cream, aerated waters, chocolate confectionery or sugar confectionery, or the sale of food or drink for immediate consumption.

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.

GROUP 2. The Retail Furnishing and Allied Trades, that is to say:—

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

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

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

(*c*) hand tools;

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

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

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

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

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

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

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

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

(*l*) paint, distemper and wall paper, 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 3. The Retail Drapery, Outfitting and Footwear Trades, that is to say:—

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

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

(*b*) haberdashery;

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

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

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

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

(*g*) ladies' handbags;

(2) operations in or about the shop or other place where any of the articles included in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in conjunction 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 4. 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.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order, which has effect from 25th March 1974, sets out the increased statutory minimum remuneration payable and the holidays to be allowed to workers in relation to whom the Retail Newsagency, Tobacco and Confectionery Trades Wages Council (Scotland) operates, in substitution for the statutory minimum remuneration and holidays fixed by the Wages Regulation (Retail Newsagency, Tobacco and Confectionery) (Scotland) Order 1973 (Order R.N.T.S. (40)), which Order is revoked.

New provisions are printed in italics.

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