STATUTORY INSTRUMENTS

1979 No. 862

WAGES COUNCILS

The Retail Trades Wages Councils (Food and Allied Trades) (Abolition and Establishment) Order 1979

Made - - - -	18*th July* 1979
Laid before Parliament	30*th July* 1979
Coming into Operation	1*st September* 1979

Whereas a report dated 23rd May 1977 of the Advisory, Conciliation and Arbitration Service (in this Order referred to as "the Service") made pursuant to paragraph 5(*b*) of Schedule 1 to the Wages Councils Act 1959**(a)**, as amended by section 89(1) of the Employment Protection Act 1975**(b)**, concluded that objections received by the Secretary of State to a proposal to abolish certain wages councils in the retail trades (including those specified in Schedule 1 to this Order) and to establish in their place two new wages councils did not justify any substantial modification to the said proposal:

And whereas the Secretary of State has, in accordance with section 4 of, and Schedule 1 to, the said Act of 1959 as amended by section 89(3) of, and Part IV of Schedule 7 to, the said Act of 1975, published notice of his intention to make an Order abolishing the wages councils specified in Schedule 1 to this Order and establishing the Retail Food and Allied Trades Wages Council (Great Britain):

And whereas objections were made with respect to the draft Order referred to in the said notice:

And whereas the Secretary of State has considered the said objections and after consulting the Service (in so far as such consultation is required by paragraph 5 of Schedule 1 to the Wages Councils Act 1979**(c)**) he is of the opinion that the objections were either such that their subject matter was considered by the Service and was expressly dealt with in their report or such that a further enquiry into their subject matter would serve no useful purpose:

Now, therefore, the Secretary of State in exercise of powers conferred by sub-sections (1) and (5) of section 4 of the said Act of 1979, and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. The wages councils specified in Schedule 1 to this Order are hereby abolished.

2. There shall be established in relation to the workers specified in Schedule 2 to this Order and their employers a wages council to be known as the Retail Food and Allied Trades Wages Council (Great Britain).

(a) 1959 c. 69. **(b)** 1975 c. 71. **(c)** 1979 c. 12.

3. An order made by any one of the councils specified in Schedule 1 of this Order which is in force immediately before the coming into operation of this Order shall continue to have effect in relation to workers to whom it applies as if the said order has been made by the Retail Food and Allied Trades Wages Council (Great Britain) until revoked by an order made under section 14 of the Wages Councils Act 1979 by the said Retail Food and Allied Trades Wages Council (Great Britain).

4. Any proposal with respect to any new terms and conditions of employment made by any one of the councils specified in Schedule 1 and any action taken in relation thereto by that council pursuant to subsections (4) and (5) of section 14 of the Wages Councils Act 1979 prior to the coming into operation of this Order shall be deemed for the purposes of the said section 14 to have been made or done by the Retail Food and Allied Trades Wages Council (Great Britain).

5. This Order may be cited as the Retail Trades Wages Councils (Food and Allied Trades) (Abolition and Establishment) Order 1979, and shall come into operation on 1st September 1979.

Signed by order of the Secretary of State.

18th July 1979.

Jim Lester,
Joint Parliamentary Under Secretary of State,
Department of Employment.

Article 1

SCHEDULE 1

WAGES COUNCILS ABOLISHED BY THIS ORDER

Retail Bread and Flour Confectionery Trade Wages Council (England and Wales).

Retail Bread and Flour Confectionery Trade Wages Council (Scotland).

Retail Food Trades Wages Council (England and Wales).

Retail Food Trades Wages Council (Scotland).

Retail Newsagency, Tobacco and Confectionery Trades Wages Council (England and Wales).

Retail Newsagency, Tobacco and Confectionery Trades Wages Council (Scotland).

Article 2

SCHEDULE 2

WORKERS TO WHOM THE RETAIL FOOD AND ALLIED TRADES WAGES COUNCIL (GREAT BRITAIN) APPLIES

1.—(1) Subject to the provisions of paragraph 3 the workers to whom this Schedule applies, which includes the workers of all classes or descriptions within the field of operation of the Councils hereby abolished, are:—

(*a*) all workers employed in Great Britain 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 food and allied trades; or

(ii) wholly or mainly in the retail food and allied trades and the retail (non-food) trades set out in the Appendix hereto, collectively, and to a greater extent in the retail food and allied trades than in the retail (non-food) trades.

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.

(*b*) all workers employed in Great Britain as Street Newsvendors.

(2) For the purposes of this paragraph:—

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

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

2. For the purposes of this Order the retail food and allied trades do not include 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) but save as aforesaid consist of:—

(1) the sale by retail of:—

(*a*) bread or flour confectionery;

(*b*) articles of sugar confectionery and chocolate confectionery and ice cream;

(*c*) all other food or drink for human consumption other than for immediate consumption on the premises at which the sale is effected;

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

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

(2) operations in or about the shop or other place where the sale by retail aforesaid is carried on being operations for the purpose of such sale or otherwise in connection with such sale;

(3) operations in connection with the warehousing or storing of food, drink and the other articles in sub-paragraph (1) above 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 goods are sold by retail;

(4) operations in connection with the transport of such food, drink and other articles in sub-paragraph (1) above when carried on in conjunction with the 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 aforesaid and relating to such sale or to any of the operations in (2) to (4) of this sub-paragraph; and for the purpose of this definition "sale by retail" includes any sale of food or drink to a person for use in connection with a catering business carried on by him, when such sale takes place at or in connection with a shop engaged in the retail sale of food or drink to the general public.

3. This Order 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 (other than the Retail Food and Allied Trades Wages Council (Great Britain)) operates in respect of any employment which is for the time being within the field of operation of that wages council;

(2) workers employed in any staff canteen of the retail undertaking;

(3) workers employed on road haulage work while engaged in the carriage or haulage of goods for hire or reward (subject to paragraph 4);

(4) workers employed on post office business;

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

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

(7) workers employed by British Transport Hotels Limited in kiosks on railway stations;

(8) workers for whom minimum rates are fixed by the Agricultural Wages Boards for England and Wales or for Scotland;

(9) workers engaged in the sale and distribution of bread and flour confectionery in England and Wales who in the same week are also engaged in the making of those articles of food and work incidental thereto, or are engaged in the making of other articles of food and work incidental thereto in an undertaking or branch or department thereof mainly engaged in the making of bread and flour confectionery;

(10) workers employed in connection with the storage of bread and flour confectionery before despatch to the retail establishment;

(11) workers engaged in the delivery of newspapers and other publications for not more than 2 hours per day and for not more than 12 hours per week;

(12) workers employed as watchmen or caretakers for any time during which they are so employed.

4. For the purposes of paragraph 3(3) goods shall not be deemed to be carried or hauled for hire or reward if:

(1) they are goods sold, used or let on hire-purchase in the course of a trade or business carried on by the undertaking operating the vehicle, and are being delivered or collected in the course of that trade or business; or

(2) they are goods which have been, or are to be, subjected to a process or treatment in the course of a trade or business carried on by the undertaking operating the vehicle, and are being delivered or collected by that undertaking; or

(3) they are goods being delivered or collected by a company in the course of or for the purposes of the trade or business of another company where the company performing the delivery or collection is one engaged in the carriage or haulage of goods by goods vehicles on roads for hire or reward wholly for any company, not being so engaged, associated with it; and for the purposes of this paragraph "company" includes any body corporate and two companies shall be taken to be associated companies if one is a subsidiary of the other (within the meaning of section 154 of the Companies Act 1948(a)) or both are subsidiaries of a third company.

APPENDIX TO THE SCHEDULE

The retail non-food trades are as defined in the Schedule to the Retail Trades Wages Council (Non-Food) (Abolition and Establishment) Order 1979(b), and subject to the exclusions contained in that Schedule consist of:—

(1) the sale by retail of:—

(i) books (excluding printed music and periodicals);

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

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

(iv) maps and charts;

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

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

(vii) haberdashery;

(viii) textile fabrics in the piece, leather cloth, plastic cloth and oil cloth;

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

(x) made-up household textiles;

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

(xii) household and office furniture, including garden furniture, mattresses, carpets, linoleum and other floor coverings and mirrors, but excluding billiard tables, clocks, pianos, gramophones and pictures;

(xiii) ironmongery, turnery and hardware, of kinds ordinarily used for household purposes, including gardening implements;

(xiv) hand tools;

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

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

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

(xviii) radio and television sets and their accessories and component parts;

(xix) pedal cycles and their accessories and component parts;

(xx) perambulators, push chairs and invalid carriages;

(a) 1948 c. 38.

(b) S.I. 1979/863

(xxi) toys, indoor games, requisites for outdoor games, gymnastics and athletics but excluding billiard tables;

(xxii) saddlery, leather goods, travel goods and ladies' handbags;

(xxiii) paint, distemper and wallpaper and oils of kinds ordinarily used for household purposes (excluding petrol and lubricating oils);

(xxiv) brushes, mops and brooms, used for household purposes, and similar articles

(xxv) disinfectants, chemicals, candles, soaps and polishes, of kinds ordinarily used for household purposes.

(2) operations in or about the shop or other place where any of the articles specified in sub-paragraph (1) above are sold by retail, being operations carried on for the purposes 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 sub-paragraph (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 in retail;

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

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

(6) employment in the altering, repairing, renovating or remaking of women's articles of apparel, the making of which is included in the Dressmaking and Women's Light Clothing Trade (as defined in the Trade Boards (Dressmaking and Women's Light Clothing Trade, England and Wales) (Constitution and Proceedings) Regulations 1928(a) and in the Trade Boards (Dressmaking and Women's Light Clothing Trade, Scotland) (Constitution and Proceedings) Regulations 1933(b)) where such altering, repairing, renovating or re-making is carried on in or about a shop or other place of retail sale for the purpose of or in connection with such sale; and

(7) homeworking on the activities described in sub-paragraph (6) above.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which comes into operation on 1st September 1979, abolishes the wages councils specified in Schedule 1 to this Order and establishes in their place a new wages council for the whole of Great Britain, namely the Retail Food and Allied Trades Wages Council (Great Britain).

(a) S.R. & O. 1928/628. (b) S.R. & O. 1933/37.

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