

STATUTORY INSTRUMENTS

1970 No. 393

WAGES COUNCILS

The Road Haulage Wages Council (Variation) Order 1970

<i>Made</i> - - - -	11th March 1970
<i>Laid before Parliament</i>	19th March 1970
<i>Coming into Operation</i>	20th March 1970

Whereas the Secretary of State in accordance with section 4 of and Schedule 1 to the Wages Councils Act 1959(a) published notice of her intention to make an order varying the field of operation of the Road Haulage Wages Council:

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

And whereas in accordance with the said Schedule the Secretary of State, after considering the objections, referred the draft order to a commission of inquiry for inquiry and report and notified to the commission the objections which she wished the commission to take into account:

Now, therefore, after considering the report of the commission, the Secretary of State in exercise of her powers under section 4(2) of and paragraph 5(b) of Schedule 1 to the said Act, and of all other powers enabling her in that behalf, hereby makes the following Order:—

1.—(1) This Order may be cited as the Road Haulage Wages Council (Variation) Order 1970 and shall come into operation on 20th March 1970.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

2. The field of operation of the Road Haulage Wages Council (which now operates in relation to certain workers employed on road haulage work performed in connection with any motor goods vehicle specified or deemed to be specified in an "A" licence or a "B" licence granted under the Road Traffic Act 1960(c)) is hereby varied and accordingly the said Wages Council shall operate in relation to the workers to whom the Schedule to this Order applies and their employers.

11th March 1970.

Barbara Castle,
First Secretary of State and
Secretary of State for Employment
and Productivity.

(a) 1959 c. 69.

(b) 1889 c. 63.

(c) 1960 c. 16.

SCHEDULE

Article 2

1. Subject to the provisions of the following paragraphs, this Schedule applies to workers employed on road haulage work in or from any undertaking or any branch or department of an undertaking being an undertaking, branch or department to any extent engaged in the carriage or haulage of goods of any description by goods vehicles on roads for hire or reward.

2. For the purposes of paragraph 1 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 or 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 sub-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.

3. A worker is employed on road haulage work—

- (1) if he is employed on all or any of the work described in (a) to (e) below, that is to say:—
 - (a) driving or assisting in the driving or control of the vehicle;
 - (b) collecting or loading goods to be carried in or on the vehicle;
 - (c) attending to goods while so carried;
 - (d) unloading or delivering goods after being so carried;
 - (e) acting as attendant to the vehicle;
 and who is required to travel on or to accompany the vehicle for the purpose of doing any such work; or
- (2) if his time is occupied as specified in (a) to (d) below, that is to say:—
 - (a) in doing any work incidental to his employment in work mentioned in sub-paragraph (1) hereof;
 - (b) in travelling on or accompanying a goods vehicle in connection with his employment in the work so mentioned;
 - (c) in holding himself under the orders or at the disposal of his employer while waiting in connection with his employment in the work so mentioned;
 - (d) in waiting (whether overnight or otherwise) in accordance with the instructions of his employer as a necessary consequence of his employment in any of the work so mentioned.

Provided that a person who is employed in loading goods to be carried in or on a goods vehicle, or in unloading goods after being so carried, and who is required to travel on or to accompany the vehicle partly for that purpose, shall not be regarded as being employed on road haulage work by reason only of that employment, if the main purpose for which he is required to travel on or to accompany the vehicle is that of executing work other than road haulage work after its arrival at his destination.

4. For the purposes of this Schedule—

“goods” includes goods or burden of any description;

“goods vehicle” means a motor vehicle constructed or adapted for use for the carriage or haulage of goods, or a trailer so constructed or adapted;

“road haulage work” includes road haulage work performed by a worker employed by a person carrying on the business of a goods transport clearing house, that is to say, the business of arranging for the mechanical transport of goods by road.

5. This Schedule does not apply to workers:—

- (1) for whom or in respect of whose work a minimum rate of wages is, for the time being, fixed by or under any other enactment; or
- (2) for whom minimum remuneration has been fixed pursuant to proposals of any other Wages Council established under the Wages Councils Act 1959;
- (3) employed by, or by a subsidiary of, a Board established by Section 1 of the Transport Act 1962(a) or of the Transport Holding Company, or by, or by a subsidiary of, a New Authority constituted in accordance with Schedule 1 of the Transport Act 1968(b);
- (4) employed by the Post Office;
- (5) employed for the purposes of funerals.

EXPLANATORY NOTE

(This Note is not part of the Order.)

The Road Haulage Central Wages Board, which was established by the Road Haulage Wages Act 1938, became a Wages Council with the same field of operation as the Board on the commencement of the Wages Councils Act 1948 by virtue of section 1 of that Act and was continued in existence as such by the Wages Councils Act 1959. The Wages Council operates in relation to workers employed on road haulage work performed in connection with any motor goods vehicle specified or deemed to be specified in an “A” or “B” carrier’s licence issued under the Road Traffic Act 1960.

This Order varies the Council’s field of operation. As from 20th March 1970 the Council will operate in relation to workers, with certain exceptions, employed on road haulage work in or from an undertaking, or branch or department of an undertaking, which is, to any extent, engaged in the carriage or haulage of goods by goods vehicles on roads for hire or reward.

(a) 1962 c. 46.

(b) 1968 c. 73.

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