
STATUTORY INSTRUMENTS

1987 No. 801

WAGES COUNCILS

**The Unlicensed Place of Refreshment
Wages Council (Variation) Order 1987**

<i>Made</i>	- - - -	<i>6th May 1987</i>
<i>Laid before Parliament</i>		<i>15th May 1987</i>
<i>Coming into force</i>	- -	<i>13th June 1987</i>

Whereas the Secretary of State has had regard to the matters referred to in section 13(2)(a) and (b) of the Wages Act 1986⁽¹⁾ and has in accordance with the said section 13(2) consulted such persons and organisations as appear to him to be appropriate;

Now, therefore, the Secretary of State in exercise of the powers conferred on him by section 13(1) of the Wages Act 1986 and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Unlicensed Place of Refreshment Wages Council (Variation) Order 1987 and shall come into force on the 13th June 1987.

2. The scope of operation of the Unlicensed Place of Refreshment Wages Council shall be varied by the exclusion therefrom of—

- (a) workers who are employed in a central catering establishment;
- (b) workers who are employed by a local authority; and
- (c) workers who are employed in an industrial or staff canteen undertaking;

which exclusion is set out in paragraphs 2(8), (9) and (10) of the Schedule to this Order, and accordingly the said Wages Council shall operate only in relation to workers to whom the said Schedule applies and their employers.

3. The Schedule to the Wages Board (Unlicensed Place of Refreshment) Order 1944⁽²⁾, as amended by the Wages Board (Unlicensed Place of Refreshment) (Amendment) Order 1946⁽³⁾ and the Wages Board (Unlicensed Place of Refreshment) (Amendment) Order 1947⁽⁴⁾, shall have effect as if for the Schedule thereto there were substituted the Schedule to this Order.

(1) 1986 c. 48.
(2) S.R. & O. 1944/1399.
(3) S.R. & O. 1946/743.
(4) S.R. & O. 1947/1731.

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4. The Wages Board (Unlicensed Place of Refreshment) (Amendment) Order 1946 and the Wages Board (Unlicensed Place of Refreshment) (Amendment) Order 1947 are hereby revoked.

Signed by order of the Secretary of State.

6th May 1987

David Trippier
Parliamentary Under Secretary of State
Department of Employment

SCHEDULE

(WORKERS TO WHOM THE ORDER APPLIES)

1. Subject to the provisions of paragraph 2 hereof the workers to whom this Schedule applies are all workers employed in Great Britain in a catering undertaking who are employed by the person or body of persons carrying on that undertaking and who are so employed either:—

(1) for the purposes of such of the activities of the undertaking as are carried on at an unlicensed place of refreshment or a central catering establishment or in the course of a catering contracting business; or

(2) in connection with the provision of food or drink or living accommodation provided wholly or mainly for workers employed for the purposes of any of the activities specified in sub-paragraph (1) of this paragraph;

and who are engaged on any of the following work, that is to say:—

- (a) the preparation of food or drink;
- (b) the service of food or drink;
- (c) work incidental to such preparation or service;
- (d) work connected with the provision of living accommodation for workers employed for the purposes of any of the activities specified in sub-paragraph (1) of this paragraph;
- (e) work in connection with any retail sale of goods on premises where the main activity is the supply of food or drink for immediate consumption;
- (f) transport work;
- (g) work performed at any office or at any store or warehouse or similar place or at any garage or stable or similar place;
- (h) any work other than that specified in sub-paragraphs (a) to (g) hereof performed on or about the premises or place where food or drink is prepared or served including work in connection with any service or amenity provided on or about such premises or place.

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:—

(1) workers who are employed by the same employer partly in a catering undertaking and partly in some other undertaking, if their employment in the catering undertaking is confined to work specified either in sub-paragraph (f) or sub-paragraph (g) of paragraph 1 hereof or partly to work specified in the said sub-paragraph (f) and partly to work specified in the said sub-paragraph (g), and they are mainly employed on work in or in connection with that other undertaking;

(2) workers who are employed for the purposes of any of the activities carried on at a hotel, inn, boarding house, guest house, hostel, holiday camp, club or other similar establishment and who are so employed by the person or body of persons carrying on such establishment, unless the establishment is either:—

- (a) an establishment which is not a residential establishment within the meaning of this Schedule and the worker is employed for the purposes of the activities carried on at a place of refreshment where food or drink is supplied mainly for persons who do not reside at the establishment; or
- (b) carried on by the person or persons carrying on a catering undertaking such as is referred to in paragraph 1 hereof for the purpose of providing accommodation wholly or mainly for the workers mentioned in that paragraph;

(3) workers who are employed for the purposes of any of the activities carried on at any of the following establishments, that is to say:—

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- (a) any hospital, nursing home or convalescent home or similar establishment providing accommodation for the sick, infirm or mentally defective;
- (b) any orphanage, children's home or similar establishment;
- (c) any institution or home where living accommodation is provided for the aged or indigent;
- (d) any university, college, school or similar establishment;

and who are employed by the person or body of persons carrying on the establishment, or, in the case of any of the establishments specified in sub-paragraph (d) hereof by such person or body of persons aforesaid or by the person or body of persons carrying on any boarding house which forms part of the establishment;

(4) workers who are employed by a railway company for the purposes of any of the activities carried on at a railway station or in a railway train;

(5) workers who are employed for the purposes of any of the activities carried on at a theatre, music-hall or other similar place of entertainment ordinarily used for the public performance of stage plays or variety entertainments, unless the worker is so employed in the course of a catering contracting business;

(6) workers who are employed for the purposes of any of the activities carried on at a travelling stall, barrow or other similar vehicle from which food or drink is sold by an itinerant salesman;

(7) workers who are employed by the Crown;

(8) workers who are employed in a central catering establishment;

(9) workers who are employed by a local authority;

(10) workers who are employed in an industrial or staff canteen undertaking.

3. In this Schedule the following expressions have the meanings hereby assigned to them:—

“catering contracting business” means a business or part of a business wholly or mainly engaged in supplying food or drink for immediate consumption:—

- (a) on premises not ordinarily occupied by the person or body of persons carrying on the business; or
- (b) in a railway train where the business is carried on otherwise than by a railway company; and any activities incidental or ancillary thereto;

“catering undertaking” means any undertaking or any part of an undertaking which consists wholly or mainly in the carrying on (whether for profit or not) of one or more of the following activities, that is to say, the supply of food or drink for immediate consumption, the provision of living accommodation for guests or lodgers or for persons employed in the undertaking and any other activity so far as it is incidental or ancillary to any such activity as aforesaid of the undertaking;

“central catering establishment” means an establishment wholly or mainly engaged in the preparation of food or drink for immediate consumption at two or more places of refreshment carried on by the person or body of persons carrying on the establishment but does not include an establishment wholly or mainly engaged on the preparation of food or drink for consumption on the same premises or in the same building as those on which or as that in which the establishment itself is carried on;

“industrial or staff canteen undertaking” means an undertaking or any part of an undertaking which is wholly or mainly engaged in supplying food or drink for immediate consumption and activities incidental or ancillary thereto, and which is carried on for the use of employed persons in connection with their employment:—

- (a) by their employer or employers; or
- (b) by the employed persons themselves; or

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- (c) by the employed persons and their employer or employers jointly; or
- (d) by any other person or body of persons in pursuance of an arrangement or arrangements with the employer or employers of the employed persons, or with the employed persons themselves, or with the employed persons and their employer or employers jointly; or
- (e) by a dock authority or by a person or body of persons under an arrangement with a dock authority;

but excluding any such undertaking carried on:—

- (a) directly by the Crown; or
- (b) by an employer or by workers and their employer jointly, wholly or mainly for the use of workers employed by the employer:—
 - (i) in the business of supplying food or drink for immediate consumption by the general public; or
 - (ii) at or in connection with a shop, if the shop includes a restaurant, cafe or similar place where meals are served to the general public; or
 - (iii) at or in connection with an hotel, boarding house, hostel or other similar establishment; or
 - (iv) at or in connection with any hospital, nursing home or other similar establishment; or
 - (v) at or in connection with any university, college, school or other similar establishment; or
- (c) directly by the British Railways Board (not being an undertaking carried on by a committee of management of employees of the British Railways Board).

For the purpose of this definition “dock authority” means any person or body of persons whether incorporated or not who are authorised to construct or are owners or lessees of any dock authorised by or under any Act, and “dock” includes a wharf or quay.

“place of refreshment” means any place which is used either regularly or occasionally as or for the purposes of a restaurant, dining room, cafe, tea shop, buffet or similar place, or a coffee stall, snack bar, or other similar stall or bar;

“residential establishment” means an establishment which either contains four or more rooms ordinarily available as sleeping accommodation for guests or lodgers or, if it contains less than four such rooms, which contains sleeping accommodation ordinarily available for not less than eight guests or lodgers;

“unlicensed place of refreshment” means any place of refreshment where intoxicating liquor:

—

- (a) cannot legally be sold (or supplied in the case of a restaurant, dining room, buffet or bar at a club) for consumption on the premises; or
- (b) can legally be so sold or supplied by reason only of the fact that an occasional licence in relation to that place is for the time being in force, being a licence granted to some person other than the person carrying on, or a person in the employment of the person carrying on, the activities (other than the supply of intoxicating liquor) of a catering undertaking at that place.

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EXPLANATORY NOTE

(This note is not part of the Order)

The Unlicensed Place of Refreshment Wages Board was established in 1944 under the Catering Wages Act 1943 (c. 24). It became a Wages Council under the Terms and Conditions of Employment Act 1959 (c. 26) and was continued in existence under the Wages Councils Act 1959 (c. 69), the Wages Councils Act 1979 (c. 12) and the Wages Act 1986. The said Wages Council did not apply wages orders made by it under section 14 of the Wages Councils Act 1979 to certain workers. These workers (except for part-time managers) are excluded from the scope of the Wages Council by this Order.

This Order, which comes into force on the 13th June 1987, varies the scope of operation of the said Wages Council by excluding therefrom:—

- (a) workers employed in a central catering establishment;
- (b) workers employed by a local authority;
- (c) workers employed in an industrial or staff canteen undertaking.

This Order also revokes the Wages Board (Unlicensed Place of Refreshment) (Amendment) Order 1946 and the Wages Board (Unlicensed Place of Refreshment) (Amendment) Order 1947.