

OVERTIME

PARAGRAPH 2.

The First Schedule to the Retail Bespoke Tailoring Wages Council (Northern Ireland) Wages Regulation Order, 1946 (Order N.I.T.R.B. (58)) shall be further amended as follows :—

- (a) (i) In paragraph 18 of the said Schedule the words "public holidays customarily observed in the establishment" wherever they occur shall be deleted and the words "customary holidays" inserted in lieu thereof.
- (ii) In paragraph 18 of the said Schedule the words "public holiday customarily observed in the establishment" shall be deleted and the words "customary holiday" inserted in lieu thereof.
- (b) The following new paragraph shall be inserted immediately following paragraph 19 of the said Schedule :—

"Paragraph 19A. The expression "customary holiday" means—

- (i) Christmas Day (or, if Christmas Day falls on a Sunday, such other weekday as may be appointed by national proclamation or, if none is so appointed, the next following Tuesday), Boxing Day, Easter Monday, Easter Tuesday, and two other days (being days on which the worker normally works) in the course of a calendar year to be fixed by the employer and notified to the worker not less than twenty-eight days before the holiday ; or
- (ii) a day substituted by the employer for any one of the said days, being a day recognised by local custom as a day of holiday in substitution for the said day."

EXPLANATORY NOTE.

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

The principal effect of this Order is to fix, as from 5th December, 1946, general minimum piece rates for certain "extras" to the making, by certain male workers, of men's lounge jackets.

N.I.W.R. (22)

The Materials (General Waste) Reclamation Wages Council (Northern Ireland)

THE GENERAL WASTE MATERIALS RECLAMATION WAGES COUNCIL (NORTHERN IRELAND) WAGES REGULATION ORDER, 1946, DATED 9TH OCTOBER, 1946, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER SECTION 10 OF THE WAGES COUNCILS ACT (NORTHERN IRELAND), 1945 (9 & 10 GEO. 6, CH. 21).

1946. No. 159

WHEREAS the Ministry of Labour and National Insurance (hereinafter referred to as "the Ministry") has received from the General Waste Materials Reclamation Wages Council (Northern Ireland) wages regulation proposals for fixing the minimum remuneration to be paid to workers in relation to whom the Council operates in substitution for the minimum remuneration fixed by the Order of the Ministry N.I.W.R. (20) dated the 25th day of August, 1943 (hereinafter referred to as "Order N.I.W.R. (20)") and for the amendment of the Order of the Ministry N.I.W.R. (12) dated the 2nd day of August, 1939, confirming holidays provided for by a direction given, and holiday remuneration fixed, under the Holidays with Pay Act (Northern Ireland), 1938, in 2 Geo. 6, relation to the said workers (hereinafter referred to as "Order N.I.W.R. Ch. 24. (12)");

NOW, THEREFORE, the Ministry by virtue of Section 10 of the Wages Councils Act (Northern Ireland), 1945, and of every other power in that behalf hereby makes the following Order :—

Statutory minimum remuneration.

1. As from the specified date Order N.I.W.R. (20) shall cease to have effect and the statutory minimum remuneration set out in the First Schedule to this Order shall be paid to the workers therein specified.

Holidays and holiday remuneration.

2. As from the specified date Order N.I.W.R. (12) shall have effect subject to the amendments set out in the Second Schedule to this Order.

Commencement.

3. In this Order the expression "specified date" means the 15th day of October, 1946. Provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, the specified date does not correspond with the beginning of the period for which the wages are paid, this Order shall, as respects that worker, become effective as from the beginning of the next such period following the specified date.

Short title and interpretation.

4.—(1) This Order may be cited as the General Waste Materials Reclamation Wages Council (Northern Ireland) Wages Regulation Order, 1946.

12 Geo. 5, Ch. 4.

(2) The Interpretation Act, 1921, applies to the interpretation of this Order as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this ninth day of October, nineteen hundred and forty-six, in the presence of

(L.S.)

F. C. S. Moore,

Assistant Secretary to the Ministry of Labour and National Insurance for Northern Ireland.

FIRST SCHEDULE

STATUTORY MINIMUM REMUNERATION

GENERAL MINIMUM TIME RATES

MALE WORKERS		Per hour.	
PARAGRAPH 1.		s.	d.
Workers of—			
21 years of age and over	...	1	8
18 and under 21 years of age	...	1	4
17 " 18 "	...	0	11
16 " 17 "	...	0	10
Under 16 years of age	...	0	8
FEMALE WORKERS			
PARAGRAPH 2.			
Workers of—			
20 years of age and over	...	0	10½
18 and under 20 years of age	...	0	9
Under 18 years of age	...	0	7½

PIECE WORK BASIS TIME RATES

						Per hour.	
						s.	d.
PARAGRAPH 3.	MALE WORKERS	...	...	...	...	1	9
PARAGRAPH 4.	FEMALE WORKERS	...	...	...	...	0	11½

OVERTIME — ALL WORKERS

PARAGRAPH 5.

(1) Overtime rates shall be payable to workers employed on time work as follows :—

(a) On any day other than Saturday (or the weekly short day substituted therefor), Sunday or a public holiday customarily observed in the establishment—

- (i) For the first two hours worked in excess of 8½ hours TIME-AND-A-QUARTER
- (ii) Thereafter TIME-AND-A-HALF

Provided that, where it is the established practice of an employer to require attendance on only five days in the week, the said overtime rates shall be payable on those five days after 9½ and 11½ hours work respectively.

(b) On Saturday (or the weekly short day substituted therefor)—

- (i) For the first two hours worked in excess of 5 hours TIME-AND-A-QUARTER
- (ii) Thereafter TIME-AND-A-HALF

(c) On Sunday or a public holiday customarily observed in the establishment—
For all time worked DOUBLE TIME

(d) In any week—

For all time worked in excess of 47 hours TIME-AND-A-QUARTER

except in so far as higher overtime rates may be payable under the provisions of sub-paragraph (1) (a), (b) or (c) of this paragraph.

Provided that overtime rates shall be payable in respect of overtime worked on any day, notwithstanding that the number of hours worked in the week does not exceed 47.

Provided also that, where it is the established practice of an employer to require attendance on Saturday in alternate weeks only, the overtime rate shall be payable in the week in which attendance on Saturday is required only after 50 hours have been worked.

(2) Where it is the established practice of an employer to require attendance on Sunday instead of Saturday, the overtime rates as set out in this paragraph shall apply to workers in like manner as if the word "Saturday" were substituted for "Sunday" and the word "Sunday" for "Saturday."

(3) Workers employed on piece work shall be entitled to receive, in respect of each hour of overtime worked, in addition to piece rates each of which would yield, in the circumstances of the case, to an ordinary worker, at least the same amount of money as the appropriate piece work basis time rate

an amount equivalent to one-quarter, one-half or the whole of the appropriate piece work basis time rate according as the overtime rate payable under the foregoing provisions of this paragraph, if the worker had been employed on time work would have been equivalent to time-and-a-quarter, time-and-a-half or double time, respectively.

PARAGRAPH 6.

For the purposes of paragraph 5 of this Schedule, the expressions 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 minimum rate otherwise applicable.

THE HOURS OF WORK OF WOMEN AND YOUNG PERSONS ARE SUBJECT TO THE PROVISIONS OF THE FACTORIES ACT (NORTHERN IRELAND), 1938 (a).

GENERAL

APPLICATION OF STATUTORY MINIMUM REMUNERATION TO
PIECE WORKERS

PARAGRAPH 7.

In the case of male or female workers employed on piece work, each piece rate paid must be such as will yield, in the circumstances of the case, to an ordinary worker, at least the same amount of money as the appropriate piece work basis time rate. In determining whether any piece rate satisfies the foregoing condition regard shall be had only to the earnings of workers of ordinary skill and experience in the class of work in question and not to the earnings of workers of less than ordinary skill and experience.

EMPLOYMENT OF JUVENILE WORKERS ON PIECE WORK

PARAGRAPH 8.

An employer shall, in any case where a learner or other juvenile worker is employed on piece work during the first six months of his employment in the trade, be deemed to pay wages at less than the minimum rate unless he shows that such worker has received, in respect of his employment on piece work in each week during that period, at least the same amount of money as such worker would have been entitled to receive if employed on time work.

An employer shall, in any case where any such worker is so employed at any time subsequent to the first six months of his employment in the trade, be deemed to pay wages at less than the minimum rate unless he shows that such worker has, in respect of his employment on piece work, been paid at piece rates which would yield, in the circumstances of the case, to an ordinary worker (not being a juvenile worker) at least the same amount of money as the appropriate piece work basis time rate.

WAITING TIME

PARAGRAPH 9.

- (1) A worker shall be entitled to payment of statutory minimum remuneration as aforesaid during all the time during which he is present on the premises of his employer unless he is so present without his employer's consent, express or implied, or for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform.
- (2) A piece worker shall during any time during which he is present as aforesaid and is not doing piece work be entitled to payment of the general minimum time rate applicable to the workers of the class to which he belongs.

Provisions (1) and (2) do not apply when—

- (a) a worker is present on his employer's premises by reason only of the fact that he is resident thereon, or
- (b) a worker is present on his employer's premises during normal meal times in a room or place in which no work is being done and is not waiting for work to be given to him to perform.

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

PARAGRAPH 10.

The statutory minimum remuneration aforesaid shall apply, subject to the provisions of the Wages Councils Act (Northern Ireland), 1945, to workers in relation to whom the General Waste Materials Reclamation Wages Council (Northern Ireland) operates, that is to say, workers employed in Northern Ireland in the trade specified in the Trade Boards (General Waste Materials Reclamation Trade, Northern Ireland) (Constitution, Proceedings and Meetings) Regulations, 1924, dated 19th November, 1924 (a), namely :—

- (1) The collecting, sorting or grading of the following materials :—rags; waste paper, paper stock; woollen, worsted, cotton, jute, flax, hemp or other textile waste; textile clippings or cuttings; used bags, sacks or sacking; scrap rubber; scrap iron or other scrap metal; fur cuttings; rabbit skins, bones or fat; used tins; broken glass or earthenware.

(a) S. R. & O. 1924, No. 93.

- (2) The collecting, sorting or grading of the following articles when collected, sorted or graded in association with or in conjunction with the collecting, sorting or grading of the waste materials specified above :—discarded clothing (including head-gear or foot-gear); discarded textile articles; old ropes; used bottles or used jars.
- (3) The following operations when carried on in association with or in conjunction with the collecting, sorting or grading of any or all of the waste materials specified in (1) above :—the ripping of worn clothes for rags; the picking of old ropes; the trimming of paper salvage; the washing of used bottles or used jars; the washing of used tins; the breaking of scrap metal; the drying of rabbit skins; the making or repairing of sacks or bags; the willowing, pulling, scouring, carbonising or putting down mixings of textile waste.
- (4) The operations of receiving, packing, compressing, teagling, craning, despatching or warehousing when carried on in association with or in conjunction with any of the above-mentioned operations.

But excluding—

- (a) Any of the above-mentioned operations when carried on in the establishment in which waste materials are produced or in which they are used as raw materials for further manufacture.
- (b) The making or repairing of sacks or bags when carried on in a factory or workshop engaged solely or mainly in the making or repairing of sacks or bags.
- (c) The collecting, sorting, grading or drying of rabbit skins when carried on in an establishment in which such operations are the main or principal business or when carried on in or in association with or in conjunction with any business, establishment, branch or department engaged in the manufacture of hatter's fur.
- (d) (i) The collecting, sorting or grading of cotton waste when carried on in an establishment in which such operations are the main or principal business.
- (ii) Any of the operations included in paragraphs (1), (2), (3) and (4) above, other than the operations specified in paragraph (d) (i) above, when carried on in or in association with or in conjunction with any establishment of the kind specified in sub-paragraph (i) above.

SECOND SCHEDULE

HOLIDAYS AND HOLIDAY REMUNERATION

The provisions of Order N.I.W.R. (12), dated 2nd August, 1939, shall have effect subject to the following amendments :—

- (1) Any reference in Order N.I.W.R. (12) to the appropriate Trade Board rate for work to which the Trade Boards Acts apply and to work to which those Acts do not apply shall be read as including a reference to the appropriate statutory minimum remuneration fixed by a wages regulation order in respect of the worker and to work to which a wages regulation order does not apply;
- (2) Any reference in Order N.I.W.R. (12) to a minimum rate of wages fixed by the Trade Board shall be read as including a reference to statutory minimum remuneration fixed by a wages regulation order pursuant to proposals of the General Waste Materials Reclamation Wages Council (Northern Ireland) and the reference in paragraph 9 of Order N.I.W.R. (12) to the Holidays with Pay Act (Northern Ireland), 1938, shall be construed as including a reference to the Wages Councils Act (Northern Ireland), 1945, and
- (3) The amount of any holiday remuneration due to any worker under Order N.I.W.R. (12) shall be calculated in accordance with the provisions of Part II. of the Wages Councils Act (Northern Ireland), 1945.

EXPLANATORY NOTE.

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

1. The First Schedule to this Order sets out the statutory minimum remuneration payable as from 15th October, 1946, to the workers in relation to whom the General Waste Materials Reclamation Wages Council (Northern Ireland) operates.
2. The Second Schedule amends the Direction for Holidays with Pay confirmed by the Ministry's Order N.I.W.R. (12) dated 2nd August, 1939, by a number of formal amendments necessitated by the enactment of the Wages Councils Act (Northern Ireland), 1945.
3. The provisions of Order N.I.W.R. (20) cease to have effect when the new provisions under this Order come into force.

WILD BIRDS
Mute Swan

ORDER, DATED 30TH APRIL, 1946, MADE BY THE MINISTER OF HOME AFFAIRS UNDER SECTION 5 OF THE WILD BIRDS PROTECTION ACT (NORTHERN IRELAND), 1931.

1946. No. 58

WHEREAS under Section 5 of the Wild Birds Protection Act (Northern Ireland), 1931, (hereinafter referred to as "the Act") I, The Right Honourable EDMOND WARNOCK, K.C., Minister of Home Affairs, may by order direct that the Act shall apply to any bird excepted from classification for special protection under the Act as if such bird were included for such classification, and specify the Category under which such bird shall be classified :

AND WHEREAS under Sub-section (1) of Section 16 of the Act I am also empowered to prescribe from time to time by order the time of special protection for any bird not specially protected in the First Schedule to the Act :

AND WHEREAS representations have been made to me that special protection should be given to the mute swan :

AND WHEREAS Notice was duly given by me on the 22nd March, 1946, in accordance with the provisions of Sub-section (6) of Section 16 of the Act of my intention to make such an order and the purport thereof :

AND WHEREAS no objections to the making of such an order were received by me :

NOW, THEREFORE, I, THE RIGHT HONOURABLE EDMOND WARNOCK, K.C., Minister of Home Affairs, hereby order and direct :

1. That the mute swan shall be classified under the Act as being in Category I and the eggs and nests of such bird shall be deemed to be protected at all times, during the operation of the Order.