

1970 No. 1215

WAGES COUNCILS

**The Retail Newsagency, Tobacco and Confectionery Trades
Wages Council (England and Wales) (Variation) Order 1970**

<i>Made - - - -</i>	<i>13th August 1970</i>
<i>Laid before Parliament</i>	<i>26th August 1970</i>
<i>Coming into Operation</i>	<i>27th August 1970</i>

Whereas the Secretary of State in accordance with section 4 of and Schedule 1 to the Wages Councils Act 1959(a) published notice of intention to make an order varying the field of operation of the Retail Newsagency, Tobacco and Confectionery Trades Wages Council (England and Wales):

And whereas no objections which the Secretary of State is required by the said Act to consider have been made with respect to the draft order referred to in the said notice:

Now, therefore, the Secretary of State in exercise of his powers under section 4 of and paragraph 4 of Schedule 1 to the said Act, and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. The field of operation of the Retail Newsagency, Tobacco and Confectionery Trades Wages Council (England and Wales) is hereby varied by the exclusion therefrom of workers employed in England and Wales by British Transport Hotels Limited in kiosks on railway stations, which exclusion is set out in paragraph 2(6) of the Schedule to this Order, and by amendment of the provision for the exclusion of workers employed on road haulage work which is now in the form specified in paragraph 2(2) of the said Schedule, and accordingly the said Wages Council shall operate only in relation to workers to whom the said Schedule applies and their employers.

2.—(1) This Order may be cited as the Retail Newsagency, Tobacco and Confectionery Trades Wages Council (England and Wales) (Variation) Order 1970 and shall come into operation on 27th August 1970.

(2) The Wages Council (Retail Newsagency, Tobacco and Confectionery Trades, England and Wales) Order 1947 (b) shall have effect as if for the Schedule thereto there were substituted the Schedule to this Order.

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

Signed by order of the Secretary of State.

13th August 1970.

Paul Bryan,
Minister of State,
Department of Employment and Productivity.

(a) 1959 c. 69.

(b) S.R. & O. 1947/1792 (Rev. XXIII p. 438: 1947 I, p. 2228).

(c) 1889 c. 63.

Article 1

SCHEDULE

WORKERS TO WHOM THE ORDER APPLIES

1.—(1) Subject to the provisions of paragraph 2 hereof the workers to whom this Order applies are the following workers, being workers employed in England and Wales:—

- (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 Order 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 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 operations in a group of trades shall be treated as engaged in that group of trades.

2. 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 (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 Wages 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.

3. For the purpose of this Order 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;

- (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.

APPENDIX TO THE SCHEDULE

GROUPS OF RETAIL DISTRIBUTIVE TRADES

Group 1. 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) electrical 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 wallpaper, 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) 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.)

The Retail Newsagency, Tobacco and Confectionery Trades Wages Council (England and Wales) was established in 1947 under the Wages Councils Act 1945(c. 17). Its field of operation is defined in the Schedule to the Wages Council (Retail Newsagency, Tobacco and Confectionery Trades, England and Wales) Order 1947. The Council continued in existence under the Wages Councils Act 1959 by virtue of section 26 of, and Schedule 5 to, that Act.

This Order, which comes into force on 27th August 1970, varies the field of operation of this Council by excluding therefrom workers employed in England and Wales by British Transport Hotels Limited in kiosks on railway stations.

The Order also amends the existing exclusion relating to workers within the field of operation of the Road Haulage Wages Council so that the exclusion is no longer related to the application of Part I of the Road Haulage Wages Act 1938(c. 44), on which the field of operation of that Wages Council does not now depend.

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