
STATUTORY INSTRUMENTS

1979 No. 1403

TERMS AND CONDITIONS OF EMPLOYMENT

The Guarantee Payments (Exemption) (No. 19) Order 1979

Made - - - - 2nd November 1979

Coming into Operation 14th December 1979

Whereas the collective agreements listed in Schedule 1 to this Order make provision whereby employees to whom the said agreements relate have a right to guaranteed remuneration:

And whereas the parties to the said collective agreements (whose descriptions are set out in Schedule 2 to this Order) all made application to the Secretary of State under section 18(1) of the Employment Protection (Consolidation) Act 1978 (“the Act”):

And whereas the Secretary of State, having regard to the provisions of the collective agreements (which so far as are material are set out in Schedule 3 to this Order), is satisfied that section 12 of the Act should not apply to those employees:

And whereas the collective agreements comply with section 18(4) of the Act:

Now, therefore, the Secretary of State, in exercise of the powers conferred on him as the appropriate Minister under section 18(1) of the Act and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Guarantee Payments (Exemption) (No. 19) Order 1979 and shall come into operation on 14th December 1979.

Interpretation

2. The “exempted agreements” mean the collective agreements which are listed in Schedule 1 to this Order.

Exemption

3. Section 12 of the Act shall not apply to any person who is an employee to whom the exempted agreements relate.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format. The electronic version of this UK Statutory Instrument has been contributed by Westlaw and is taken from the printed publication. **Read more***

Signed by order of the Secretary of State.

2nd November 1979

Patrick Mayhew
Joint Parliamentary Under Secretary of State
Department of Employment

SCHEDULE 1

THE COLLECTIVE AGREEMENTS

1. The Agreement of the National Joint Council for the Motor Vehicle Retail and Repair Industry on the pay, classification and working conditions of skilled and other employees.
2. The Agreement of the National Joint Council for the Motor Vehicle Retail and Repair Industry on the procedure for the avoidance of disputes and related matters.

SCHEDULE 2

PARTIES TO THE COLLECTIVE AGREEMENTS

Representing employers

1. The Employers' Side of the National Joint Council for the Motor Vehicle Retail and Repair Industry (representing the Motor Agents' Association Limited and the Scottish Motor Trade Association Limited).

Representing employees

2. The Trade Union Side of the National Joint Council for the Motor Vehicle Retail and Repair Industry (represented by the Vehicle Building and Automotive Group of the Transport and General Workers Union, the Amalgamated Union of Engineering Workers (Engineering Section), the General and Municipal Workers Union, the Electrical Electronic Telecommunications and Plumbing Union and the National Union of Sheet Metal Workers, Coppersmiths, Heating and Domestic Engineers).

SCHEDULE 3

MATERIAL PROVISIONS OF THE COLLECTIVE AGREEMENTS THE AGREEMENT ON THE PAY, CLASSIFICATION AND WORKING CONDITIONS OF SKILLED AND OTHER WORKERS

GUARANTEED PAY

4. Employees conditioned to a 40-hour week who have been continuously employed for not less than four calendar weeks shall be guaranteed not less than 40 hours of pay at their personal time rates (including, where appropriate, their shift premiums) and part-time employees conditioned to a week of fewer hours not less than the total of their prescribed weekly hours of work at their personal time rates

provided that:

- (a) for the purpose of these guarantees, payments for overtime worked on the employer's instructions shall always be disregarded;
- (b) in case of a holiday recognised by agreement, custom or practice the guarantees shall be reduced in respect of that week to the extent that normal working hours in that week have been reduced by the holiday; and,
- (c) employees shall be prepared when their normal work is not available to undertake reasonable alternative work within their capacity.

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Suspension of Guarantee

If as a result of strike action in a supplier's establishment or some other cause outside the employer's control there is a dislocation of the normal work flow in the employer's establishment the guarantees provided above may be suspended after 14 days (including Saturdays and Sundays) of exhibition of a notice of guarantee suspension (it being agreed that shortage of work within the establishment occasioned either by its level of trading activity or the employer's failure to provide materials which are available to him or ordinary terms shall not for the purpose of this clause be deemed to be a cause outside his control). All pay guarantees shall, however, be suspended immediately and without notice in the event of strike or other industrial action against the employer by his own employees.

EXEMPTION FROM STATUTORY GUARANTEE PAYMENTS PROVISIONS AND PROCEDURE FOR RESOLUTION OF DISPUTES CONCERNING GUARANTEED PAY

By virtue of an application made jointly to the Secretary of State for Employment by both Sides of the Council (being those organisations identified in the preamble to the substantive agreement on pay and conditions first concluded on 23rd February 1972 and subsequently renewed) the provisions of the whole of this Clause of the Agreement (to which this sub-clause forms an addendum) are agreed to satisfy the requirements of Section 12 of the Employment Protection (Consolidation) Act 1978 in respect of guarantee payments. It is further agreed that the Council's Agreement on the Procedure for the Avoidance of Disputes and Related Matters dated 21st February 1973 may be applied to resolve cases in which an employee claims that an employer has failed to pay the whole or any part of any guarantee pay to which there is entitlement in accordance with the provisions of the Agreement or that an employee may present a case on the same terms to an Industrial Tribunal.

EXPLANATORY NOTE

This Order, which comes into operation on 14th December 1979, excludes from the operation of section 12 of the Employment Protection (Consolidation) Act 1978 employees to whom the Agreements of the National Joint Council for the Motor Vehicle Retail and Repair Industry on the pay, classification and working conditions of skilled and other workers and on the procedure for the avoidance of disputes and related matters relate.

Copies of the Agreements are available for inspection between 10 am and noon and between 2 pm and 5 pm on any weekday (except Saturdays) at the offices of the Department of Employment, Caxton House, Tothill Street, London SW1H 9NA.