CLASSES OF WORKERS TO WHOM THE PROVISIONS OF THIS SCHEDULE DO NOT APPLY

PARAGRAPH 27.

Notwithstanding anything contained in this Schedule, the aforesaid statutory minimum remuneration shall not apply to workers employed as bread-servers, bread-van checkers, breadvan boys, outside messengers, shop assistants, charwomen, transport workers (including loaders at quays and motor lorry boys), stablemen, harness cleaners or van washers.

Boot and Shoe Repairing Wages Council

THE BOOT AND SHOE REPAIRING WAGES COUNCIL (NORTHERN IRELAND) WAGES REGULATION (HOLIDAYS) ORDER, 1951, DATED 24TH JANUARY, 1951, 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).

1951. No. 17

WHEREAS the Ministry of Labour and National Insurance (hereinafter referred to as " the Ministry ") has received from the Boot and Shoe Repairing Wages Council (Northern Ireland) wages regulation proposals for requiring workers in relation to whom the Council operates to be allowed by their employers the holidays set out in the Schedule to this Order and for fixing the holiday remuneration specified therein in substitution for the holidays provided and holiday remuneration fixed for these workers by the Boot and Shoe Repairing Wages Council (Northern Ireland) Wages Regulation (Holidays) Order, 1946 (a), dated the 25th day of November, 1946 (hereinafter referred to as " Order N.I.B.S. (53) ") ;

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 :—

1. As from the specified date the workers to whom the Schedule to this Order applies shall be entitled to be allowed the holidays and paid the holiday remuneration specified therein. Holidays and holiday remuneration.

2. In this Order the expression " the specified date " means the 1st day of February, 1951. Provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression " the specified date " means, as respects that worker, the beginning of the next such period following that date. Commencement.

3.—(1) This Order may be cited as the Boot and Shoe Repairing Wages Council (Northern Ireland) Wages Regulation (Holidays) Order, 1951. Short title, interpretation and revocation.

(a) S. R. & O. 1946, No. 200.

52 & 53 Vict., Ch. 63.

(2) The Interpretation Act, 1889, applies to the interpretation of this Order as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

(3) As from the specified date Order N.I.B.S. (53) is hereby revoked.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this twenty-fourth day of January, nineteen hundred and fifty-one, in the presence of

(L.S.) *R. W. Steele,*
Assistant Secretary to the Ministry of Labour and National Insurance for Northen Ireland.

SCHEDULE

HOLIDAYS WITH PAY

PART I

APPLICATION

PARAGRAPH 1.

(1) This Schedule applies to every worker (other than an out-worker) for whom statutory minimum remuneration has been fixed.

(2) For the purpose of this Schedule an out-worker is a worker who works in his own home or in any other place not under the control or management of the employer.

PART II

CUSTOMARY HOLIDAYS

PARAGRAPH 2.

(1) An employer shall allow to every worker to whom this Schedule applies a holiday (hereinafter referred to as a " customary holiday ") in each year on the days specified in the following sub-paragraph provided that the worker has been in his employment for a period of not less than eight weeks immediately preceding the holiday and has worked for the employer during the whole or part of that period and is in his employment on the day of the holiday.

(2) The said customary holidays are :—

(*a*) 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 and Easter Tuesday, *and two other days (being days of the week 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 three weeks before the holiday* ; or

(*b*) 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.

(3) Notwithstanding the preceding provisions of this paragraph, an employer may (except where in the case of a woman or a young person such a requirement would be unlawful) require a worker who is otherwise entitled to any customary holiday under the foregoing provisions of this Schedule to work thereon and, in lieu of any holiday on which he so works, the worker shall be entitled to be allowed a day's holiday (hereinafter referred to as a " holiday in lieu of a customary holiday ") on a weekday within the period of four weeks next ensuing.

(4) A worker who is required to work on a customary holiday shall be paid :—

(*a*) for all time worked thereon at the minimum rate then appropriate to the worker for work on a customary holiday ; and

(*b*) in respect of the holiday in lieu of the customary holiday, in accordance with paragraph 6 of this Schedule.

Part III

ANNUAL HOLIDAYS

Paragraph 3.

In addition to the holidays specified in Part II of this Schedule, an employer shall, between 1st April and 30th November, 1951, and in each succeeding year between 1st April and 30th November (in this Schedule referred to as the " holiday season "), allow a holiday (hereinafter referred to as an " annual holiday ") to every worker in his employment to whom this Schedule applies who was employed by him during the 12 months immediately preceding the commencement of the holiday season for any of the periods specified below, and the duration of the holiday shall be related to his period of employment during that 12 months as follows :—

Period of employment							Duration of holiday
Exceeding	40	weeks					6 days
,,	32	,,	but not exceeding	40	weeks		5 ,,
,,	24	,,	,,	32	,, ...	...	4 ,,
,,	16	,,	,,	24	,, ...	...	3 ,,
,,	8	,,	,,	16	,, ...	...	2 ,,
At least	8	,,	... ...	...	...	....	1 day

provided that the number of days of annual holiday to which a worker shall be entitled in any holiday season shall not exceed in the aggregate the period constituting his normal working week.

Paragraph 4.

Annual holidays under this Schedule shall be allowed on consecutive working days and days of holiday shall be treated as consecutive notwithstanding that a Sunday or a customary holiday or a holiday in lieu of a customary holiday intervenes

provided that—

(*a*) if the employer employs not more than three workers annual holidays may be allowed in two separate periods in the case of any worker entitled to be allowed more than three days annual holidays in a holiday season,

(*b*) if the employer employs only one worker annual holidays may be allowed in three separate periods in the case of any worker entitled to be allowed more than three days annual holidays in a holiday season.

Paragraph 5.

An employer shall give to a worker notice of the commencing date and duration of his annual holiday. Such notice shall be given at least 28 days before the first day of the annual holiday and may be given individually to a worker or by the posting of a notice in the place where the worker is employed.

Part IV

HOLIDAY REMUNERATION

A — CUSTOMARY HOLIDAYS

Paragraph 6.

(1) For each day of holiday (including a holiday falling on a Saturday) to which a worker is entitled under Part II of this Schedule he shall be paid by the employer holiday remuneration equal to the appropriate statutory minimum remuneration to which he would have been entitled as a time worker if the day had not been a holiday and he had worked the number of hours ordinarily worked by him on that day of the week for the employer on work to which statutory minimum remuneration applies,

provided that payment of the said holiday remuneration shall be subject to the condition that the worker presents himself for employment at the usual starting hour on the working day immediately preceding the holiday and on the first working day following the holiday or, if he fails to do so, failure is due to absence with the consent of his employer or to proved illness.

(2) Where a worker normally works in the week on every weekday except Saturday, he shall be paid a sum equivalent to the holiday remuneration in respect of any Saturday in respect of which he would have been entitled to a holiday under Part II of this Schedule if it had been a day on which he had normally worked.

(3) Holiday remuneration in respect of any customary holiday shall be paid by the employer to the worker on the pay day on which the wages for the pay week including the holiday are paid.

(4) Holiday remuneration in respect of any holiday in lieu of a customary holiday shall be paid on the pay day on which the wages for the pay week including that holiday in lieu are paid,

provided that the said payment shall be made immediately upon the termination of the worker's employment in the case where he ceases to be employed before being allowed such holiday in lieu.

B — ANNUAL HOLIDAYS

PARAGRAPH 7.

Subject to the provisions of paragraph 8 of this Schedule, a worker entitled to be allowed an annual holiday under Part III of this Schedule shall be paid by his employer, on the last pay day preceding such annual holiday, one day's holiday pay (as defined in paragraph 12 of this Schedule) in respect of each day thereof.

Where, under the provisions of paragraph 4 of this Schedule, an annual holiday is allowed in more than one period the holiday remuneration shall be apportioned accordingly.

PARAGRAPH 8.

Where any accrued holiday remuneration has been paid by the employer to the worker (in accordance with paragraph 9 of this Schedule) in respect of employment during any of the periods referred to in that paragraph, the amount of holiday remuneration payable by the employer in respect of any annual holiday for which the worker has qualified by reason of employment during any of the said periods shall be reduced by the amount of the said accrued holiday remuneration unless that remuneration has been deducted from a previous payment of holiday remuneration made under the provisions of this Schedule.

ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

PARAGRAPH 9.

Subject to the provisions of this paragraph, if a worker ceases to be employed before being allowed or entitled to be allowed an annual holiday, the employer shall, immediately on the termination of the employment (hereinafter called " the termination date "), pay to the worker as accrued holiday remuneration :—

(1) in respect of any period of employment occurring before the 1st day of April immediately preceding the termination date, an amount equal to the holiday remuneration to which the worker would have been entitled under the provisions of paragraph 7 of this Schedule if he had been allowed an annual holiday in respect of that period of employment at the termination date, LESS any holiday remuneration already paid for any day or days of annual holiday allowed subsequently to the 1st day of April aforesaid in respect of that period of employment and,

(2) in respect of any period of employment since the 1st day of April immediately preceding the termination date, an amount equal to one day's holiday pay (as defined in paragraph 12 of this Schedule) multiplied by the number of days of annual holiday to which the worker would have been entitled under the provisions of paragraph 3 of this Schedule if by virtue of such period of employment he could have taken an annual holiday at the termination date, LESS any accrued holiday remuneration already paid by the employer to the worker in respect of that period.

PART V

GENERAL

PARAGRAPH 10.

For the purposes of calculating any period of employment entitling a worker to an annual holiday or to any accrued holiday remuneration under this Schedule, the worker shall be treated —

(*a*) as if he were employed for a week in respect of any week in which —

(i) he has worked for the employer for not less than twenty-four hours and has performed some work to which statutory minimum remuneration applies ; or

(ii) he has been absent throughout the week by reason of proved illness or accident (provided that the number of weeks which may be treated as weeks of employment for such reason shall not exceed 4 in the aggregate in the period of 12 months immediately preceding the commencement of the holiday season) ; or

(iii) he has been suspended throughout the week owing to shortage of work (provided that the number of weeks which may be treated as weeks of employment for such reason shall not exceed 4 in the aggregate in the period of 12 months last mentioned) ;

or (*b*) as if he were employed on any day of holiday allowed under the provisions of this Schedule and for the purposes of the provisions of sub-paragraph (*a*) of this paragraph, a worker who is absent on such a holiday shall be treated as having worked thereon for the employer for the number of hours ordinarily worked by him on that day of the week for the employer on work to which statutory minimum remuneration applies.

PARAGRAPH 11.

Where any day of holiday allowed to any worker under this Schedule falls upon a day of holiday or half-holiday to which the worker may be entitled under any enactment other than the Wages Councils Act (Northern Ireland), 1945, that holiday or half-holiday shall be treated as part of the holiday allowed under this Schedule.

PARAGRAPH 12.

In this Schedule, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them that is to say :—

" normal working week " means the number of days on which it has been usual for the worker to work in a week while in the employment of the employer during the twelve months immediately preceding the commencement of the holiday season, or where under paragraph 9 of this Schedule accrued holiday remuneration is payable on the termination of the employment, during the twelve months immediately preceding the termination date,

Provided that —

(i) part of a day shall count as a day ;

(ii) no account shall be taken of any week in which the worker did not perform any work for which statutory minimum remuneration has been fixed.

" *one day's holiday pay* " *means the appropriate proportion of the worker's weekly remuneration, that is to say,*

where the worker's normal working week is six days	...	*one-sixth*
where the worker's normal working week is five days	...	*one-fifth*
where the worker's normal working week is four days	...	*one-quarter*
where the worker's normal working week is three days	...	*one-third*
where the worker's normal working week is two days	...	*one-half*
where the worker's normal working week is one day	...	*the whole,*

and in this definition, " *weekly remuneration* " *means the remuneration which the worker would be entitled to receive from the employer at the date of the holiday or, where accrued holiday remuneration is payable, at the termination date, for one week's work —*

(*a*) *if working his normal working week and the daily number of hours normally worked by him* (*exclusive of overtime*) ; *and*

(*b*) *if paid at the appropriate rate of statutory minimum remuneration for work to which statutory minimum remuneration applies and at the same rate for any work for the same employer to which such remuneration does not apply.*

" statutory minimum remuneration " means statutory minimum remuneration (other than holiday remuneration) which has been fixed by a Wages Regulation Order made by the Ministry pursuant to proposals submitted to it by the Boot and Shoe Repairing Wages Council (Northern Ireland).

" week " means " pay week."

PARAGRAPH 13.

The provisions of this Schedule are without prejudice to agreements made or that may be made, for payment of higher rates of holiday remuneration or for the allowance of holidays in addition to those herein provided.

THE BOOT AND SHOE REPAIRING WAGES COUNCIL (NORTHERN IRELAND) WAGES REGULATION (AMENDMENT) ORDER, 1951, DATED 24TH JANUARY, 1951, 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).

1951. No. 25

This Order has been revoked by S.R.O. 1951 No. 194 and is not printed at length in this Volume.

THE BOOT AND SHOE REPAIRING WAGES COUNCIL (NORTHERN IRELAND) WAGES REGULATION (AMENDMENT) (NO. 2) ORDER, 1951, DATED 31ST OCTOBER, 1951, 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).

1951. No. 194

This Order has been revoked by S.R.O. 1951 No. 217 and is not printed at length in this Volume.

THE BOOT AND SHOE REPAIRING WAGES COUNCIL (NORTHERN IRELAND) WAGES REGULATION ORDER, 1951, DATED 3RD DECEMBER, 1951, 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).

1951. No. 217

WHEREAS the Ministry of Labour and National Insurance (hereinafter referred to as " the Ministry ") has received from the Boot and Shoe Repairing Wages Council (Northern Ireland) wages regulation proposals for fixing the minimum remuneration to be paid to the workers in relation to whom the Council operates in substitution for the minimum remuneration fixed by the Boot and Shoe Repairing Wages Council (Northern Ireland) Wages Regulation (No. 2) Order, 1947, (a) dated the 25th day of September, 1947, (hereinafter referred to as " Order N.I.B.S. (57) ") as amended by the Boot and Shoe Repairing Wages Council (Northern Ireland) Wages Regulation (Amendment) (No. 2) Order, 1951, (b) dated the 31st day of October, 1951, (hereinafter referred to as " Order N.I.B.S. (65) ") ;

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 :—

(a) S. R. & O. 1947, No. 161. (b) S. R. & O. 1951, No. 194.