The Sugar Confectionery and Food Preserving Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1948

1948 No. 1851

Made - - - - 6*th August,* 1948
Coming into Operation 20*th August,* 1948

F. (47)

Whereas the Minister of Labour and National Service (hereinafter referred to as " the Minister ") has received from the Sugar Confectionery and Food Preserving Wages Council (Great Britain) (hereinafter referred to as " the Council ") the wages regulation proposals set out in the Schedule hereto being proposals for requiring workers in relation to whom the Council operates to be allowed holidays by their employers and for fixing holiday remuneration to be paid by their employers to those workers in substitution for—

(*a*) the holidays provided for by a direction given and the holiday remuneration fixed under the Holidays with Pay Act, 1938, and confirmed by the Order of the Minister dated 4th day of May, 1939 (hereinafter referred to as " Order F.(18) ") as amended by Article 3 of, and the Second Schedule to, the Sugar Confectionery and Food Preserving Wages Council (Great Britain) Wages Regulation Order, 1948(**a**) (hereinafter referred to as " Order F.(45) "); and 1 & 2 Geo. 6. c. 70.

(*b*) the holidays provided for, and the holiday remuneration fixed, by the Sugar Confectionery and Food Preserving Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1946(**b**) (hereinafter referred to as " Order F.(39) ").

Now therefore the Minister by virtue of the powers conferred on him by section 10 of the Wages Councils Act, 1945, and of all other powers in that behalf, hereby makes the following Order:— 8 & 9 Geo. 6. c. 17.

1.—(1) This Order may be cited as the Sugar Confectionery and Food Preserving Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1948. Short title and interpretation.

(2) In this Order the expression " the specified date " means the 20th day of August, 1948, 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.

(3) The Interpretation Act, 1889, applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament. 52 & 53 Vict. c. 63.

(**a**) S.I. 1948 No. 1208, p. 4687 above. (**b**) S.R. & O. 1946 No. 222.

Fixing of holidays and holiday remuneration and revocation of Orders F. (18) and F. (39).

2.—(1) Effect is hereby given to the said wages regulation proposals set out in the Schedule hereto.

(2) The provisions of the Schedule hereto shall have effect as from the specified date and as from that date

(*a*) Order F.(18) as amended by Article 3 of, and the Second Schedule to, Order F.(45)(**a**); and

(*b*) Order F.(39)(**b**);

shall cease to have effect.

Signed by order of the Minister of Labour and National Service this 6th day of August, 1948.

Godfrey H. Ince,
Secretary of the
Ministry of Labour and National Service.

SCHEDULE

The following provisions as to holidays and holiday remuneration shall be substituted for the provisions as to holidays and holiday remuneration set out in Order F. (18) (as amended by Article 3 of, and the Second Schedule to Order F. (45)) and in Order F. (39).

HOLIDAYS AND HOLIDAY REMUNERATION

PART I

APPLICATION

Paragraph 1

This Schedule applies to every worker for whom statutory minimum remuneration has been fixed.

PART II

CUSTOMARY HOLIDAYS

Paragraph 2

(1) An employer shall allow to every worker in his employment 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 was in his employment for a period of not less than one week immediately preceding the holiday.

(2) The said customary holidays are :—

(*a*) (i) In England and Wales—

Christmas Day (or, if Christmas Day falls on a Sunday, such other week day as may be appointed by national proclamation, or, if none is so appointed, the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday and August Bank Holiday.

(ii) In Scotland—

New Year's Day (or, if New Year's Day falls on a Sunday, the following Monday) ;

the local Spring holiday ;

the local Autumn holiday ; and

three other days 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 ;

(**a**) S.I. 1948 No. 1208, p. 4687 above. (**b**) S.R. & O. 1946 No. 222.

or (*b*) in the case of each of the said days such week day as may be substituted therefor by agreement between the employer and the worker.

(3) Notwithstanding the preceding provisions of this paragraph, an employer may (except where in the case of a woman or 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 week day on which he would normally work within the period of three 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, holiday remuneration in accordance with paragraph 6 of this Schedule.

Part III

ANNUAL HOLIDAYS

Paragraph 3

(1) In addition to the customary holidays specified in Part II of this Schedule and subject to the provisions of sub-paragraph (2) of this paragraph, an employer shall before the 30th day of September, 1948, and between the 1st day of April and the 30th day of September in each subsequent year allow a holiday (hereinafter referred to as an " annual holiday ") to every worker in his employment to whom this Schedule applies who during the 24 months immediately preceding the commencement of the holiday season was employed by him for any of the periods of employment specified in the next following table and the duration of the annual holiday shall be related to the worker's period of employment as follows :—

(*a*) In the case of a worker who is under 17 years of age when he enters the employment of the employer and who is under 18 years of age at the commencement of his first annual holiday under this Schedule :—

Period of employment calculated in accordance with the provisions of paragraph 11 of this Schedule	Duration of holiday	
	Where the worker's normal working week is 6 days	Where the worker's normal working week is 5 days or less
At least 12 months' such employment	12 days	10 days
" " 10 " " " ...	10 "	8 "
" " 8 " " " ...	8 "	6 "
" " 6 " " " ...	6 "	5 "
" " 4 " " " ...	4 "	3 "
" " 2 " " " ...	2 "	2 "

Provided that this provision shall apply only to a worker who is in his first employment since leaving school and in respect of his first annual holiday under this or any previous wages regulation order;

(*b*) In the case of any other worker:—

Period of employment calculated in accordance with the provisions of paragraph 11 of this Schedule	Duration of holiday	
	Where the worker's normal working week is 6 days	Where the worker's normal working week is 5 days or less
At least 24 months' such employment	12 days	10 days
,, ,, 22 ,, ,, ,, ...	11 ,,	9 ,,
,, ,, 20 ,, ,, ,, ...	10 ,,	8 ,,
,, ,, 18 ,, ,, ,, ...	9 ,,	7 ,,
,, ,, 16 ,, ,, ,, ...	8 ,,	6 ,,
,, ,, 14 ,, ,, ,, ...	7 ,,	5 ,,
,, ,, 12 ,, ,, ,, ...	6 ,,	5 ,,
,, ,, 10 ,, ,, ,, ...	5 ,,	4 ,,
,, ,, 8 ,, ,, ,, ...	4 ,,	3 ,,
,, ,, 6 ,, ,, ,, ...	3 ,,	3 ,,
,, ,, 4 ,, ,, ,, ...	2 ,,	2 ,,
,, ,, 2 ,, ,, ,, ...	1 day	1 day

(2) Notwithstanding the provisions of sub-paragraph (1) of this paragraph:—

(*a*) the number of days of annual holiday to which a worker is entitled in any holiday season shall not exceed in the aggregate twice the period constituting the worker's normal working week;

(*b*) the duration of the worker's annual holiday during the holiday season ending on the 30th day of September, 1948, shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of Order F. (18) (as amended) between the 15th day of March, 1948, and the 20th day of August, 1948.

(3) Subject to the provisions of the next following sub-paragraph the expression "holiday season" in this Schedule means in relation to an annual holiday during the year 1948, the period commencing on the 15th day of March and ending on the 30th day of September, 1948, and in relation to each subsequent year the period commencing on the 1st day of April and ending on the 30th day of September in that year.

(4) Where special circumstances exist the holiday season may be varied in any year on application by the employer to and with the approval of the Council and, in the event of such variation, any reference in this Schedule to a "holiday season" shall be construed accordingly.

Any such application shall be made before the 31st day of August in the year 1948 and before the 1st day of April in any subsequent year.

Paragraph 4

An annual holiday shall be allowed on consecutive working days, being days upon which the worker is normally called upon to work and days of holiday shall be treated as consecutive notwithstanding the intervention of a Sunday

or customary holiday or holiday in lieu of a customary holiday or days upon which the worker is not normally called upon to work for the employer.

Provided that :—

(i) where the duration of an annual holiday to which a worker is entitled exceeds the period constituting the worker's normal working week the said holiday may be allowed in two separate periods of such consecutive working days, if one of such periods is not less than the period constituting the worker's normal working week ;

(ii) notwithstanding the provisions of paragraph 3 (1) of this Schedule one day of the annual holiday, or as the case may be of either of such separate periods, may be allowed on a non-consecutive working day (other than the worker's weekly short day) falling within the holiday season, or within a period of not more than 3 months before or after the holiday season, where the remainder of the said annual holiday, or as the case may be of such separate period, is allowed immediately after a customary holiday or so that such a holiday intervenes.

Paragraph 5

An employer shall give to a worker reasonable notice of the commencing date and duration of his holiday. Such notice shall be given at least 28 days before the first day of the holiday and may be given individually to the worker or by the posting of a notice in the place where the worker is employed. Provided that, in the event of the holiday season in 1949 or any subsequent year having been varied under paragraph 3 (4) of this Schedule, such notice shall be given at least 28 days before the 16th day of September in that year.

Part IV

HOLIDAY REMUNERATION

CUSTOMARY HOLIDAYS

Paragraph 6

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

(2) 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.

(3) The 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 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 of a customary holiday.

ANNUAL HOLIDAYS

Paragraph 7

(1) Subject to the provisions of paragraph 10 of this Schedule, a worker entitled to be allowed an annual holiday under this Schedule shall be paid by his

employer in respect thereof, on the last pay day preceding such annual holiday, holiday remuneration in accordance with the following table :—

TABLE OF HOLIDAY REMUNERATION

Col. 1	Col. 2		Col. 3
Period of holiday	Holiday remuneration for a worker with a normal working week of—		Holiday remuneration for full normal working week
	6 days	5 days or less	
12 days ...	Twice the amount in Col. 3	—	The amount which the worker would be entitled to receive from his employer for a week's work under the arrangement current immediately prior to the holiday if he worked his normal working week and the number of daily hours usually worked by him (exclusive of overtime).
11 ,, ...	One and five-sixths of the amount in Col. 3	—	
10 ,, ...	One and two-thirds of the amount in Col. 3	Twice the amount in Col. 3	
9 ,, ...	One and one half of the amount in Col. 3	One and four-fifths of the amount in Col. 3	
8 ,, ...	One and one-third of the amount in Col. 3	One and three-fifths of the amount in Col. 3	
7 ,, ...	One and one-sixth of the amount in Col. 3	One and two-fifths of the amount in Col. 3	
6 ,, ...	The amount in Col. 3	One and one-fifth of the amount in Col. 3	
5 ,, ...	Five - sixths of the amount in Col. 3	The amount in Col. 3	
4 ,, ...	Two - thirds of the amount in Col. 3	Four - fifths of the amount in Col. 3	
3 ,, ...	One - half of the amount in Col. 3	Three - fifths of the amount in Col. 3	
2 ,, ...	One - third of the amount in Col. 3	Two - fifths of the amount in Col. 3	
1 day ...	One - sixth of the amount in Col. 3	One - fifth of the amount in Col. 3	

(2) In relation to a piece worker Col. 3 of the last foregoing Table shall have effect as if the words " under the arrangement current immediately prior to the holiday " were deleted therefrom and there were added at the end thereof the following words : " and if he were paid statutory minimum remuneration at the hourly general minimum time rate which would have been applicable to him if he had been a time worker."

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

ACCRUED HOLIDAY REMUNERATION

(in the event of termination of employment)

Paragraph 8

Subject to the provisions of the next following paragraph if a worker ceases to be employed before being entitled to be allowed an annual holiday or before being allowed the whole of any annual holiday for which he has qualified

under this Schedule, the employer shall immediately on the termination of the employment pay to the worker accrued holiday remuneration :—

(*a*) in respect of any period of employment occurring before the first day of April immediately preceding the date of the termination of the employment (hereinafter called " the termination date "), calculated in accordance with the provisions of sub-paragraph (1) of the next following paragraph ; and

(*b*) in respect of any period of employment since the 1st April immediately preceding the termination date, calculated in accordance with the provisions of sub-paragraph (2) of the next following paragraph.

Paragraph 9

(1) Accrued holiday remuneration shall be payable under sub-paragraph (*a*) of the last foregoing paragraph to a worker who has not been allowed the whole of the annual holiday for which he has qualified by reason of his employment before the 1st April immediately preceding the termination date and shall be an amount equal to the holiday remuneration which would be payable to him on being allowed the annual holiday or, as the case may be, the remainder of the annual holiday for which he has so qualified.

(2) The accrued holiday remuneration payable under sub-paragraph (*b*) of the last foregoing paragraph shall be one-sixth of the following amount for each two months' employment since the 1st April immediately preceding the termination date, namely, the amount the worker would be entitled to receive from his employer for a week's work under the arrangement current immediately prior to the termination date, if he worked his normal working week and the number of daily hours usually worked by him (exclusive of overtime). Provided that in the case of a worker who, during the period of twenty-four months immediately preceding the termination date has been in the service of the employer throughout a period exceeding twelve months immediately preceding that date, the accrued holiday remuneration otherwise payable under this sub-paragraph shall be increased by one-sixth for each complete two months' employment in excess of twelve within the said twenty-four months.

(3) In relation to a piece worker the last foregoing sub-paragraph shall have effect as if the words " under the arrangement current " were deleted therefrom and the following words were inserted after the words " usually worked by him (exclusive of overtime) " :—" and if he were paid statutory minimum remuneration at the hourly general minimum time rate which would have been applicable to the worker if he had been a timeworker."

(4) The amount of any accrued holiday remuneration payable in respect of any period of employment shall be reduced by the amount of any previous payment of accrued holiday remuneration in respect of that period made by the employer to the worker under the provisions of this Schedule or of the First Schedule to Order F. (18) (as amended).

Paragraph 10

Where any accrued holiday remuneration has been paid by the employer to the worker (whether under the provisions of this Schedule or of the First Schedule to Order F. (18) (as amended)), in respect of any period of employment in the twenty-four months immediately preceding the commencement of the holiday season within which an annual holiday is allowed by the employer to the worker in accordance with the provisions of this Schedule, the amount of holiday remuneration payable by the employer, in respect of the said annual holiday 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 or of the First Schedule to Order F. (18) (as amended).

PART V

GENERAL

Paragraph 11

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—

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

(*a*) he has performed some work for the employer to which statutory minimum remuneration applies; or

(*b*) he has been absent throughout the week by leave of the employer; or

(*c*) he has been suspended throughout the week owing to shortage of work, but not exceeding 16 weeks in the aggregate in the period of 24 months immediately preceding the commencement of the holiday season; or

(*d*) he has been absent throughout the week by reason of proved illness or accident, but not exceeding 16 weeks in the aggregate in the period of 24 months last mentioned.

Provided that in the case of a worker to whom paragraph 3 (1) (*a*) applies there shall be substituted in provisions (*c*) and (*d*) of this sub-paragraph "8 weeks" and "12 months" for "16 weeks" and "24 months," respectively.

(2) 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 (1) of this paragraph, a worker who is absent on such a holiday shall be treated as having worked for the employer thereon on work to which statutory minimum remuneration applies.

Paragraph 12

Where any day of annual 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, 1945, that holiday or half-holiday shall be in addition to the holiday allowed under this Schedule.

Paragraph 13

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 in the employment of the employer in the twelve months immediately preceding the commencement of the holiday or, where under paragraphs 8 and 9 of this Schedule accrued holiday remuneration is payable on the termination of the employment, in 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.

" statutory minimum remuneration " means statutory minimum remuneration (other than holiday remuneration) which has been fixed by a Wages Regulation Order made by the Minister pursuant to proposals submitted to him by the Sugar Confectionery and Food Preserving Wages Council (Great Britain).

" month " means " calendar month "

" week " in paragraph 11 means " pay week."

Paragraph 14

The provisions of this Schedule are without prejudice to any agreement for the allowance of any further holidays with pay or for the payment of additional holiday remuneration.

EXPLANATORY NOTE

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

1. This Order, which has effect from the 20th August, 1948, fixes the annual holidays and certain other days of holiday (referred to as " customary holidays ") which an employer is required to allow to a worker in relation to whom the Sugar Confectionery and Food Preserving Wages Council (Great Britain) operates, and the holiday remuneration payable in respect of such holidays.

2. The provisions of Order F.(18) (as amended by Article 3 of, and the Second Schedule to, Order F.(45)) and of Order F.(39) cease to have effect when the provisions of this Order come into force. The principal changes made by this Order are—

(*a*) an increase in the maximum allowance of annual holidays (other than customary holidays) from six to twelve days per annum;

(*b*) the holiday season in 1949 and following years to commence on 1st April instead of 15th March;

(*c*) the employment qualifying a worker for an annual holiday to be the period of employment prior to the holiday season instead of prior to the annual holiday;

(*d*) different provisions for calculation of accrued holiday remuneration payable on the termination of employment.