EXPLANATORY NOTE

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

This Order, which has effect from the 9th September, 1949, amends the Sugar Confectionery and Food Preserving Wages Council (Great Britain) Wages Regulation Order, 1948 (Order F. (45)), by increasing the statutory minimum remuneration payable to workers in relation to whom the Council operates.

New provisions are printed in italics.

The Sugar Confectionery and Food Preserving Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1949

1949 No. 1577

Made - - - - *22nd August,* 1949
Coming into Operation *9th September,* 1949

F. (51)

Whereas the Minister of Labour and National Service (hereinafter in this Order referred to as " the Minister ") has received from the Sugar Confectionery and Food Preserving Wages Council (Great Britain) (hereinafter in this Order 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 the holidays provided for, and the holiday remuneration fixed, by the Sugar Confectionery and Food Preserving Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1948(**a**) (hereinafter in this Order referred to as " Order F. (47) ");

Now, therefore, the Minister by virtue of the powers conferred on him by section 10 of the Wages Councils Act, 1945(**b**), and of all other powers in that behalf, hereby makes the following Order:—

Short title and interpretation

1.—(1) This Order may be cited as the Sugar Confectionery and Food Preserving Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1949.

(2) In this Order the expression " the specified date " means the 9th day of September, 1949, 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(**c**), applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Fixing of holidays and holiday remuneration and revocation of Order F. (47)

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

(a) S.I. 1948 (No. 1851) I, p. 4693. (b) 8 & 9 Geo. 6. c. 17.
(c) 52 & 53 Vict. c. 63.

(2) The provisions of the Schedule hereto shall have effect as from the specified date and as from that date Order F. (47)(a) shall cease to have effect.

Signed by order of the Minister of Labour and National Service this 22nd day of August, 1949.

Guildhaume Myrddin-Evans,
Deputy 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. (47).

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 in this Schedule referred to as a "customary holiday") in each year on the days specified in the next following sub-paragraph provided that the worker has been in his employment for a period of not less than one week immediately preceding the customary holiday *and (unless excused by the employer or absent by reason of the proved illness of or accident to the worker) has worked for the employer throughout the last working day on which work was available to him immediately prior to 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;

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.

(a) S.I. 1948 (No. 1851) I, p. 4693.

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) and sub-paragraph (4) of this paragraph, an employer shall before the *7th day of January, 1950* and between the 1st day of April and the 30th day of September in *the year 1950 and in* each subsequent year allow a holiday (hereinafter in this Schedule referred to as an " annual holiday ") to every worker in his employment to whom this Schedule applies who during the *twelve* months immediately preceding the commencement of the holiday season has been employed by him *for any one of the periods of employment (calculated in accordance with the provisions of paragraph 11 of this Schedule) set out in the first column of the table below and the duration of the annual holiday shall in the case of each such worker be related to that period as follows:—*

Period of Employment	Duration of annual holiday	
	Where the worker's normal working week is 6 days	Where the worker's normal working week is 5 days or less
Not less than 48 weeks	*12 days*	*10 days*
,, ,, *44* ,, *but less than 48 weeks*	*11* ,,	*9* ,,
,, ,, *40* ,, ,, ,, *44* ,,	*10* ,,	*8* ,,
,, ,, *36* ,, ,, ,, *40* ,,	*9* ,,	*7* ,,
,, ,, *32* ,, ,, ,, *36* ,,	*8* ,,	*6* ,,
,, ,, *28* ,, ,, ,, *32* ,,	*7* ,,	*6* ,,
,, ,, *24* ,, ,, ,, *28* ,,	*6* ,,	*5* ,,
,, ,, *20* ,, ,, ,, *24* ,,	*5* ,,	*4* ,,
,, ,, *16* ,, ,, ,, *20* ,,	*4* ,,	*3* ,,
,, ,, *12* ,, ,, ,, *16* ,,	*3* ,,	*3* ,,
,, ,, *8* ,, ,, ,, *12* ,,	*2* ,,	*2* ,,

(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 7th day of January, 1950, shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of Order F. (47) between the 1st day of April, 1949, and the 9th day of September, 1949.*

(3) Subject to the provisions of the next following sub-paragraph the expression "holiday season" in this Schedule means in relation to the year *1949*, the period commencing on the *1st day of April, 1949*, and ending on the *7th day of January, 1950*, and in relation to *the year 1950 and 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 *7th day of December* in the year 1949 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 or dates and of the duration of his annual 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 *1950* 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. *Provided, however, that payment of the said holiday remuneration is subject to the condition that the worker presents himself for employment within one hour of the usual starting hour on the first working day on which work is available to him following the holiday or, if he fails to do so, failure is by reason of the proved illness of or accident to the worker or with the consent of the employer.*

(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 if he ceases to be employed before being allowed such holiday in lieu of a customary holiday, *in which event the condition specified in sub-paragraph (1) of this paragraph shall not apply.*

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 annual 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	

(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.

Paragraph 8

When a worker ceases to be employed after the provisions of this Schedule become effective, accrued holiday remuneration shall, immediately on the termination of the employment, be paid to him by his employer in accordance with the next following paragraph for periods of employment in respect of which he has not been allowed or has not become entitled to be allowed an annual holiday under this Schedule.

Provided that—

(i) where a worker ceases to be employed after being allowed (whether before or after the date on which the provisions of this Schedule become effective) a part of the annual holiday for which he has qualified by reason of his employment during any of the periods of twelve months referred to in the next following paragraph, but before being allowed the rest of the annual holiday for which he has so qualified, the accrued holiday remuneration payable to him in respect of his employment during the said period of twelve months shall be reduced by the amount of holiday remuneration received by him in respect of the part of the annual holiday he has been allowed.

(ii) no worker shall be entitled to the payment by his employer of accrued holiday remuneration if he is dismissed on the grounds of grave misconduct connected with his employment and is so informed by the employer at the time of dismissal.

Paragraph 9

(1) Subject to the provisions of this paragraph, holiday remuneration shall accrue to a worker during the period of twelve months commencing on the 1st day of April, 1948, and thereafter in each successive period of twelve months commencing on the 1st day of April and such holiday remuneration shall accrue in accordance with the provisions of the following table:—

TABLE OF ACCRUED HOLIDAY REMUNERATION

Column 1 *Period of employment*	*Column 2* *Accrued holiday remuneration for workers with a normal working week of:—*		*Column 3* *Accrued holiday remuneration for full normal working week*
	Six days	*Five days or less*	
After 48 weeks' employment calculated in accordance with the provisions of paragraph 11 of this Schedule	*Twice the amount in Col. 3*	*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 date of termination of his employment if he worked his normal working week and the number of daily hours usually worked by him (exclusive of overtime).*
After 44 weeks' such employment	*One and five-sixths of the amount in Col. 3*	*One and four-fifths of the amount in Col. 3*	
After 40 weeks' such employment	*One and two-thirds of the amount in Col. 3*	*One and three-fifths of the amount in Col. 3*	
After 36 weeks' such employment	*One and one-half of the amount in Col. 3*	*One and two-fifths of the amount in Col. 3*	
After 32 weeks' such employment	*One and one-third of the amount in Col. 3*	*One and one-fifth of the amount in Col. 3*	
After 28 weeks' such employment	*One and one-sixth of the amount in Col. 3*	*One and one-fifth of the amount in Col. 3*	
After 24 weeks' such employment	*The amount in Col. 3*	*The amount in Col. 3*	
After 20 weeks' such employment	*Five-sixths of the amount in Col. 3*	*Four-fifths of the amount in Col. 3*	
After 16 weeks' such employment	*Two-thirds of the amount in Col. 3*	*Three-fifths of the amount in Col. 3*	
After 12 weeks' such employment	*One-half of the amount in Col. 3*	*Three-fifths of the amount in Col. 3*	
After 8 weeks' such employment	*One-third of the amount in Col. 3*	*Two-fifths 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 date of termination of his employment" 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) The amount of any accrued holiday remuneration payable on the termination of the worker's employment in respect of any of the periods of twelve months mentioned in sub-paragraph (1) of this paragraph shall be reduced by the amount of any previous payment of accrued holiday remuneration made by the employer to the worker in respect of the period for which the accrued holiday remuneration is payable.

Paragraph 10

Where any accrued holiday remuneration has been paid by the employer to the worker, in respect of employment during any of the periods of *twelve* months referred to in sub-paragraph (1) of the last preceding 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 the said period of *twelve* months 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 Schedule to Order F. (47).

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, or has performed no work solely by reason of proved illness or accident (provided that the number of weeks which may be treated as weeks of employment for such reasons shall not exceed 8 in any such period as aforesaid).

(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, the holiday allowed under this Schedule shall be in addition to the said day of holiday or the said half-holiday.

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 annual 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 minimum remuneration (other than holiday remuneration) which has been fixed by a wages regulation order made by the Minister to give effect to proposals submitted to him by the Council.

"week" (except in Part II) 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.)

The Schedule to this Order, which has effect from the 9th September, 1949, sets out the annual holidays and certain other days of holiday (referred to as "customary holidays") which an employer is required to allow to workers in relation to whom the Sugar Confectionery and Food Preserving Wages Council (Great Britain) operates and the holiday remuneration payable to such workers.

It supersedes the Schedule to Order F. (47). New provisions are printed in italics.

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(38) TIN BOX (G.B.)

The Tin Box Wages Council (Great Britain) Wages Regulation Order, 1949

1949 No. 960

Made - - - - 18*th May*, 1949
Coming into Operation 3*rd June*, 1949

X. (34)

Whereas the Minister of Labour and National Service (hereinafter referred to as "the Minister") has received from the Tin Box Wages Council (Great Britain) (hereinafter referred to as "the Council") the wages regulation proposals set out in the Schedule hereto, being proposals for amending the Tin Box Wages Council (Great Britain) Wages Regulation Order, 1947(a) (hereinafter referred to as "Order X. (32)") which fixed the minimum remuneration to be paid by their employers to workers in relation to whom the Council operates;

Now, therefore, the Minister by virtue of the powers conferred on him by section 10 of the Wages Councils Act, 1945(b), and of all other powers in that behalf hereby makes the following Order:—

Short title and interpretation.

1.—(1) This Order may be cited as the Tin Box Wages Council (Great Britain) Wages Regulation Order, 1949.

(a) S.R. & O. 1947 (No. 1431) I, p. 2634. (b) 8 & 9 Geo. 6. c. 17.