(30) RETAIL NEWSAGENCY, TOBACCO AND CONFECTIONERY TRADES

(i) *England and Wales.* | (ii) *Scotland*, p. 4590.

(i) ENGLAND AND WALES

The Retail Newsagency, Tobacco and Confectionery Trades Wages Council (England and Wales) Wages Regulation Order, 1949

1949 No. 1755

Made - - - - 20*th September*, 1949
Coming into Operation 24*th October*, 1949

R.N.T. (3) & (4)

Whereas the Minister of Labour and National Service (hereinafter in this Order referred to as "the Minister") has received from the Retail Newsagency, Tobacco and Confectionery Trades Wages Council (England and Wales) (hereinafter in this Order referred to as "the Council") the wages regulation proposals set out in the First and Second Schedules hereto;

Now, therefore, the Minister by virtue of the powers conferred on him by section 10 of the Wages Councils Act, 1945(a), 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 Retail Newsagency, Tobacco and Confectionery Trades Wages Council (England and Wales) Wages Regulation Order, 1949.

(2) In this Order the expression "the specified date" means the 24th day of October, 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(b), applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Fixing of statutory minimum remuneration and provisions as to holidays and holiday remuneration

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

(2) The provisions of the said Schedules shall have effect as from the specified date.

Signed by order of the Minister of Labour and National Service this 20th day of September, 1949.

Guildhaume Myrddin-Evans,
Deputy Secretary of the
Ministry of Labour and National Service.

(a) 8 & 9 Geo. 6. c. 17. (b) 52 & 53 Vict. c. 63.

FIRST SCHEDULE

STATUTORY MINIMUM REMUNERATION

Paragraph 1

Subject to the provisions of this Schedule, the minimum remuneration payable to workers to whom this Schedule applies is the remuneration set out in paragraphs 2 and 3 of this Schedule. Provided that any increase in remuneration payable under the provisions of paragraph 2 shall become effective on the first day of the first full pay week following the date upon which the increase would otherwise become payable under those provisions.

Paragraph 2

Subject to the provisions of paragraph 1 of this Schedule, the weekly minimum remuneration payable to male and female workers of the classes specified in column 1 of the next following Table employed in the London Area, Provincial 'A' Area or Provincial 'B' Area as the case may be, is the appropriate amount set out in column 2.

Column 1	Column 2					
	LONDON AREA		PROVINCIAL 'A' AREA		PROVINCIAL 'B' AREA	
	Per week		Per week		Per week	
	Male	Female	Male	Female	Male	Female
	s. d.	*s. d.*	*s. d.*	*s. d.*	*s. d.*	*s. d.*
(1) Shop managers, shop manageresses where the number of staff (computed in accordance with the provisions of sub-paragraph (3) of this paragraph) is:—						
One or none	110 0	82 0	106 0	78 0	100 0	72 0
Two	115 0	87 0	111 0	83 0	105 0	77 0
Three	120 0	92 0	116 0	88 0	110 0	82 0
(2) All other workers (other than street newsvendors)—						
Workers aged 24 years or over ...	100 0	72 0	96 0	68 0	90 0	62 0
„ „ 23 and under 24 years	96 0	69 0	91 0	64 0	86 0	59 0
„ „ 22 „ „ 23 „	93 0	66 0	88 0	61 6	83 0	57 0
„ „ 21 „ „ 22 „	90 0	63 0	85 0	58 6	80 0	54 0
„ „ 20 „ „ 21 „	72 0	56 0	67 6	51 6	63 0	47 0
„ „ 19 „ „ 20 „	63 0	50 0	58 6	46 0	54 0	42 0
„ „ 18 „ „ 19 „	55 0	45 0	50 6	41 0	46 0	37 0
„ „ 17 „ „ 18 „	46 0	40 0	42 0	36 0	38 0	33 0
„ „ 16 „ „ 17 „	40 0	36 0	37 0	32 0	34 0	29 0
„ „ 15 „ „ 16 „	36 0	32 0	33 0	28 0	30 0	25 0

(3) In Column 1 of the foregoing table " number of staff " means the number of persons (excluding the shop manager or shop manageress) normally employed by the employer for whose control the shop manager or shop manageress is responsible to the employer and in computing that number—

(*a*) each worker who normally works for the employer for more than 24 hours in a week shall be counted as one unit.

(*b*) each worker who normally works for the employer for 24 hours or less in a week shall be counted as half a unit but where such calculation results in a fraction the next whole number above shall be the number to be counted for the purpose of the table aforesaid.

Paragraph 3

The minimum remuneration payable to male and female street newsvendors of any age irrespective of the area in which they are employed is as follows:—

	Per Session
	s. *d.*
Morning newspapers session	10 0
Evening newspapers session	10 0
Sunday newspapers session	12 6

MINIMUM OVERTIME RATES

Paragraph 4

Subject to the provisions of this paragraph, overtime is payable to all workers (other than shop managers, shop manageresses and street newsvendors) at the following minimum rates:—

In any week

for the first 4 hours worked in excess of 48 hours .. Time-and-a-quarter
thereafter .. .. Time-and-a-half

Provided that in any week which includes one customary holiday "40 hours" shall be substituted for "48 hours" where it appears in the foregoing provisions of this paragraph and in any week which includes two customary holidays "32 hours" shall be substituted for the said "48 hours".

ADDITIONAL PAYMENT FOR WORK PERFORMED ON SUNDAY

Paragraph 5

Where a worker (other than a shop manager, shop manageress or street newsvendor) is required to work on a Sunday he shall be paid in addition to any remuneration to which he may become entitled under the other provisions of this Schedule:—

(*a*) where the time worked does not exceed 4 hours .. .. Quarter time for 4 hours

(*b*) where the time worked exceeds 4 hours Quarter time for all time worked

Provided that where a shop manager or a shop manageress is required to work on a Sunday without assistance, such Sunday work shall be paid for in accordance with the foregoing provisions of this paragraph.

WAITING TIME

Paragraph 6

A worker, other than a street newsvendor, is entitled to payment of the minimum remuneration specified in this Schedule for all the time during which he is present on the premises of the employer, unless he is present thereon in any of the following circumstances, that is to say:—

(*a*) without the employer's consent, express or implied;

(*b*) for some purpose unconnected with his work, and other than that of waiting for work to be given to him to perform;

(*c*) by reason only of the fact that he is resident thereon; or

(*d*) during normal meal times in a room or place in which no work is being done, and he is not waiting for work to be given to him to perform.

WORKERS (OTHER THAN STREET NEWSVENDORS) WHO ARE NOT REQUIRED TO WORK ON A DAY OF CUSTOMARY HOLIDAY

Paragraph 7

Where a worker (other than a street newsvendor) is not required to work on a day of customary holiday he shall be paid for the day of customary holiday not less than the amount to which he would have been entitled under the

provisions of this Schedule had the day not been a day of customary holiday and had he worked the number of hours ordinarily worked by him on that day of the week.

Paragraph 8

Where a day of customary holiday is a day which has been allowed to a worker (other than a street newsvendor) and taken by him as a day of annual holiday under the provisions of a wages regulation order—

(1) the worker shall be allowed within twenty-eight days of the day of customary holiday (except in the case where (2) of this paragraph applies) a day of holiday in lieu thereof fixed

(*a*) by agreement between the employer and the worker, or

(*b*) where there is no such agreement, by the employer with not less than seven clear days' notice to the worker,

and the worker shall be paid for the day of holiday so allowed in lieu of the day of customary holiday not less than the amount to which he would have been entitled had he worked for the number of hours ordinarily worked by him on that day of the week ; or

(2) if there is an agreement between the employer and the worker that no day of holiday in lieu of the day of customary holiday be so allowed, the worker shall be paid for the day of customary holiday in addition to the remuneration to which he is entitled in respect of that day as a day of annual holiday under a wages regulation order, not less than the amount to which he would have been entitled under the provisions of this Schedule had the day not been a day of customary holiday and had he worked the number of hours ordinarily worked by him on that day of the week.

WORKERS (OTHER THAN STREET NEWSVENDORS) WHO WORK ON A DAY OF CUSTOMARY HOLIDAY AND WHO ARE GIVEN A DAY OFF IN LIEU

Paragraph 9

Where a worker (other than a street newsvendor) works on a day of customary holiday his employer shall, except as provided in paragraph 10 of this Schedule, allow him within 28 days of the day of customary holiday a day of holiday in lieu thereof, on a day (other than the weekly short day) fixed (*a*) by agreement between the employer and the worker, or (*b*) where there is no such agreement, by the employer with not less than 7 clear days' notice to the worker, and the worker shall be paid at the rate payable to him under the provisions of this Schedule other than paragraph 10, for all time worked on the day of customary holiday and for the day given in lieu of the day of customary holiday not less than the amount to which he would have been entitled under the provisions of this Schedule had the day not been a day of holiday and had he worked the number of hours ordinarily worked by him on that day of the week.

WORKERS (OTHER THAN STREET NEWSVENDORS) WHO WORK ON A DAY OF CUSTOMARY HOLIDAY AND WHO ARE NOT GIVEN A DAY OFF IN LIEU

Paragraph 10

Where a worker (other than a street newsvendor) works on a day of customary holiday and there is an agreement between the employer and the worker that no day of holiday in lieu of the day of customary holiday shall be allowed to the worker, he shall be paid for time worked on the day of customary holiday as follows:—

(*a*) where the time worked does not exceed 4 hours	Double time for 4 hours
(*b*) where the time worked exceeds 4 hours ..	Double time for all time worked.

GUARANTEED WEEKLY REMUNERATION PAYABLE TO A FULL-TIME WORKER

Paragraph 11

(1) Notwithstanding the other provisions of this Schedule, where in respect of any week the total remuneration payable to a full-time worker (as defined in paragraph 14)—

(*a*) under those other provisions ; and

(*b*) by way of holiday remuneration under a wages regulation order,

is less than the guaranteed weekly remuneration provided under this paragraph, the minimum remuneration payable to that worker for that week shall be that guaranteed weekly remuneration.

(2) The guaranteed weekly remuneration payable in respect of any week to a full-time worker is the remuneration to which he would be entitled under paragraph 2 of this Schedule for 48 hours' work in his normal occupation, or for 44 hours' such work in the case of a worker under 16 years of age.

Provided that where the worker normally works for the employer on work to which this Schedule applies for less than 48 hours in the week or for less than 44 hours in the case of a worker under 16 years of age, by reason only of the fact that he does not hold himself out as normally available for work for more than the number of hours he normally works in the week, and the worker has informed his employer in writing that he does not so hold himself out, the guaranteed weekly remuneration shall be the remuneration (calculated as in paragraph 12 of this Schedule) for the number of hours in the week normally worked by the worker for the employer on work to which this Schedule applies.

(3) Guaranteed weekly remuneration is not payable in respect of any week unless the worker throughout his normal working hours in that week (excluding any time allowed to him as a holiday) is

(*a*) capable of and available for work ; and

(*b*) willing to perform such duties outside his normal occupation as the employer may reasonably require if his normal work is not available in the establishment in which he is employed.

(4) Guaranteed weekly remuneration is not payable in respect of any week if the worker's employment is terminated before the end of that week.

(5) If the employer is unable to provide the worker with work by reason of a strike or other circumstances beyond his control and gives the worker four clear days' notice to that effect, guaranteed weekly remuneration shall not be payable after the expiry of such notice in respect of any week during which or during part of which the employer continues to be unable to provide work as aforesaid.

Provided that in respect of the week in which the said notice expires there shall be paid to the worker in addition to any remuneration payable in respect of time worked in that week, any remuneration that would have been payable if the worker had worked his normal hours of work on every day in the week prior to the expiry of the notice.

BASIS OF REMUNERATION

Paragraph 12

(1) Subject to the provisions of paragraph 11 of this Schedule the weekly minimum remuneration specified in this Schedule relates, in the case of a worker aged 16 years or over, to a week of 48 hours exclusive of overtime and, in the case of a worker aged under 16 years, to a week of 44 hours exclusive of overtime and is subject to a proportionate reduction according as the number of hours worked is less than 48 or 44, as the case may be.

(2) Subject to the provisions of paragraph 6 of this Schedule, in calculating the remuneration for the purpose of this Schedule recognised breaks for mealtimes shall be excluded.

AREAS

Paragraph 13

In this Schedule—

(*a*) "LONDON AREA" means the City of London and the Metropolitan Police District;

(*b*) "PROVINCIAL 'B' AREA" means all areas other than those defined in sub-paragraphs (*a*) and (*c*).

(*c*) "PROVINCIAL 'A' AREA" means—

(i) all areas other than the London Area which according to the Registrar General's Statistical Review for 1945 were administered by County Borough, Municipal Borough or Urban District Councils and which had a population of ten thousand or more, and

(ii) the areas administered by the following Municipal Boroughs and Urban District Councils which had a population in 1945 of less than ten thousand:—

ANGLESEY
Holyhead

BEDFORDSHIRE
Biggleswade
Kempston
Leighton Buzzard

BERKSHIRE
Abingdon
Wokingham

BRECKNOCKSHIRE
Brecknock
Brynmawr

BUCKINGHAMSHIRE
Beaconsfield
Bletchley
Eton

CAERNARVONSHIRE
Caernarvon
Conway

CARDIGANSHIRE
Aberystwyth

CARMARTHENSHIRE
Ammanford
Burry Port

CHESHIRE
Alderley Edge
Bollington
Bowdon
Hoole
Knutsford
Lymm
Middlewich
Nantwich
Neston
Sandbach

CORNWALL
Newquay
St. Ives
Saltash

CUMBERLAND
Cockermouth
Keswick
Penrith

DENBIGHSHIRE
Abergele
Denbigh

DERBYSHIRE
Ashbourne
Clay Cross
Dronfield
New Mills

DEVONSHIRE
Brixham
Dawlish
Ilfracombe
Sidmouth
Teignmouth

DORSETSHIRE
Bridport
Portland
Swanage

ELY, ISLE OF
Ely
Whittlesey

ESSEX
Canvey Island
Epping
Frinton and Walton
Halstead
Harwich
Maldon
Rayleigh
Witham

FLINTSHIRE
Connah's Quay
Holywell
Prestatyn

GLOUCESTERSHIRE
Charlton Kings

GLAMORGANSHIRE
Glyncorwg
Porthcawl

HAMPSHIRE
Alton
Fleet
Petersfield
Romsey

HEREFORDSHIRE
Leominster
Ross-on-Wye

HERTFORDSHIRE
Tring
Ware

HUNTINGDONSHIRE
Old Fletton

KENT
Broadstairs and St. Peters
Hythe
Southborough
Swanscombe

LANCASHIRE
Abram
Adlington
Aspull

LANCASHIRE—*cont.*
Barrowford
Billinge and Winstanley
Blackrod
Brierfield
Church
Clayton-le-Moors
Formby
Kearsley
Kirkham
Lees
Littleborough
Little Lever
Longridge
Milnrow
Mossley
Orrell
Padiham
Poulton le Fylde
Preesall
Rainford
Rishton
Skelmersdale
Standish with Langtree.
Tottington
Trawden
Ulverston
Upholland
Wardle
Whitworth
Withnell

LEICESTERSHIRE
Ashby de la Zouch
Ashby Woulds
Market Harborough
Oadby
Shepshed

LINCOLNSHIRE
Louth
Skegness
Sleaford

MERIONETHSHIRE
Ffestiniog

MONMOUTHSHIRE
Abergavenny
Bedwas and Machen
Blaenavon
Monmouth
Rhymney

NORFOLK
East Dereham

NORTHAMPTONSHIRE
Daventry
Desborough
Irthlingborough
Raunds
Rothwell

NORTHUMBERLAND
Hexham
Morpeth
Newbiggin by the Sea
Prudhoe

NOTTINGHAMSHIRE
Eastwood

OXFORDSHIRE
Henley-on-Thames
Witney

PEMBROKESHIRE
Haverfordwest
Milford Haven

SHROPSHIRE
Bridgnorth
Dawley
Ludlow
Whitchurch

SOMERSETSHIRE
Burnham-on-Sea
Clevedon
Keynsham
Minehead
Wells

STAFFORDSHIRE
Amblecote
Lichfield
Rugeley
Stone
Tettenhall
Uttoxeter

SUFFOLK
Felixstowe
Newmarket

SUSSEX
East Grinstead
Newhaven
Seaford
Shoreham-by-Sea
Southwick

WARWICKSHIRE
Kenilworth

WESTMORLAND
Windermere

WIGHT, ISLE OF
Ventnor

WILTSHIRE
Devizes
Warminster

YORKSHIRE
Baildon
Cudworth
Darfield
Denby Dale
Denholme
Dodworth
Driffield
Earby
Filey
Guisborough
Hebden Royd
Heckmondwike
Horbury
Knaresborough
Knottingley
Loftus
Meltham
Northallerton
Penistone
Queensbury and Shelf
Ripon
Ripponden
Royston
Saltburn and Marske by the Sea
Scalby
Selby
Silsden
Stocksbridge
Whitby

DEFINITIONS

Paragraph 14

For the purposes of this Schedule—

"CUSTOMARY HOLIDAY" means Christmas Day (or if Christmas Day falls on a Sunday, such weekday as may be prescribed by national proclamation or if no such day is prescribed the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday, August Bank Holiday and any other day proclaimed as an additional Bank Holiday or a general holiday, or where in any establishment it is not the custom or practice to observe such days as holidays, such other days, not fewer in number, as may be substituted by agreement between the employer or his representative and the worker or his representative.

"DOUBLE-TIME", "QUARTER-TIME", "TIME-AND-A-HALF" and "TIME-AND-A-QUARTER" mean, respectively, twice, one quarter, one and a half times and one and a quarter times the hourly rate obtained by dividing by 48 (or in the case of a worker under 16 years of age, by 44) the minimum remuneration to which the worker is entitled under the provisions of paragraph 2 of this Schedule.

"EVENING NEWSPAPERS SESSION" means any part or parts of any one day in which a street newsvendor is employed on the sale of one or more evening newspapers.

"FULL-TIME WORKER" means a worker (other than a street newsvendor) who normally works for the employer for at least 36 hours a week on work to which this Schedule applies.

"LONDON AREA", "PROVINCIAL 'A' AREA", "PROVINCIAL 'B' AREA" have the meanings respectively assigned to them in paragraph 13 of this Schedule.

"MORNING NEWSPAPERS SESSION" means any part or parts of any one day in which a street newsvendor is employed on the sale of one or more morning newspapers.

"SHOP MANAGER", "SHOP MANAGERESS" means a worker who is in charge of an undertaking or branch of an undertaking (but not of a department of an undertaking or branch), and who is responsible to the employer for the custody of cash and stock, for the control of staff (if any) and for the conduct of the business of the undertaking or branch.

"SUNDAY NEWSPAPERS SESSION" means any part or parts of any one day in which a street newsvendor is employed on the sale of one or more Sunday newspapers.

"WAGES REGULATION ORDER" means a wages regulation order made by the Minister to give effect to proposals of the Council.

"WATCHMAN" means a worker wholly or mainly engaged in guarding the employer's premises for the prevention of theft, fire, damage or trespass.

"WEEK" means pay week.

"WEEKLY SHORT DAY" means the day fixed in accordance with the Shops Acts, 1912 to 1938, as the weekly half holiday, or where no such day is fixed, a working day of the week fixed by the employer and notified to the worker not later than the Saturday preceding the week during which it is to have effect, or failing such notification the last working day in the week.

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

Paragraph 15

(1) Subject to the provisions of paragraph 16 of this Schedule the workers to whom this Schedule 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 Schedule 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.

Paragraph 16

This Schedule 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 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 Board ;

(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 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 as watchmen.

Paragraph 17

For the purpose of this Schedule 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 ;

(a) 6 & 7 Geo. 6. c. 24.

(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 PARAGRAPH 15

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) 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;

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 oilcloth (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.

SECOND SCHEDULE

APPLICATION

Paragraph 1

This Schedule applies to every worker for whom statutory minimum remuneration has been fixed, other than street newsvendors.

ANNUAL HOLIDAYS

Paragraph 2

(1) Subject to the provisions of sub-paragraph (2) of this paragraph an employer shall between the 24th day of October, 1949, and the 31st day of December, 1949, and in each succeeding year between the 1st day of April and the 31st day of October (hereinafter in this Schedule referred to as "the holiday season") 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 has been employed by him during the twelve months immediately preceding the 1st day of April in that year for any one of the periods of employment (calculated in accordance with the provisions of paragraph 8 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	5 days or less
Not less than 12 months	12 days	10 days
,, ,, ,, 11 ,, but less than 12 months	11 ,,	9 ,,
,, ,, ,, 10 ,, ,, ,, ,, 11 ,,	10 ,,	8 ,,
,, ,, ,, 9 ,, ,, ,, ,, 10 ,,	9 ,,	7 ,,
,, ,, ,, 8 ,, ,, ,, ,, 9 ,,	8 ,,	7 ,,
,, ,, ,, 7 ,, ,, ,, ,, 8 ,,	7 ,,	6 ,,
,, ,, ,, 6 ,, ,, ,, ,, 7 ,,	6 ,,	5 ,,
,, ,, ,, 5 ,, ,, ,, ,, 6 ,,	5 ,,	4 ,,
,, ,, ,, 4 ,, ,, ,, ,, 5 ,,	4 ,,	3 ,,
,, ,, ,, 3 ,, ,, ,, ,, 4 ,,	3 ,,	2 ,,
,, ,, ,, 2 ,, ,, ,, ,, 3 ,,	2 ,,	2 ,,
,, ,, ,, 1 month ,, ,, ,, 2 ,,	1 day	1 day

(2) Notwithstanding the provisions of the last foregoing sub-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*) where in any year a worker does not wish to take his annual holiday or part thereof during the current holiday season, and, before the expiration of such holiday season, enters into an agreement in writing with his employer that the annual holiday or part thereof shall be allowed after the expiration of the current holiday season but before the commencement of the next following holiday season at a date or dates to be specified in that agreement, then any day or days of annual holiday so allowed shall be treated as having been allowed during the current holiday season;

(*c*) the number of days of annual holiday to be allowed to a worker during the holiday season ending on the 31st day of December, 1949, shall be reduced by the number of days (if any) of holiday with pay (not being days of customary holiday) which have been allowed by the employer and taken by the worker during the period commencing on the 1st day of April, 1949, and ending on the 24th day of October, 1949;

(*d*) where a worker has, on the 1st day of August in any year, been in the employment of the employer for not less than six months, the duration of his annual holiday in that year shall be not less than the number of days in his normal working week.

Paragraph 3

Annual holidays 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 customary holiday on which the worker is not required to work or of a holiday in lieu of a customary holiday.

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) one day of the annual holiday may be allowed on a non-consecutive working day (other than the worker's weekly short day) falling within the holiday season (or after the holiday season in the circumstances specified in sub-paragraph (2) (*b*) of paragraph 2 of this Schedule), where the said annual holiday or, as the case may be, such separate period, is allowed immediately after a customary holiday or so that such a holiday intervenes.

Paragraph 4

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 may be given individually to the worker or by the posting of a notice in the place where the worker is employed.

HOLIDAY REMUNERATION

Paragraph 5

(1) Subject to the provisions of paragraph 6 of this Schedule, a worker entitled to be allowed an annual holiday under this Schedule shall be paid by his employer, on the last pay day preceding such holiday, one day's holiday pay (as defined in paragraph 10 of this Schedule) in respect of each day thereof.

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

Paragraph 6

Where any accrued holiday remuneration has been paid by the employer to the worker (in accordance with paragraph 7 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 the said period 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 7

Subject to the provisions of this 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 to which he is entitled under this Schedule, the employer shall, immediately on the termination of the employment (hereinafter called " the termination date "), pay to the worker as accrued holiday remuneration—

(i) in respect of any period of employment occuring before the 1st 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 5 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 April aforesaid in respect of that period of employment, and,

(ii) in respect of any period of employment since the 1st April immediately preceding the termination date, an amount equal to one day's holiday pay (as defined in paragraph 10 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 2 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.

Provided that no worker shall be entitled to the payment by his employer of accrued holiday remuneration if he is dismissed on the grounds of misconduct and is so informed by the employer at the time of dismissal.

GENERAL

Paragraph 8

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 month in respect of any month in which—

(i) he has worked for the employer for not less than 50 hours and has performed some work to which statutory minimum remuneration applies; or

(ii) he has worked for the employer for less than 50 hours, or has performed no work, solely by reason of proved illness or accident (provided that the number of months which may be treated as months of employment for such reason shall not exceed two in any such period as aforesaid); and

(*b*) as if he were employed on any day of annual holiday allowed under the provisions of this Schedule and for the purpose 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 on work to which statutory minimum remuneration applies.

Paragraph 9

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

Provided that where the total number of days of annual holiday allowed to a worker under this Schedule is less than the number of days in his normal working week the said annual holiday shall be in addition to the said day of holiday or the said half-holiday.

Paragraph 10

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

"CUSTOMARY HOLIDAY" means Christmas Day (or if Christmas Day falls on a Sunday, such other day as may be prescribed by national proclamation or if no such day is prescribed the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday, August Bank Holiday and any other day proclaimed as an additional Bank Holiday or a general holiday, or where in any establishment it is not the custom or practice to observe such days as holidays, such other days, not fewer in number, as may be substituted by agreement between the employer or his representative and the worker or his representative.

"MONTH" means "calendar month".

"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 7 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 remuneration which the worker would be entitled to receive from his employer at the date of the annual holiday (or where the holiday is taken in more than one period at the date of the first period) or at the termination date, as the case may be, for one week's work if working his normal working week and the number of daily hours normally worked by him (exclusive of overtime), and 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, 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.

"STATUTORY MINIMUM REMUNERATION" means minimum remuneration (other than holiday remuneration) fixed by a wages regulation order made by the Minister to give effect to proposals submitted to him by the Council.

Paragraph 11

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 First Schedule to this Order, which has effect from the 24th October, 1949, sets out the statutory minimum remuneration to be paid and the holidays to be allowed in lieu of customary holidays in certain circumstances to workers (other than watchmen) in relation to whom the Retail Newsagency, Tobacco and Confectionery Trades Wages Council (England and Wales) operates.

The Second Schedule sets out the annual holidays to be allowed and the holiday remuneration to be paid to such workers (other than street newsvendors).