(*b*) pasteurising, sterilising, homogenising, humanising, cooling, separating and all work performed in connection with any other processes in the preparation of milk;
(*c*) blending, testing and sampling of milk;
(*d*) cleaning of utensils, receptacles, vehicles, premises, plant, machinery;
(*e*) stoking, attending to boiler, plant or machinery, fire lighting, portering of coal or other fuel;
(*f*) horse keeping and harness cleaning;
(*g*) portering, lift or hoist-operating, time-keeping, storing, stock-keeping, warehousing;
(*h*) boxing, parcelling, labelling, weighing, measuring, checking, bottling, packing and unpacking;
(*i*) clerical work or canvassing carried on in conjunction with the work specified in paragraph 1 hereof.

3. Notwithstanding any of the foregoing provisions, the Milk Distributive Trade shall not include any of the following operations:—
(*a*) the wholesale sale of milk (and operations incidental thereto) from an establishment at which milk products are manufactured and from which unseparated milk is not ordinarily sold as such;
(*b*) the wholesale sale of milk direct from the farm where the milk was produced and all operations incidental thereto;
(*c*) the sale of milk in restaurants, shops or similar premises by waiters or shop assistants who are not mainly engaged upon such sale;
(*d*) the transport of goods by common carriers;
(*e*) carting and operations incidental thereto where the business carried on consists exclusively of such operations;
(*f*) work done by or on behalf of the Post Office.

4. For the purpose of this Schedule the expression "milk" means milk other than dried or condensed milk."

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, 1951, sets out the statutory minimum remuneration payable to workers in relation to whom the Milk Distributive Wages Council (England and Wales) operates. It supersedes Order M.D. (56) and Order M.D. (60) which are revoked.

New provisions in the Schedule are printed in italics.

The Milk Distributive Wages Council (England and Wales) Wages Regulation (Holidays) Order, 1951

1951 No. 1087

Made - - - - 22*nd June*, 1951
Coming into Operation 11*th July*, 1951

M.D. (62)

Whereas the Minister of Labour and National Service (hereinafter in this Order referred to as "the Minister") has received from the Milk Distributive Wages Council (England and Wales) (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 Milk Distributive Wages Council (England and Wales) Wages Regulation (Holidays) Order, 1945(a) (hereinafter in this Order referred to as " Order M.D. (46) "), as amended by the Milk Distributive Wages Council (England and Wales) Wages Regulation (No. 2) Order 1948(b) (hereinafter in this Order referred to as " Order M.D. (56) ");

Now, therefore, the Minister, by virtue of the powers conferred on him by section 10 of the Wages Councils Act, 1945(c), 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 Milk Distributive Wages Council (England and Wales) Wages Regulation (Holidays) Order, 1951.

(2) In this Order the expression " the specified date " means the 11th day of July, 1951, provided that where as respects any worker who is paid wages at intervals not exceeding seven days that date does not correspond with the beginning of the period for which the wages are paid, the expression " the specified date " means, as respects that worker, the beginning of the next such period following that date.

(3) The Interpretation Act, 1889(d), 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 M.D. (46)

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 Order M.D. (46)(a) as amended by Order M.D. (56)(b) shall cease to have effect.

Signed by order of the Minister of Labour and National Service this 22nd day of June, 1951.

H. H. Wiles,
Deputy Secretary,
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 M.D. (46) as amended by Order M.D. (56).

PART I

APPLICATION

Paragraph 1

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

(a) S.R. & O. 1945 (No. 1477) I, p. 1349.
(b) S.I. 1948 (No. 2724) I, p. 4577.
(c) 8 & 9 Geo. 6. c. 17.
(d) 52 & 53 Vict. c. 63.

PART II

ANNUAL HOLIDAYS

Paragraph 2

(1) Subject to the provisions of this paragraph, an employer shall, before the 31st day of October, 1951, and in each succeeding year between the 1st day of March and the 31st day of October 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 was employed by him during the twelve months immediately preceding the commencement of the holiday season for any one of the periods of employment set out in 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:—*				
	7 days	*6 days*	*5 days*	*4 days*	*3 days*
At least 4 weeks but less than 5 ...	*1 day*	*1 day*	—	—	—
" " 5 " " " " 6 ...	*1* "	*1* "	*1 day*	—	—
" " 6 " " " " 7 ...	*1* "	*1* "	*1* "	*1 day*	—
" " 7 " " " " 8 ...	*2 days*	*1* "	*1* "	*1* "	—
" " 8 " " " " 10 ...	*2* "	*2 days*	*1* "	*1* "	*1 day*
" " 10 " " " " 11 ...	*2* "	*2* "	*2 days*	*1* "	*1* "
" " 11 " " " " 12 ...	*3* "	*2* "	*2* "	*1* "	*1* "
" " 12 " " " " 14 ...	*3* "	*3* "	*2* "	*2 days*	*1* "
" " 14 " " " " 15 ...	*4* "	*3* "	*2* "	*2* "	*1* "
" " 15 " " " " 16 ...	*4* "	*3* "	*3* "	*2* "	*1* "
" " 16 " " " " 18 ...	*4* "	*4* "	*3* "	*2* "	*2 days*
" " 18 " " " " 20 ...	*5* "	*4* "	*3* "	*3* "	*2* "
" " 20 " " " " 21 ...	*5* "	*5* "	*4* "	*3* "	*2* "
" " 21 " " " " 24 ...	*6* "	*5* "	*4* "	*3* "	*2* "
" " 24 " " " " 25 ...	*6* "	*6* "	*4* "	*4* "	*3* "
" " 25 " " " " 28 ...	*7* "	*6* "	*5* "	*4* "	*3* "
" " 28 " " " " 30 ...	*8* "	*7* "	*5* "	*4* "	*3* "
" " 30 " " " " 32 ...	*8* "	*7* "	*6* "	*5* "	*3* "
" " 32 " " " " 35 ...	*9* "	*8* "	*6* "	*5* "	*4* "
" " 35 " " " " 36 ...	*10* "	*8* "	*7* "	*5* "	*4* "
" " 36 " " " " 39 ...	*10* "	*9* "	*7* "	*6* "	*4* "
" " 39 " " " " 40 ...	*11* "	*9* "	*7* "	*6* "	*4* "
" " 40 " " " " 42 ...	*11* "	*10* "	*8* "	*6* "	*5* "
" " 42 " " " " 44 ...	*12* "	*10* "	*8* "	*7* "	*5* "
" " 44 " " " " 45 ...	*12* "	*11* "	*8* "	*7* "	*5* "
" " 45 " " " " 46 ...	*12* "	*11* "	*9* "	*7* "	*5* "
" " 46 " " " " 48 ...	*13* "	*11* "	*9* "	*7* "	*5* "
" " 48 " " " " 49 ...	*13* "	*12* "	*9* "	*8* "	*6* "
" " 49 " " " " 50 ...	*14* "	*12* "	*9* "	*8* "	*6* "
" " 50 "	*14* "	*12* "	*10* "	*8* "	*6* "

(2) Notwithstanding the provisions of the last foregoing sub-paragraph—

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

(*b*) the duration of the worker's annual holiday during the holiday season ending on the 31st day of October, 1951, shall be reduced by any days of annual holiday duly allowed to him by the employer under the

provisions of Order M.D. (46), as amended by Order M.D. (56), between the 1st day of March, 1951, and the date on which this Schedule becomes effective.

(3) In this Schedule the expression "holiday season" means in relation to an annual holiday during the year 1951 the period commencing on the 1st day of March, 1951, and ending on the 31st day of October, 1951, and in relation to each subsequent year, the period commencing on the 1st day of March and ending on the the 31st day of October in that year.

(4) A night worker shall be allowed as a day of annual holiday in his case, a period of 24 hours commencing at noon.

Paragraph 3

(1) Annual holidays shall be allowed on consecutive working days, being days on which the worker is normally called upon to work for the employer, and days of annual holiday shall be treated as consecutive notwithstanding the intervention of a customary holiday on which the worker is not required to work or of some other holiday.

Provided that where the duration of an annual holiday which an employer is required to allow to a worker exceeds the period constituting the worker's normal working week, the said holiday may, at the written request of the worker and with the agreement of the employer, 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.

(2) Subject to the provisions of sub-paragraph (1) of this paragraph, any day of annual holiday under this Schedule may be allowed on a day on which the worker is entitled to a day of holiday or to a half-holiday under any enactment other than the Wages Councils Act, 1945.

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.

Part III

HOLIDAY REMUNERATION

Paragraph 5

(1) Subject to the provisions of paragraph 6 of this Schedule, a worker qualified to be allowed an annual holiday under this Schedule shall be paid by his employer, on the last pay day preceding such annual holiday, *one day's holiday pay (as defined in paragraph 9 of this Schedule) in respect of each day thereof.*

(2) *Where under the provisions of paragraph 3 of this Schedule an annual holiday is allowed 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 or in accordance with the provisions of Order M.D. (46) as amended by Order M.D. (56)) in respect of employment during any of the periods referred to in that paragraph or that Order respectively, 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

Where a worker ceases to be employed by an employer after the provisions of this Schedule become effective the employer shall, immediately on the termination of the employment, pay to the worker as accrued holiday remuneration:—

(1) *in respect of employment in the twelve months up to the end of the preceding February, a sum equal to the holiday remuneration for any days of annual holiday for which he has qualified, except days of annual holiday which he has been allowed or has become entitled to be allowed before leaving the employment; and*

(2) *in respect of any employment since the end of the preceding February, a sum equal to the holiday remuneration which would have been payable to him if he could have been allowed an annual holiday in respect of that employment at the time of leaving it.*

PART IV

GENERAL

Paragraph 8

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

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

(i) he has worked for the employer for not less than 22½ hours and has performed some work for which statutory minimum remuneration is payable; or

(ii) *he has worked for the employer for less than 22½ hours,* or has performed no work, solely by reason of the proved illness of or accident to the worker (provided that the number of weeks which may be treated as weeks of employment for such reason shall not exceed eight 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

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, Boxing Day, Good Friday, Easter Monday, Whit Monday, August Bank Holiday and any day nationally proclaimed as a public holiday, or as an additional bank holiday.

Provided that where it is the custom in any locality instead of any of the said days to observe some other day as a holiday, each such other day shall, for the purposes of this Schedule, be treated in that locality as a customary holiday instead of the day for which it is substituted.

"HOURLY GENERAL MINIMUM TIME RATE" has the same meaning as in the wages regulation order fixing statutory minimum remuneration for the time being in force.

"NIGHT WORKER" means a worker who is ordinarily employed on a spell of duty which starts before and ends after midnight.

"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) for the purpose of calculating the normal working week 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;

(iii) in the case of a night worker, a day is the period of 24 hours commencing at noon.

"ONE DAY'S HOLIDAY PAY" means, where the worker's normal working week is:—

seven days—one seventh of
six days —one sixth of
five days —one fifth of
four days —one quarter of
three days—one third of

the remuneration which the worker would be entitled to receive from his employer at the date of the annual holiday or at the termination date, as the case may be, for work for which statutory minimum remuneration is payable, either:—

(i) for the number of hours normally worked by him for the employer in his normal working week, or

(ii) for 45 hours,

whichever number of hours is the less, if paid at the appropriate hourly general minimum time rate for that number of hours work.

"SPELL OF DUTY" means a period of work broken only by intervals for meals.

"STATUTORY MINIMUM REMUNERATION" means minimum remuneration (other than holiday remuneration) fixed by a wages regulation order.

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

"WEEK" means pay week.

Paragraph 10

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.)

This Order, which has effect from the 11th July, 1951, sets out the annual holidays which an employer is required to allow to workers in relation to whom the Milk Distributive Wages Council (England and Wales) operates, and the remuneration payable to such workers for those holidays. It supersedes Order M.D. (46) as amended by Order M.D. (56). New provisions in the Schedule are printed in italics.

Order M.D. (46) is revoked.