DEFINITIONS

Paragraph 84

(*a*) " German seat " is a piece of butt leather sewn round the heel.

(*b*) " Inside corks " are extra insoles of cork which are made with the boot.

(*c*) " Shaped toe piece " is a toe piece that is larger than the ordinary toe bit and extends along the side up to the joint.

(*d*) " Underlays " are inserted and slotted toe bits or side bits.

(*e*) " Grindery " is all material apart from tools used by the worker in the making or repairing of leather footwear.

(*f*) " Box randed "—a box rand is a rand which is made from a piece of bend, butt, fore-end, shoulder or belly leather.

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 November, 1951, sets out the statutory minimum remuneration payable to workers in relation to whom the Boot and Shoe Repairing Wages Council (Great Britain) operates.

It supersedes Order D (97) and Order D (100) which are revoked.

New provisions in the Schedule are printed in italics.

The Boot and Shoe Repairing Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1951

1951 No. 778

Made - - - - 2*nd May*, 1951

Coming into Operation 21*st May*, 1951

D. (101)

Whereas the Minister of Labour and National Service (hereinafter in this Order referred to as " the Minister ") has received from the Boot and Shoe Repairing 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 Boot and Shoe Repairing Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1946(a) (hereinafter in this Order referred to as " Order D. (85) ") as amended by the Boot and Shoe Repairing Wages Council (Great Britain) Wages Regulation Order, 1950(b) (hereinafter in this Order referred to as " Order D. (97) ");

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 Boot and Shoe Repairing Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1951.

(a) S.R. & O. 1946 (No. 297) I, p. 1753. (b) S.I. 1950 (No. 1253) II, p. 1260.
(c) 8 & 9 Geo. 6. c. 17.

(2) In this Order the expression "the specified date" means the 21st day of May, 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(a), 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 D. (85)

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 D. (85)(b) as amended by Order D. (97)(c) shall cease to have effect.

Signed by order of the Minister of Labour and National Service this 2nd day of May, 1951.

Godfrey H. Ince,
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 D (85) as amended by Order D (97).

PART I

APPLICATION

Paragraph 1

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

PART II

ANNUAL HOLIDAYS

Paragraph 2

(1) Subject to the provisions of sub-paragraph (2) of this paragraph and of paragraph 3 of this Schedule an employer shall before the 30th day of November, 1951, and in each succeeding year between the 1st day of April and the 30th day of November, 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 commencement of the holiday season for any one of the periods of employment (calculated in accordance with the provisions of paragraph 9 of this Schedule) set out in the first

(a) 52 & 53 Vict. c. 63. (b) S.R. & O. 1946 (No. 297) I, p. 1753.
(c) S.I. 1950 (No. 1253) II, p. 1260.

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	4 days	3 days or less
At least 48 weeks	12 days	10 days	8 days	6 days
„ „ 44 „	11 „	9 „	7 „	5 „
„ „ 40 „	10 „	8 „	6 „	5 „
„ „ 36 „	9 „	7 „	6 „	4 „
„ „ 32 „	8 „	6 „	5 „	4 „
„ „ 28 „	7 „	5 „	4 „	3 „
„ „ 24 „	6 „	5 „	4 „	3 „
„ „ 20 „	5 „	4 „	3 „	2 „
„ „ 16 „	4 „	3 „	2 „	2 „
„ „ 12 „	3 „	2 „	2 „	1 day
„ „ 8 „	2 „	2 „	1 day	1 „
„ „ 4 „	1 day	1 day	1 „	—

(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 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 November, 1951, shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of Order D (85) as amended by Order D (97) between the 1st day of April, 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 April, 1951, and ending on the 30th day of November, 1951, and in relation to each subsequent year, the period commencing on the 1st day of April and ending on the 30th day of November in that year.

Paragraph 3

Subject to the provisions of this paragraph, annual holidays under this Schedule 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 holiday shall be treated as consecutive notwithstanding that a Sunday or some other holiday intervenes.

Provided that where the duration of an annual holiday which an employer is required to allow to a worker is more than the period constituting the worker's normal working week, the said holiday may, by agreement between the employer and the worker or his representative, be allowed in two or three separate periods of such consecutive working days, provided that one of the periods is of not less duration than the period constituting the worker's normal working week and that the remaining days of holiday are allowed on whole days upon which the worker is normally employed by the employer.

Paragraph 4

Subject to the provisions of paragraph 3 of this Schedule, any day of annual holiday under this Schedule:—

(*a*) may be allowed on a day on which the worker is entitled to a half holiday under any enactment other than the Wages Councils Act, 1945;

(*b*) shall not be allowed on any whole day of holiday to which the worker is so entitled.

Paragraph 5

An employer shall give a worker notice of the commencing date and duration of his annual holiday. Such notice shall be given at least 28 days before the first day of the holiday or, where, under the provisions of paragraph 3 of this Schedule, an annual holiday is taken in more than one period, before each separate period, and may be given individually to a worker or by the posting of a notice in the place where the worker is employed.

Part III

HOLIDAY REMUNERATION

Paragraph 6

(1) Subject to the provisions of paragraph 7 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 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 allowed in more than one period the holiday remuneration shall be apportioned accordingly.

Paragraph 7

Where any accrued holiday remuneration has been paid by the employer to the worker (in accordance with paragraph 8 of this Schedule or under the First Schedule to Order D (85) as amended by Order D (97)) in respect of employment during any of the periods referred to in paragraph 8 of this Schedule, 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 or of the First Schedule to Order D (85) as amended by Order D (97).

ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

Paragraph 8

(1) Where a worker ceases to be employed after the provisions of this Schedule become effective, the employer shall, subject to the provisions of sub-paragraph (2) of this paragraph, immediately on the termination of the employment (hereinafter in this Schedule referred to as "the termination date") pay to the worker accrued holiday remuneration, that is to say:—

(i) in respect of any period of employment occurring before the 1st day of April immediately preceding the termination date an amount equal to the holiday remuneration to which the worker would have been entitled under the provisions of paragraph 6 of this Schedule if he had been allowed an annual holiday in respect of that period of employment at

the termination date, LESS any holiday remuneration already paid for any day or days of annual holiday allowed subsequently to the 1st day of April aforesaid in respect of that period of employment, either under the provisions of this Order or of Order D (85), as amended by Order D (97), and

(ii) in respect of any period of employment since the 31st day of March 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 accordance with this paragraph or in accordance with the provisions of Order D (85) (as amended by Order D (97)) in respect of that period.

(2) Accrued holiday remuneration is not payable in respect of any period of employment for which the worker has been allowed or become entitled to be allowed an annual holiday under this Schedule.

PART IV

GENERAL

Paragraph 9

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

(*a*) as if he were employed for a week in respect of any week in which—
(i) he has worked for the employer for not less than 24 hours and has performed some work to which statutory minimum remuneration applies; or

(ii) he has worked for the employer for less than 24 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 four in any such period as aforesaid; or

(iii) he has worked for the employer for less than 24 hours, or has performed no work, solely by reason of a stoppage of work due to a trade dispute (except a stoppage due to a strike which is unauthorised at its inception by the workers' trade union); 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 (*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 10

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 during the twelve months immediately preceding the commencement of the

holiday season, or, where under paragraph 7 and paragraph 8 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; and

(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 as a time worker 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, and in this definition "appropriate proportion" means—

where the worker's normal working week is							six days	— one sixth
„	„	„	„	„	„	„	five „	— one fifth
„	„	„	„	„	„	„	four „	— one quarter
„	„	„	„	„	„	„	three „	— one third
„	„	„	„	„	„	„	two „	— one half
„	„	„	„	„	„	„	one day	— the whole

"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 Boot and Shoe Repairing Wages Council (Great Britain).

"WEEK" means pay week.

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.)

This Order, which has effect from the 21st May, 1951, sets out the annual holidays which an employer is required to allow to workers in relation to whom the Boot and Shoe Repairing Wages Council (Great Britain) operates, and the remuneration payable to such workers for those holidays.

It supersedes Order D. (85) as amended by Order D. (97). Order D. (85) is revoked.