SECOND SCHEDULE

HOLIDAYS AND HOLIDAY REMUNERATION

The Milk Distributive Wages Council (Scotland) Wages Regulation (Holidays) Order, 1947(a) (Order M.D.S. (47)) shall have effect as if in the Schedule thereto, at the end of paragraph 7, there were added the following proviso—

"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 in connection with his employment and is so informed by the employer at the time of dismissal."

EXPLANATORY NOTE

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

This Order has effect from the 3rd September, 1952.

The First Schedule sets out the statutory minimum remuneration payable in substitution for that set out in the First Schedule to the Milk Distributive Wages Council (Scotland) Wages Regulation Order, 1951, (Order M.D.S. (57)).

The Second Schedule repeats without alteration the amendment to the Milk Distributive Wages Council (Scotland) Wages Regulation (Holidays) Order, 1947, (Order M.D.S. (47)) (which relates to holidays and holiday remuneration) contained in the Second Schedule to Order M.D.S. (57).

Order M.D.S. (57) is revoked.

New provisions in the First Schedule are printed in italics.

1952 No. 919

The Ostrich and Fancy Feather and Artificial Flower Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1952

Made - - - -	*6th May*, 1952
Coming into Operation	*26th May*, 1952

Whereas the Minister of Labour and National Service (hereinafter in this Order referred to as "the Minister") has received from the Ostrich and Fancy Feather and Artificial Flower Wages Council (Great Britain) (hereinafter in this Order referred to as "the Wages Council") the wages regulation proposals set out in the Schedule hereto, being proposals for requiring workers in relation to whom the Wages 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 Ostrich and Fancy Feather and Artificial Flower Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1947(b) (hereinafter in this Order referred to as "Order O.F. (16)");

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 Ostrich and Fancy Feather and Artificial Flower Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1952.

(a) S.R. & O. 1947/874; 1947 I, p. 2519.
(b) S.R. & O. 1947/2506; 1947 I, p. 2532. (c) 8 & 9 Geo. 6. c. 17.

(2) In this Order the expression "the specified date" means the 26th day of May, 1952, 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 O.F. (16)

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 O.F. (16) shall cease to have effect.

Signed by order of the Minister of Labour and National Service this 6th day of May, 1952.

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 O.F.(16).

PART I

APPLICATION

Paragraph 1

(1) This Schedule applies to every worker (other than a homeworker) for whom statutory minimum remuneration has been fixed.

(2) For the purposes of this Schedule a homeworker is a worker who works in his own home or in any other place not under the control or management of the employer.

PART II

CUSTOMARY HOLIDAYS

Paragraph 2

(1) An employer shall allow to every worker 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 following sub-paragraph provided that the worker has been in his employment for a period of not less than two weeks immediately preceding the customary holiday and (unless excused by the employer or absent by reason of the proved illness of the worker) has worked for the employer throughout the last working day on which work was available to him immediately preceding the customary holiday.

(2) The said customary holidays are:—

(*a*) (i) In England and Wales—

Christmas Day (or, if Christmas Day falls on a Sunday, such 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.

(a) 52 & 53 Vict. c. 63.

(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 (being days on which the worker normally works for the employer) 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 (other than a day fixed by the employer in Scotland and notified to the worker as aforesaid) a day substituted by the employer therefor, being a day recognised by local custom as a day of holiday in substitution for the said day.

(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 employer shall allow to the worker a day's holiday (hereinafter in this Schedule referred to as a "holiday in lieu of a customary holiday") on a week day on which he would normally work for the employer, within the period of *eight weeks* next ensuing.

(4) A worker who is required to work on a customary holiday shall be paid:—

(*a*) for all time worked thereon, the statutory minimum remuneration then appropriate to the worker for work on a customary holiday; and

(*b*) in respect of the holiday in lieu of the customary holiday, holiday remuneration in accordance with paragraph 6 of this Schedule.

PART III

ANNUAL HOLIDAYS

Paragraph 3

(1) Subject to the provisions of paragraph 4 of this Schedule, in addition to the holidays specified in Part II of this Schedule an employer shall, between the date on which the provisions of this Schedule become effective and the 30th day of September, 1952, and between the 1st day of May and the 30th day of September in each succeeding 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 has been employed by him during the 12 months immediately preceding the commencement of the holiday season for any of the periods of employment (calculated in accordance with the provisions of paragraph 10 of this Schedule) set out in the *appropriate table* below and the duration of the annual holiday shall in the case of each such worker be related to his period of employment during that twelve months as follows:—

TABLE A

ANNUAL HOLIDAYS IN THE YEAR 1952

Period of employment	*Duration of annual holiday*
At least 48 weeks	*8 days*
„ „ *42* „	*7* „
„ „ *36* „	*6* „
„ „ *30* „	*5* „
„ „ *24* „	*4* „
„ „ *18* „	*3* „
„ „ *12* „	*2* „
„ „ *6* „	*1 day*

TABLE B

ANNUAL HOLIDAYS IN THE YEAR 1953 AND SUCCEEDING YEARS

Workers with a normal working week of six days		*Workers with a normal working week of five days or less*	
Period of employment	*Duration of annual holiday*	*Period of employment*	*Duration of annual holiday*
At least 48 weeks ...	*12 days*	*At least 48 weeks* ...	*10 days*
" " *44* " ...	*11* "	" " *43* " ...	*9* "
" " *40* " ...	*10* "	" " *38* " ...	*8* "
" " *36* " ...	*9* "	" " *33* " ...	*7* "
" " *32* " ...	*8* "	" " *28* " ...	*6* "
" " *28* " ...	*7* "	" " *24* " ...	*5* "
" " *24* " ...	*6* "	" " *19* " ...	*4* "
" " *20* " ...	*5* "	" " *14* " ...	*3* "
" " *16* " ...	*4* "	" " *9* " ...	*2* "
" " *12* " ...	*3* "	" " *4* " ...	*1 day*
" " *8* " ...	*2* "		
" " *4* " ...	*1 day*		

(2) Notwithstanding the provisions of the last foregoing sub-paragraph the number of days of annual holiday which an employer is required to allow to a worker in the *holiday season ending on the 30th day of September, 1952, shall not exceed in the aggregate the number of days constituting the worker's normal working week, plus two days, and in the holiday season commencing on the 1st day of May, 1953, and in each succeeding year shall not exceed twice the number of days constituting the worker's normal working week.*

(3) The duration of the worker's annual holiday during the holiday season ending on the 30th day of September, 1952, shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of Order O.F.(16) between the 1st day of May, 1952, and the date on which the provisions of this Schedule become effective.

(4) In this Schedule the expression "holiday season" means in relation to an annual holiday during the year 1952 the period commencing on the 1st day of May, and ending on the 30th day of September, 1952, and in relation to each subsequent year the period commencing on the 1st day of May and ending on the 30th day of September in that year.

Paragraph 4

(1) Annual holidays under this Schedule shall be allowed on consecutive working days, being days upon 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, a customary holiday on which the worker is not required to work for the employer or a holiday in lieu of a customary holiday intervenes. Provided that:—

(a) where the duration of an annual holiday which an employer is required to allow to a worker exceeds the number of days 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 separate periods of such consecutive working days one of which shall be not less than the period of his normal working week.

(b) *one day* of the annual holiday may be allowed on a non-consecutive working day falling within the holiday season 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.

(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 5

An employer shall give to a worker reasonable notice of the commencing date *or dates* and duration of the period *or periods* 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 IV

HOLIDAY REMUNERATION

CUSTOMARY HOLIDAYS AND HOLIDAYS IN LIEU OF CUSTOMARY HOLIDAYS

Paragraph 6

(1) Subject to the provisions of this paragraph, for each day of holiday to which a worker is entitled under Part II of this Schedule he shall be paid by the employer holiday remuneration equal to the amount calculated at the appropriate rate of 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 for which statutory minimum remuneration is payable for the time usually worked by him on that day of the week.

Provided that payment of the said holiday remuneration is subject to the condition that the worker (unless excused by the employer or absent by reason of the proved illness of the worker) presents himself for employment at the usual starting hour on the first working day following the customary holiday.

(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 for a holiday in lieu of a customary holiday shall be paid on the pay day on which the wages for the week including the holiday in lieu of a customary holiday are paid. Provided that the said payment shall be made immediately upon the termination of the worker's employment in the case where he ceases to be employed before being allowed a holiday in lieu of a customary holiday to which he is entitled and in that case the proviso contained in sub-paragraph (1) of this paragraph shall not apply.

ANNUAL HOLIDAYS

Paragraph 7

(1) Subject to the provisions of paragraph 8 of this Schedule, a worker qualified 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, *one day's holiday pay (as defined in paragraph 11 of this Schedule) in respect of each day thereof.*

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

Paragraph 8

Where any accrued holiday remuneration has been paid by the employer to the worker in accordance with paragraph 9 of this Schedule or in accordance with the provisions of Order O.F.(16) 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 or of Order O.F.(16).*

ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

Paragraph 9

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 30th day of the preceding April, 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 30th day of the preceding April, 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 V

GENERAL

Paragraph 10

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:—

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

(*a*) he has worked for the employer for not less than twenty hours and has performed some work for which statutory minimum remuneration is payable;

(*b*) he has been absent throughout the week by reason of the proved illness of, or accident to, the worker but not exceeding four weeks in the aggregate in the period of twelve months immediately preceding the commencement of the holiday season;

(*c*) he has been suspended throughout the week owing to shortage of work but not exceeding six weeks in the aggregate in such period as aforesaid; and

(2) as if he were employed on any day of holiday allowed under the provisions of this Schedule or of Order O.F. (16), 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 thereon the number of hours ordinarily worked by him for the employer on that day of the week on work for which statutory minimum remuneration is payable.

Paragraph 11

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

"*appropriate rate of statutory minimum remuneration*" *means*—

(*a*) *in the case of a time worker, the rate or rates of statutory minimum remuneration applicable to the worker, and*

(b) in the case of a piece worker, the rate or rates of statutory minimum remuneration which would be applicable to the worker if he were a time worker.

" 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 9 of this Schedule accrued holiday remuneration is payable on the termination of the employment, during the twelve months immediately preceding the date of the termination of the employment.

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 allowed in more than one period at the date of the first period) or at the termination of the employment, as the case may require, 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 for which statutory minimum remuneration is payable and at the same rate for any work for which such remuneration is not payable, and in this definition " appropriate proportion " means—

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 or less	*one-quarter*

" statutory minimum remuneration " means statutory 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 Wages Council.

" week " in paragraphs 2, 3 and 10 means " pay week."

Paragraph 12

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 26th May, 1952, sets out the holidays which an employer is required to allow to workers and the remuneration payable to such workers for those holidays, in substitution for the holidays and holiday remuneration fixed by the Ostrich and Fancy Feather and Artificial Flower Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1947, (Order O.F. (16)), which is revoked.

New provisions in the Schedule are printed in italics.