WAITING TIME

Paragraph 7

(1) A worker is entitled to payment of the minimum remuneration specified in this Schedule for all time during which she is present on the premises of the employer, unless she is present thereon in any of the following circumstances:—

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

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

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

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

(2) The minimum remuneration payable under sub-paragraph (1) of this paragraph to a piece worker when not engaged on piece work is that which would be payable if she were a time worker.

PART V

INTERPRETATION

HAND CUTTING

Paragraph 8

For the purposes of this Schedule, hand cutting includes any operation of beaming up or liming, when performed by the worker who does the cutting.

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

Paragraph 9

This Schedule applies to female workers employed in power machine cutting or hand cutting or in ending and mending, being workers in relation to whom the Fustian Cutting Wages Council (Great Britain) operates, that is to say, workers employed in Great Britain in the trade specified in the Schedule to the Trade Boards (Fustian Cutting Trade, Great Britain) (Constitution and Proceedings) Regulations, 1933(a), namely:—

Fustian Cutting, whether performed by hand or machine, and all processes or operations incidental or appertaining thereto, carried on in an establishment in which fustian is cut; but excluding the process or operation of stiffening.

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 8th May, 1953, sets out the statutory minimum remuneration payable in substitution for that fixed by the Fustian Cutting Wages Council (Great Britain) Wages Regulation Order, 1951, (Order F.C. (26)), which Order is revoked.

New provisions in the Schedule are printed in italics.

1953 No. 214

The General Waste Materials Reclamation Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1953

Made - - - - 12*th February*, 1953

Coming into Operation 2*nd March*, 1953

Whereas the Minister of Labour and National Service (hereinafter in this Order referred to as "the Minister") has received from the General Waste Materials Reclamation Wages Council (Great Britain) the wages regulation proposals set out in the Schedule hereto;

(a) S.R. & O. 1933/561; 1933, p. 2043.

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:—

1. This Order may be cited as the General Waste Materials Reclamation Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1953.

2.—(1) In this Order the expression "the specified date" means the 2nd day of March, 1953, 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.

(2) The Interpretation Act, 1889(b), applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the General Waste Materials Reclamation Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1947(c), shall cease to have effect.

Signed by order of the Minister of Labour and National Service this 12th day of February, 1953.

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 the General Waste Materials Reclamation Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1947, (Order D.B. (38)).

PART I
APPLICATION

Paragraph 1
This Schedule applies to every worker for whom statutory minimum remuneration has been fixed.

PART II
CUSTOMARY HOLIDAYS

Paragraph 2
(1) An employer shall allow to every worker 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 six months immediately preceding the customary holiday and (unless excused by the employer or absent by reason of the proved illness of, or accident to, the worker) has worked for the employer throughout the last working day on which work was available to him immediately 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) 8 & 9 Geo. 6. c. 17. (b) 52 & 53 Vict. c. 63. (c) S.R. & O. 1947/2; 1947 I, p. 2452.

(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, or a day substituted therefor by mutual agreement between the employer and the worker or his representative.

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 1st day of May, 1953, and the 30th day of September, 1953, and between the 1st day of May and the 30th day of September in each succeeding year (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 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 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:—

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 any holiday season shall not exceed *twice* the number of days constituting the worker's normal working week.

Paragraph 4

(1) Subject to the provisions of this paragraph, an annual holiday shall be allowed on consecutive working days, being days on which the worker is normally called upon to work for the employer.

(2) Where the number of days of annual holiday for which a worker has qualified exceeds the number of days constituting his normal working week, the holiday may be allowed in two periods of consecutive working days; so however that when a holiday is so allowed, one of the periods shall consist of a number of such days not less than the number of days constituting the worker's normal working week.

(3) For the purposes of this paragraph, days of annual holiday shall be treated as consecutive notwithstanding that a customary holiday *or a day upon which the worker does not normally work for the employer* intervenes.

(4) Where a customary holiday immediately precedes a period of annual holiday or occurs during such a period and the total number of days of annual holiday required to be allowed in the period under the foregoing provisions of this paragraph, together with any such customary holiday, exceeds the number of days constituting the worker's normal working week then, notwithstanding the foregoing provisions of this paragraph, the duration of that period of annual holiday may be reduced by one day and in such a case one day of annual holiday may be allowed on any working day (not being the worker's weekly short day) in the holiday season.

(5) Subject to the provisions of the foregoing sub-paragraphs 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

A—CUSTOMARY HOLIDAYS

Paragraph 6

(1) Subject to the provisions of this paragraph, for each day of customary 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 appropriate statutory minimum remuneration to which he would have been entitled as a time worker if the day had not been a day of holiday and he had been employed on work for which statutory minimum remuneration is payable for the time usually worked by him on that day of the week:

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

(2) The 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 week including the first working day following the customary holiday are paid.

B—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, remuneration in accordance with the following table:—

TABLE OF HOLIDAY REMUNERATION

Col. 1	Col. 2		Col. 3
Period of annual holiday	Holiday remuneration for workers with a normal working week of:—		
	Six days	*Five days or less*	
12 days	*Twice the amount in Col. 3*	—	The amount which the worker would be entitled to receive from his employer, at the beginning of the holiday *or the first period of the holiday, as the case may require*, for a week's work, if working his normal working week and the number of daily hours usually worked by him (exclusive of overtime), and if paid at the appropriate rate of statutory minimum remuneration for time work, for work to which that rate applies and at the same rate for work (if any) to which that rate does not apply.
11 days	*One and five-sixths times the amount in Col. 3*	—	
10 days	*One and two-thirds times the amount in Col. 3*	*Twice the amount in Col. 3*	
9 days	*One and one-half times the amount in Col. 3*	*One and four-fifths times the amount in Col. 3*	
8 days	*One and one-third times the amount in Col. 3*	*One and three-fifths times the amount in Col. 3*	
7 days	*One and one-sixth times the amount in Col. 3*	*One and two-fifths times the amount in Col. 3*	
6 days	The amount in Col. 3	*One and one-fifth times the amount in Col. 3*	
5 days	Five-sixths of the amount in Col. 3	*The amount in Col. 3*	
4 days	Two-thirds of the amount in Col. 3	*Four-fifths of the amount in Col. 3*	
3 days	One-half of the amount in Col. 3	*Three-fifths of the amount in Col. 3*	
2 days	One-third of the amount in Col. 3	*Two-fifths of the amount in Col. 3*	
1 day	One-sixth of the amount in Col. 3	*One-fifth of the amount in Col. 3*	

(2) In the application of the provisions of the foregoing table to the case of a piece worker the appropriate rate of statutory minimum remuneration for time work is the rate of statutory minimum remuneration that would have been applicable to him if he had been employed as a time worker.

(3) 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 D.B. (38), 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 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 which would be payable 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) if they were allowed at the time of 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—

(*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 twenty-four hours and has performed some work for which statutory minimum remuneration is payable; or

(ii) he has been absent throughout the week by reason of the proved illness of, or accident to, the worker, *or for a like reason has worked for the employer for less than twenty-four hours:* provided that the number of weeks which may be treated as weeks of employment for such reasons shall not exceed six in the aggregate in the period of twelve months immediately preceding the commencement of the holiday season; or

(iii) he has been suspended throughout the week owing to shortage of work: provided that the number of weeks which may be treated as weeks of employment for such reason shall not exceed four in the aggregate in the period of twelve months last mentioned; and

(*b*) as if he were employed on any day of holiday allowed under the provisions of this Schedule or of Order D.B. (38), and, for the purposes 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 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:—

"normal working week" means the number of days on which it has been usual for the worker to work in a week in the employment of the employer in the twelve months immediately preceding the commencement of the 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.

"statutory minimum remuneration" means 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 General Waste Materials Reclamation Wages Council (Great Britain).

"week" in paragraphs 3, 6 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 2nd March, 1953, sets out the holidays which an employer is required to allow to workers and the remuneration payable for those holidays, in substitution for the holidays and holiday remuneration fixed by the General Waste Materials Reclamation Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1947, (Order D.B. (38)), which is revoked.

New provisions in the Schedule are printed in italics.