1953 No. 468

The Flax and Hemp Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1953

Made - - - - 19*th March*, 1953

Coming into Operation 8*th April*, 1953

Whereas the Minister of Labour and National Service (hereinafter in this Order referred to as "the Minister") has received from the Flax and Hemp Wages Council (Great Britain) 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:—

1. This Order may be cited as the Flax and Hemp Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1953.

2.—(1) In this Order the expression "the specified date" means the 8th day of April, 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 First and Second Schedules hereto shall have effect as from the specified date.

Signed by order of the Minister of Labour and National Service this 19th day of March, 1953.

Godfrey H. Ince,
Secretary,
Ministry of Labour and National Service.

FIRST SCHEDULE

HOLIDAYS AND HOLIDAY REMUNERATION

PART I

APPLICATION

Paragraph 1

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

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

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 four weeks immediately preceding the customary holiday and has worked for the employer during the whole or part of that period 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 prior to 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 weekday 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:

Provided that in the case of workers who normally work on each weekday except Saturday if Christmas Day falls on a Saturday the holiday shall be the next following Tuesday;

(ii) In Scotland—

New Year's Day and the following day;

Provided that if New Year's Day falls on a Sunday the holidays shall be the following Monday and Tuesday; if New Year's Day falls on a Saturday then in the case of workers who normally work on each weekday except Saturday the holidays shall be the following Monday and Tuesday and in the case of all other workers, New Year's Day and the following Monday;

the local Spring holiday;

the local Autumn holiday;

and two 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 in consultation with the worker or his representative 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 customary 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 weekday on which he would normally work for the employer within the period of four weeks next ensuing.

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

(*a*) for all time worked thereon at the minimum rate 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 1st day of June and the 30th day of September, 1953, and in each succeeding year between the 1st day of June and the 30th day of September (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) specified 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 in the aggregate twice the number of days constituting the worker's normal working week.

Paragraph 4

(1) Except as hereinafter in this paragraph otherwise provided, 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, by agreement in writing between the employer and the worker or his representative, 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 day of holiday allowed to a worker under Part II of this Schedule or a day upon which he does not normally work for the employer intervenes.

(4) Where a day of holiday allowed to a worker under Part II of this Schedule 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 day of holiday allowed under Part II of this Schedule, 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 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 the 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 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 to which he would have been entitled, calculated at the appropriate rate of statutory minimum remuneration applicable to the worker, if the day had not been a day of holiday and he had worked on that day on work for which statutory minimum remuneration is payable for the time usually worked by him (exclusive of overtime) on that day of the week:

Provided, however, that payment of the said holiday remuneration is subject to the condition that the worker presents himself for employment on the first working day following the holiday or, if he fails to do so, failure is by reason of the proved illness of, or accident to, the worker or with the consent of the employer.

(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 pay week including the first working day following the customary holiday are paid.

(3) The holiday remuneration in respect of any holiday in lieu of a customary holiday shall be paid on the pay day on which the wages for the pay week including the first working day following 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 to sub-paragraph (1) of this paragraph shall not apply.

B—ANNUAL HOLIDAYS

Paragraph 7

(1) Subject to the provisions of this paragraph and 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, holiday remuneration equal to 4 per cent. of the amount obtained by multiplying the appropriate rate of statutory minimum remuneration applicable to the worker on the last pay day preceding the beginning of the annual holiday, by the total number of hours (exclusive of overtime) worked or, in accordance with the next following sub-paragraph, deemed to have been worked, by the worker for the employer during the qualifying period.

(2) For the purposes of this paragraph a worker shall be deemed to have worked for his normal working hours (exclusive of overtime):—

(*a*) (i) on any day of absence from work due to the proved illness of, or accident to, the worker;

(ii) on any day of absence from work due to suspension because of shortage of work:

Provided that in neither case shall the number of hours for which he shall be deemed to have so worked exceed, in any qualifying period, two twenty-fifths of the number of hours (exclusive of overtime) usually worked by him for the employer in a week multiplied by his number of weeks of employment (calculated in accordance with the provisions of paragraph 10 of this Schedule) in that qualifying period;

(*b*) (i) in any qualifying period ending on or before the 31st day of May, 1953, on any customary holiday, within the meaning of sub-paragraph (2) of paragraph 2 of this Schedule, and any holiday in lieu of a customary holiday;

(ii) in each succeeding qualifying period, on any customary holiday or holiday in lieu of a customary holiday allowed to him by the employer under this Schedule.

(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 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 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 31st day of the preceding May, a sum equal to the holiday remuneration which would be payable for any annual holiday for which he has qualified (except an annual holiday which he has become entitled to be allowed before leaving the employment) if it were allowed at the time of leaving the employment, less any holiday remuneration paid to the worker in respect of any part of an annual holiday allowed to the worker under this Schedule since the said 31st day of May; and

(2) in respect of any employment since the 31st day of the preceding May, 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 purpose of calculating any period of employment qualifying a worker for an annual holiday or for the purpose of calculating any 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*) in the case of a worker other than a part-time worker, 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*) in the case of a part-time worker, he has worked for the employer and has performed some work for which statutory minimum remuneration is payable;

(*c*) (i) in the case of a worker other than a part-time worker, he has worked for the employer for less than twenty hours by reason of the proved illness of, or accident to, the worker or, in the case of any worker, for a like reason he has been absent throughout the week (provided that the number of weeks which may be treated as weeks of employment for such reason shall not exceed 4 in the aggregate in any such period); or

(ii) in the case of any worker, 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 4 in the aggregate in any such period).

(2) as if he were employed—

(*a*) on any day of holiday allowed under the provisions of this Schedule, and

(*b*) on any day of holiday with pay allowed to him by the employer between the 1st day of June, 1952, and the date on which the provisions of this Schedule become effective,

and for the purposes of the provisions of sub-paragraph (1) of this paragraph, a worker who is absent on any such holiday shall be treated

as having worked thereon for the employer on work for which statutory minimum remuneration is payable,

(i) where the holiday is a customary holiday, or a holiday in lieu of a customary holiday, for eight and a half hours if the worker is normally employed for more than 30 hours a week or for four and a quarter hours if he is normally employed for 30 hours a week or less, or

(ii) where the holiday is a day of annual holiday or a day of holiday with pay allowed to the worker by the employer, for the number of hours ordinarily worked by him on that day of the week.

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 worker to whom an hourly piece work basis time rate is applicable, that rate; and

(*b*) in the case of any other worker, the hourly general minimum time rate;

" 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, in 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;

" part-time worker " means a worker who normally works for the employer for less than twenty hours a week 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;

" qualifying period " means—

(*a*) for the purpose of calculating holiday remuneration payable in respect of an annual holiday or accrued holiday remuneration payable under sub-paragraph (1) of paragraph 9 of this Schedule, the period of twelve months immediately preceding the commencement of the holiday season during which the annual holiday is allowed or during which the termination of the employment occurs, as the case may be;

(*b*) for the purpose of calculating accrued holiday remuneration payable under sub-paragraph (2) of paragraph 9 of this Schedule, the period between the 31st day of May immediately preceding the date of the termination of the worker's employment and that date;

" 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 Flax and Hemp Wages Council (Great Britain);

" week " in paragraphs 3, 6, 10 and 11 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.

SECOND SCHEDULE

[Sch. 2 rev. by S.I. 1953/1806, p. 2386 above.]

EXPLANATORY NOTE

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

This Order has effect from the 8th April, 1953. The First Schedule sets out the holidays which an employer is required to allow to workers and the remuneration payable for those holidays.

The Second Schedule amends the Flax and Hemp Wages Council (Great Britain) Wages Regulation Order, 1950, (Order F.H. (66)), as amended by the Flax and Hemp Wages Council (Great Britain) Wages Regulation (Amendment) Order, 1952, (Order F.H. (72)), by altering the definition of the expression "customary holiday".

1953 No. 1912

The Fur Wages Council (Great Britain) Wages Regulation (Amendment) Order, 1953

Made - - - - 22*nd December*, 1953
Coming into Operation 13*th January*, 1954

Whereas the Minister of Labour and National Service (hereafter in this Order referred to as "the Minister") has received from the Fur Wages Council (Great Britain) the wages regulation proposals set out in the Schedule 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 enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Fur Wages Council (Great Britain) Wages Regulation (Amendment) Order, 1953.

2.—(1) In this Order the expression "the specified date" means the 13th day of January, 1954, 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.

Signed by order of the Minister of Labour and National Service this 22nd day of December, 1953.

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

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