STATUTORY INSTRUMENTS

1975 No. 964

WAGES COUNCILS

The Wages Regulation (Retail Newsagency, Tobacco and Confectionery) (England and Wales) Order 1975

Made - - - - 9*th June* 1975

Coming into Operation 30*th June* 1975

Whereas the Secretary of State has received from the Retail Newsagency, Tobacco and Confectionery Trades Wages Council (England and Wales) the wages regulation proposals set out in the Schedule hereto;

Now, therefore, the Secretary of State in exercise of powers conferred by section 11 of the Wages Councils Act 1959(**a**), and now vested in him(**b**), and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Wages Regulation (Retail Newsagency, Tobacco and Confectionery) (England and Wales) Order 1975.

2.—(1) In this Order the expression "the specified date" means the 30th June 1975, 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(**c**) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Orders hereby revoked were Acts 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 Wages Regulation (Retail Newsagency, Tobacco and Confectionery) (England and Wales) Order 1974(**d**) and the Wages Regulation (Retail Newsagency, Tobacco and Confectionery) (England and Wales) (Amendment) Order 1974(**e**) shall cease to have effect.

Signed by order of the Secretary of State.

9th June 1975.

R. J. Dawe,
Assistant Secretary,
Department of Employment.

(**a**) 1959 c. 69.
(**b**) S.I. 1959/1769, 1968/729 (1959 I, p. 1795; 1968 II, p. 2108).
(**c**) 1889 c. 63.
(**d**) S.I. 1974/305 (1974 I, p. 1044).
(**e**) S.I. 1974/1096 (1974 II, p. 4018).

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SCHEDULE

Article 3

The following minimum remuneration and provisions as to holidays and holiday remuneration shall be substituted for the statutory minimum remuneration and provisions as to holidays and holiday remuneration fixed by the Wages Regulation (Retail Newsagency, Tobacco and Confectionery) (England and Wales) Order 1974 (hereinafter referred to as Order R.N.T. (56)) as amended by the Wages Regulation (Retail Newsagency, Tobacco and Confectionery) (England and Wales) (Amendment) Order 1974 (Order R.N.T. (58)).

PART I: STATUTORY MINIMUM REMUNERATION

APPLICATION

1. Subject to the provisions of this Schedule, the minimum remuneration payable to workers to whom this Schedule applies shall be the remuneration set out in paragraphs 3, 4 and 5: Provided that any increase in remuneration payable under the provisions of paragraph 3 or 4 shall become effective on the first day of the first full pay week following the date upon which the increase would otherwise become payable under those provisions.

HOURS ON WHICH REMUNERATION IS BASED

2.—(1) Subject to the provisions of paragraph 13, the minimum remuneration specified in paragraphs 3 and 4 relates to a week of *40* hours exclusive of overtime and is subject to a proportionate reduction according as the number of hours worked is less than *40*.

(2) In calculating the remuneration for the purpose of this Schedule recognised breaks for meal times shall, subject to the provisions of paragraph 8 (which relates to waiting time) be excluded.

ALL WORKERS OTHER THAN TRANSPORT WORKERS AND STREET NEWSVENDORS REMUNERATED ON A SESSIONAL AND PIECE RATE BASIS

3.—(1) Subject to the provisions of this paragraph and of paragraph 1, the minimum remuneration payable to workers of the classes specified in Column 1 of the next following table employed in the London Area, Provincial A Area or Provincial B Area, as the case may be, shall be the appropriate amount set out in Column 2.

Column 1	Column 2		
	LONDON AREA	PROVINCIAL A AREA	PROVINCIAL B AREA
	Per week	Per week	Per week
	£	£	£
(*a*) SHOP MANAGERS and SHOP MANAGERESSES where the number of staff (computed in accordance with the provisions of sub-paragraph (2) of this paragraph, is:—			
One or none	*25·80*	*25·40*	*25·00*
Two	*26·20*	*25·80*	*25·20*
Three	*26·60*	*26·20*	*25·60*
(*b*) CLERKS GRADE I, aged 22 years or over	*25·00*	*24·60*	*24·00*
(*c*) CLERKS GRADE I, aged under 22 years, CLERKS GRADE II and all other workers (other than transport workers and street newsvendors remunerated on a sessional and piece rate basis) being workers aged:—			
21 years or over	*24·60*	*24·20*	*23·60*
20 and under 21 years ...	*23·10*	*22·75*	*22·20*
19 ,, ,, 20 ,, ...	*21·60*	*21·30*	*20·80*
18 ,, ,, 19 ,, ...	*20·10*	*19·85*	*19·40*
17 ,, ,, 18 ,, ...	*18·60*	*18·40*	*18·00*
Under 17 years ...	*17·10*	*16·95*	*16·60*

Provided that where a worker to whom (*c*) of the foregoing table applies enters, or has entered, the retail newsagency, tobacco and confectionery trades for the first time at or over the age of 20 years, the minimum remuneration payable shall be—

(i) during the first three months of the employment, 50p per week less, and

(ii) during the second three months of the employment, 25p per week less than the minimum remuneration otherwise applicable to the worker under (*c*) of the said table.

(2) In Column 1 of the foregoing table "number of staff" means the number of persons (excluding the shop manager or shop manageress) normally employed by the employer for whose control the shop manager or shop manageress is responsible to the employer and in computing that number—

(*a*) each worker who normally works for the employer for more than 24 hours in a week shall be counted as one unit ;

(*b*) each worker who normally works for the employer for 24 hours or less in a week shall be counted as half a unit but where such calculation results in a fraction the next whole number above shall be the number to be counted for the purpose of the table aforesaid;

(*c*) a delivery worker employed for not more than 2 hours per day and for not more than 12 hours per week shall not be counted ;

(*d*) a cleaner employed for not more than 2 hours per day and for not more than 12 hours per week shall not be counted.

TRANSPORT WORKERS

4. Subject to the provisions of paragraph 1, the minimum remuneration payable to transport workers employed in the London Area, Provincial A Area or Provincial B Area, as the case may be, shall be the appropriate amount set out in Column 3 of the next following table:—

Column 1	Column 2		Column 3		
	Type of Vehicle				
Age of transport worker	Mechanically propelled vehicle with carrying capacity of	Horse drawn vehicle	LONDON AREA	PROVINCIAL A AREA	PROVINCIAL B AREA
			Per week	Per week	Per week
			£	£	£
21 years or over	1 ton or less	One-horse	*24·60*	*24·20*	*23·60*
20 and under 21 years ...			*23·10*	*22·75*	*22·20*
19 ,, ,, 20 ,, ...			*21·60*	*21·30*	*20·80*
18 ,, ,, 19 ,, ...			*20·10*	*19·85*	*19·40*
Under 18 years			*18·60*	*18·40*	*18·00*
All ages	Over 1 ton and up to 2 tons	Two-horse	*25·00*	*24·80*	*24·20*
	Over 2 tons and up to 5 tons	—	*25·20*	*25·00*	*24·40*
	Over 5 tons	—	*25·40*	*25·20*	*24·60*

STREET NEWSVENDORS

5. Subject to the provisions of this paragraph :—

(1) the minimum remuneration payable to street newsvendors of any age irrespective of the area in which they are employed is the aggregate of the sessional payment specified in (2) of this paragraph and the minimum piece rate specified in (3) of this paragraph;

(2) the sessional payment in respect of each newspapers session is as follows:—

	Up to and including 4½ hours	Over 4½ hours
	p	p
On any day other than Sunday ...	*77*	*98*
On a Sunday	*98*	*119*

(3) in respect of any newspapers session, the minimum piece rate shall be an amount equal to 25 per cent. of the retail sale price of the newspapers sold:

Provided that an employer and a worker employed by him as a street newsvendor may agree that the remuneration of that worker shall be calculated otherwise than on the sessional and piece rate basis, as specified in (1) of this paragraph, and where such an agreement exists, the minimum remuneration payable to such a worker shall be the appropriate time rate set out in Column 2 of the table in paragraph 3(1) applicable to workers of the classes specified in (*c*) of Column 1 of the said table.

MINIMUM OVERTIME RATES

6.—(1) Subject to the provisions of this paragraph, overtime shall be payable at the following minimum rates:—

(*a*) To all workers (other than street newsvendors)—

(i) on the weekly short day in any week during which, under sub-section (3) of section 40 of the Shops Act 1950(**a**), (suspension of weekly half-holiday in holiday resorts), the employer is relieved of his obligation to allow a worker a weekly half-day—for any time worked after 1.30 p.m. ... ... double time

(ii) on the weekly short day (not being a weekly short day to which (i) of this sub-paragraph applies)—for any time worked after 1.30 p.m. ... ... time-and-a-half

(*b*) To all workers (other than street newsvendors remunerated on a sessional and piece rate basis) in any week, exclusive of any time in respect of which a minimum overtime rate is payable under the foregiong provisions of this sub-paragraph—

for the first 4 hours worked in excess of *40* hours ... time-and-a-quarter

thereafter ... ... time-and-a-half

Provided that in any week which includes one customary holiday "*33* hours" shall be substituted for "*40* hours", in any week which includes two customary holidays "*26* hours" shall be substituted for the said "*40* hours", and in any week which includes three customary holidays "*19* hours" shall be substituted for the said "*40* hours".

(2) In the case of a shop manager or shop manageress overtime rates shall be payable only if the overtime is specifically authorised in writing by the employer or his representative.

(**a**) 1950 c. 28.

ADDITIONAL PAYMENT FOR WORK PERFORMED ON SUNDAY

7. Where any worker (other than a street newsvendor remunerated on a sessional and piece rate basis) is required to work on a Sunday he shall be paid in addition to any remuneration to which he may become entitled under the other provisions of this Schedule:—

(*a*) where the time worked does not exceed 4 hours ... quarter time for 4 hours

(*b*) where the time worked exceeds 4 hours ... ... quarter time for all time worked

Provided that in the case of a shop manager or a shop manageress the said addition shall be payable only if the work on a Sunday is specifically authorised in writing by the employer or his representative.

WAITING TIME

8. A worker (other than a street newsvendor remunerated on a sessional and piece rate basis) shall be entitled to payment of the minimum remuneration specified in this Schedule for all the time during which he is present on the premises of the employer, or at a street site where he is employed by the employer to sell newspapers, unless he is present thereon in any of the following circumstances, that is to say:—

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

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

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

(*d*) during normal meal times and he is not waiting for work to be given to him to perform.

WORKERS (OTHER THAN STREET NEWSVENDORS REMUNERATED ON A SESSIONAL AND PIECE RATE BASIS) WHO ARE NOT REQUIRED TO WORK ON A CUSTOMARY HOLIDAY

9. Where a worker (other than a street newsvendor remunerated on a sessional and piece rate basis) is not required to work on a customary holiday he shall be paid for the customary holiday not less than the amount to which he would have been entitled under the provisions of this Schedule had the day not been a customary holiday and had he worked the number of hours ordinarily worked by him on that day of the week.

10. Where a customary holiday is a day which has been allowed to a worker (other than a street newsvendor remunerated on a sessional and piece rate basis) and taken by him as a day of annual holiday under the provisions of Part II of this Schedule—

(1) the worker shall be allowed within 28 days of the customary holiday (except in the case where (2) of this paragraph applies) a day of holiday in lieu thereof fixed—

(*a*) by agreement between the employer and the worker, or

(*b*) where there is no such agreement, by the employer with not less than seven clear days' notice to the worker,

and the worker shall be paid for the day of holiday so allowed in lieu of the customary holiday not less than the amount to which he would have been entitled had he worked for the number of hours ordinarily worked by him on that day of the week; or

(2) if there is an agreement between the employer and the worker that no day of holiday in lieu of the customary holiday be so allowed, the worker shall be paid for the customary holiday in addition to the remuneration to which he is entitled in respect of that day as a day of annual holiday under Part II of this Schedule, not less than the amount to which he would have been entitled under the provisions of this Schedule had the day not been a customary holiday and had he worked the number of hours ordinarily worked by him on that day of the week.

WORKERS (OTHER THAN STREET NEWSVENDORS REMUNERATED ON A SESSIONAL AND PIECE RATE BASIS) WHO WORK ON A CUSTOMARY HOLIDAY AND WHO ARE GIVEN A DAY OFF IN LIEU

11. Where a worker (other than a street newsvendor remunerated on a sessional and piece rate basis) works on a customary holiday his employer shall, except as provided in paragraph 12, allow him within 28 days of the customary holiday a day of holiday in lieu thereof, on a day (other than the weekly short day), fixed (*a*) by agreement between the employer and the worker, or (*b*) where there is no such agreement, by the employer with not less than 7 clear days' notice to the worker, and the worker shall be paid at the rate payable to him under the provisions of this Schedule other than paragraph 12 for all time worked on the customary holiday and for the day given in lieu of the customary holiday not less than the amount to which he would have been entitled under the provisions of this Schedule had the day not been a day of holiday and had he worked the number of hours ordinarily worked by him on that day of the week.

WORKERS (OTHER THAN STREET NEWSVENDORS REMUNERATED ON A SESSIONAL AND PIECE RATE BASIS) WHO WORK ON A CUSTOMARY HOLIDAY AND WHO ARE NOT GIVEN A DAY OFF IN LIEU

12. Where a worker (other than a street newsvendor remunerated on a sessional and piece rate basis) works on a customary holiday and there is an agreement between the employer and the worker that no day of holiday in lieu of the customary holiday shall be allowed to the worker, he shall be paid for time worked on the customary holiday as follows:—

(*a*) where the time worked does not exceed 4 hours	...	double time for 4 hours
(*b*) where the time worked exceeds 4 hours	... ...	double time for all time worked.

GUARANTEED WEEKLY REMUNERATION PAYABLE TO A FULL-TIME WORKER

13.—(1) Notwithstanding the other provisions of this Schedule, where in respect of any week the total remuneration (including holiday remuneration but excluding any amount payable in respect of overtime for work on a weekly short day and any additional payment for work on a Sunday) payable to a full-time worker under those other provisions is less than the guaranteed weekly remuneration provided under this paragraph, the minimum remuneration payable to that worker for that week shall be that guaranteed weekly remuneration with the addition of any amount and any additional payment excluded as aforesaid.

(2) The guaranteed weekly remuneration payable in respect of any week to a full-time worker is the remuneration to which he would be entitled under paragraph 3 or 4 for *40* hours' work in his normal occupation:

Provided that—

(*a*) where the worker normally works for the employer on work to which this Schedule applies for less than *40* hours in the 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, and the worker has informed his employer in writing that he does not so hold himself out, the guaranteed weekly remuneration shall be the remuneration to which the worker would be entitled (calculated as in paragraph 2) for the number of hours in the week normally worked by the worker for the employer on work to which this Schedule applies;

(*b*)' where in any week the worker at his request and with the written consent of his employer is absent from work during any part of his normal working hours on any day (other than a holiday allowed under Part II of this Schedule or a customary holiday or a holiday allowed to all persons employed in the undertaking or branch of an undertaking in which the worker is employed), the guaranteed weekly remuneration payable in respect of that week shall be reduced in respect of each day on which he is absent as aforesaid by one-sixth where the worker's normal working week is six days or by one-fifth where his normal working week is five days.

(3) Guaranteed weekly remuneration is not payable in respect of any week unless the worker throughout his normal working hours in that week (excluding any time allowed to him as a holiday or during which he is absent from work in accordance with proviso (*b*) to sub-paragraph (2) of this paragraph) is—

(*a*) capable of and available for work; and

(*b*) willing to perform such duties outside his normal occupation as the employer may reasonably require if his normal work is not available in the establishment in which he is employed.

(4) Guaranteed weekly remuneration is not payable in respect of any week if the worker's employment is terminated before the end of that week.

(5) If the employer is unable to provide the worker with work by reason of a strike or other circumstances beyond his control and gives the worker four clear days' notice to that effect, guaranteed weekly remuneration shall not be payable after the expiry of such notice in respect of any week during which or during part of which the employer continues to be unable to provide work as aforesaid:

Provided that in respect of the week in which the said notice expires there shall be paid to the worker in addition to any remuneration payable in respect of time worked in that week, any remuneration that would have been payable if the worker had worked his normal hours of work on every day in the week prior to the expiry of the notice.

PART II: ANNUAL HOLIDAY AND HOLIDAY REMUNERATION

ANNUAL HOLIDAY

14.—(1) Subject to the provisions of sub-paragraph (2) of this paragraph and paragraphs 15, 16 and 17, an employer shall, between the date on which this Schedule becomes effective and 31st October 1975, and in each succeeding year between 1st April and 31st October allow a holiday (hereinafter referred to as an "annual holiday") to every worker (other than a street newsvendor remunerated on a sessional and piece rate basis) in his employment to whom the Schedule applies who has been employed by him during the 12 months immediately preceding 1st April in that year for any one of the periods of employment (calculated in accordance with the provisions

of paragraph 22) set out in the first 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 or less
12 months	18 days	15 days
At least 11 months	16 „	13 „
„ 10 „	15 „	12 „
„ 9 „	13 „	11 „
„ 8 „	12 „	10 „
„ 7 „	10 „	8 „
„ 6 „	9 „	7 „
„ 5 „	7 „	6 „
„ 4 „	6 „	5 „
„ 3 „	4 „	3 „
„ 2 „	3 „	2 „
„ 1 month	1 day	1 day

(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 three times the number of days constituting the worker's normal working week;

(*b*) where a worker does not wish to take his annual holiday or part thereof during the holiday season in any year and, before the expiration of such holiday season, enters into an agreement in writing with his employer that the annual holiday or part thereof shall be allowed at a date or dates to be specified in that agreement, after the expiration of the holiday season but before the commencement of the next following holiday season, then any day or days of annual holiday so allowed shall be treated as having been allowed during the holiday season;

(*c*) where a worker has, on 1st August in any year, been in the employment of the employer for not less than six months, the duration of his annual holiday in that year shall be not less than the number of days constituting his normal working week;

(*d*) the duration of the worker's annual holiday during the holiday season ending on 31st October 1975, shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of Order R.N.T. (56), as amended, between 1st April 1975 and the date on which the provisions of this Schedule become effective.

(3) In this Schedule the expression "holiday season" means in relation to the year 1975 the period commencing on 1st April 1975, and ending on 31st October 1975, and in each succeeding year, the period commencing on 1st April and ending on 31st October of the same year.

ADDITIONAL ANNUAL HOLIDAY FOR CERTAIN WORKERS

15.—*In addition to the holidays specified in paragraph 14, an employer shall, between the date on which the provisions of this Schedule become effective and 31st October 1975, and thereafter in each year commencing on 1st April allow to every worker in his employment who has been employed by him at the 1st April 1975 or at 1st April in any succeeding year for a continuous period of not less than 3 years, the following further days of annual holiday (hereinafter referred to as "additional annual holiday") set out in the table below—*

Period of employment	Duration of annual holiday for workers with a normal working week of—			
	Six days	*Five days*	*Four days*	*Three days or less*
Five years or more	*6 days*	*5 days*	*4 days*	*3 days*
Three years or more	*2 days*	*2 days*	*1 day*	*1 day*

16. Where at any time between 1st January in any year and the commencement of the holiday season in the same year an employer, at the written request of a worker, allows to the worker any day or days of holiday (other than customary holidays or holidays in lieu of customary holidays) and pays him for the day or days so allowed an amount not less than the remuneration to which he would be entitled if each such day were a day of annual holiday allowed in the holiday season, then the duration of the annual holiday to be allowed to the worker under this Schedule in the holiday season in that year shall be reduced by the number of days of holiday so allowed before the commencement of the holiday season:

Provided that the annual holiday to be allowed to a worker in any one holiday season shall not be reduced in pursuance of this provision by more than six days.

17.—(1) Subject to the provisions of this paragraph, an annual holiday *or annual holiday and additional 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 *or annual holiday and additional annual holiday* for which a worker has qualified exceeds the number of days constituting his normal working week but does not exceed twice that number, the holiday may be allowed in three 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) Where the number of days of annual holiday *or annual holiday and additional annual holiday* for which a worker has qualified exceeds twice the number of days constituting his normal working week the holiday may be allowed as follows:—

(i) as to days not exceeding twice the number of days constituting his normal working week, in accordance with sub-paragraph (2) of this paragraph; and

(ii) as to any additional days, on working days which need not be consecutive, to be fixed by agreement between the employer and the worker or his representative either during the holiday season or before 1st April next following the holiday season.

(4) For the purposes of this paragraph, days of annual holiday *or additional annual holiday* shall be treated as consecutive notwithstanding that a customary holiday on which the worker is not required to work for the employer, or a holiday in lieu of a customary holiday, or a day on which he does not normally work for the employer intervenes.

(5) Where a customary holiday on which the worker is not required to work for the employer or a holiday in lieu of 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 customary holiday or holiday in lieu of a 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 a day on which the worker normally works for the employer (not being the worker's weekly short day) in the holiday season or after the holiday season in the circumstances specified in paragraph 14(2)(*b*) or 17(3)(ii).

(6) A day of annual holiday *or additional 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 1959:

Provided that where the total number of days of annual holiday allowed to a worker under this Schedule is less than the number of days in his normal working week, the said annual holiday shall be in addition to the said day of holiday or the said half-holiday.

18. 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.

REMUNERATION FOR ANNUAL HOLIDAY

19.—(1) Subject to the provisions of paragraph 20, a worker qualified to be allowed an annual holiday *or annual holiday and additional annual holiday* under this Schedule shall be paid by his employer, on the last pay day preceding such holiday, one day's holiday pay in respect of each day thereof.

(2) Where an annual holiday *or annual holiday and additional annual holiday* is taken in more than one period the holiday remuneration shall be apportioned accordingly.

20. Where any accrued holiday remuneration has been paid by the employer to the worker (in accordance with paragraph 21 of this Schedule or with Order R.N.T. (56), as amended,) 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 or of Order R.N.T. (56), as amended.

ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

21. Where a worker (other than a street newsvendor remunerated on a sessional and piece rate basis) ceases to be employed after the provisions of this Schedule become effective, the employer shall, immediately on the termination of the employment (hereinafter referred to as the "termination date"), pay to the worker as accrued holiday remuneration:—

(1) in respect of employment occurring in the 12 months up to 1st April immediately preceeding the termination date, a sum equal to the holiday remuneration for any days of annual holiday *and additional annual holiday* for which he has qualified except days of annual holiday *and additional 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 1st April immediately preceding the termination date, 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:

Provided that—

(*a*) no worker shall be entitled to the payment by his employer of accrued holiday remuneration if he is dismissed on the grounds of misconduct and is so informed by the employer at the time of dismissal;

(*b*) where, during the period or periods in respect of which the said accrued holiday remuneration is payable, the worker—

(i) has at his written request been allowed any day or days of holiday (other than days of holiday allowed by the employer under paragraph 16) for which he had not qualified under the provisions of this Schedule, any accrued holiday remuneration payable as aforesaid may be reduced by the amount of any sum paid by the employer to the worker in respect of such day or days of holiday ; or

(ii) has been allowed an annual holiday under paragraph 14(2)(*c*) of this Schedule or Order R.N.T. (56), as amended, any accrued holiday remuneration payable as aforesaid may be reduced by one day's holiday pay in respect of each day by which the said holiday exceeded the number of days of annual holiday to which he would have been entitled under the provisions of paragraph 14(1) or Order R.N.T. (56), as amended;

(*c*) where a worker is employed under a contract of service under which he is required to give not less than one week's notice before terminating his employment and the worker without the consent of his employer terminates his employment without having given not less than one week's notice or before one week has expired from the beginning of such notice, the amount of accrued holiday remuneration payable to the worker shall be the amount payable under the foregoing provisions of this paragraph less an amount equal to the statutory minimum remuneration which would be payable to him at the termination date for one week's work if working his normal working week and the normal number of daily hours worked by him.

CALCULATION OF EMPLOYMENT

22. For the purpose of calculating any period of employment qualifying a worker for an annual holiday *or additional annual holiday* or for any accrued holiday remuneration, the worker shall be treated as if he were employed for a month in respect of any month throughout which he has been in the employment of the employer.

PART III: GENERAL

DEFINITIONS

23. For the purposes of this Schedule—

"CARRYING CAPACITY" means the weight of the maximum load normally carried by the vehicle, and such carrying capacity when so established shall not be affected either by variations in the weight of the load resulting from collections or deliveries or emptying of containers during the course of the journey, or by the fact that on any particular journey a load greater or less than the established carrying capacity is carried.

"CLEANER" means, in paragraph 3, a worker engaged wholly or mainly in cleaning premises.

"CLERK GRADE I" means a worker engaged wholly or mainly on clerical work which includes responsibility for maintaining ledgers or wages books or for preparing financial accounts of the undertaking or of a branch or department thereof.

"CLERK GRADE II" means a worker, other than a Clerk Grade I, engaged wholly or mainly on clerical work.

"CUSTOMARY HOLIDAY" means—

(1)(*a*) Christmas Day;

26th December if it be not a Sunday;

27th December in a year when 25th or 26th December is a Sunday;

1st January if it be not a Sunday or, if it be a Sunday, 2nd January;

Good Friday;

Easter Monday;

the last Monday in May;

the last Monday in August; (or, where a day is substituted for any of the above days by national proclamation, that day) and any day proclaimed as a public holiday or additional bank holiday; and

(*b*) one other day (being a day on which the worker would normally work during the period commencing on 25th December and ending on the next following 8th January) to be fixed by the employer and notified to the worker not less than seven days before Christmas Day; or, where no such day has been so fixed and notified, the first day on which the worker would normally work following the said period;

or

(2) where in any establishment it is not the custom or practice to observe such days as are specified in (1)(*a*) above as holidays, such other days, not fewer in number, as may be substituted by agreement between the employer or his representative and the worker or his representative.

"DELIVERY WORKER" means a worker engaged wholly or mainly in the collection and delivery of newspapers, magazines or other periodicals.

"DOUBLE TIME", "QUARTER TIME", "TIME-AND-A-HALF" and "TIME-AND-A-QUARTER" mean, respectively, twice, one quarter of, one and a half times and one and a quarter times the hourly rate obtained by dividing by *40* the minimum remuneration to which the worker is entitled under the provisions of paragraph 3 or 4.

"FULL-TIME WORKER" means a worker (other than a street newsvendor remunerated on a sessional and piece rate basis) who normally works for the employer for at least 36 hours a week on work to which this Schedule applies.

"LONDON AREA", "PROVINCIAL A AREA", "PROVINCIAL B AREA" have the meanings respectively assigned to them in paragraph 24.

"MONTH" means the period commencing on a date of any number in one month and ending on the day before the date of the same number in the next month, or if the commencing date is the 29th, 30th or 31st day of a month and there is no date of the same number in the next month, then on the last day of that month.

"NEWSPAPERS SESSION" means any part or parts of any one day in which a street newsvendor is employed on the sale of one or more morning, evening or Sunday newspapers.

"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 12 months immediately preceding the commencement of the holiday season or, where accrued holiday remuneration is payable under paragraph 21 (2) on the termination of the employment, during the 12 months immediately preceding the termination date:

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 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 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 the same employer 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
,, ,, ,, ,, ,, five ,, ...	...	one-fifth
,, ,, ,, ,, ,, four,, ...	...	one-quarter
,, ,, ,, ,, ,, three ,, ...	...	one-third
,, ,, ,, ,, ,, two ,, ...	...	one-half
,, ,, ,, ,, ,, one day ...	...	the whole.

"SHOP MANAGER", "SHOP MANAGERESS" means a worker who is normally employed at, and is immediately in charge of the operation of, an undertaking or branch of an undertaking (but not of a department of an undertaking or branch) and who has immediate control of other workers, if any, employed at the undertaking or branch of the undertaking; and for the purpose of this definition, a worker shall not be deemed not to be immediately in charge of the operation of the undertaking or branch of the undertaking by reason only of being subject to the supervision of the employer or some person acting on his behalf, being in either case a person who is not normally wholly or mainly employed in the undertaking or branch of the undertaking.

"TRANSPORT WORKER" means a worker engaged wholly or mainly in driving a mechanically propelled or horse drawn road vehicle for the transport of goods and on work in connection with the vehicle and its load (if any) while on the road.

"WATCHMAN" means a worker wholly or mainly engaged in guarding the employer's premises for the prevention of theft, fire, damage or trespass.

"WEEK" means pay week.

"WEEKLY SHORT DAY" means that day in any week on which a worker is, in accordance with the provisions of section 17 of the Shops Act 1950, required not to be employed about the business of a shop after half-past one o'clock in the afternoon, or, where there is no such day, a working day in the week fixed by the employer and notified to the worker not later than the Saturday preceding the week during which it is to have effect, or, failing such notification, the last working day in the week.

AREAS

24.—(1) In this Schedule:—

(*a*) "LONDON AREA" means the Metropolitan Police District, as defined in the London Government Act 1963**(a)**, the City of London, the Inner Temple and the Middle Temple.

(*b*) "PROVINCIAL A AREA" means the areas administered by County Borough, Municipal Borough or Urban District Councils, except where they are included in the London area or are listed in (*c*) of this sub-paragraph.

(a) 1963 c. 33.

(*c*) "PROVINCIAL B AREA" means all areas not included in the London area administered by Rural District Councils, and the areas administered by the following Municipal Borough and Urban District Councils:—

ENGLAND (excluding Monmouthshire)

BEDFORDSHIRE
Ampthill
Sandy

BERKSHIRE
Wallingford
Wantage

BUCKINGHAMSHIRE
Buckingham
Linslade
Marlow
Newport Pagnell

CHESHIRE
Alsager
Longdendale

CORNWALL
Bodmin
Bude Stratton
Fowey
Helston
Launceston
Liskeard
Looe
Lostwithiel
Padstow
Penryn
St. Just
Torpoint

DERBYSHIRE
Bakewell
Whaley Bridge
Wirksworth

DEVON
Ashburton
Buckfastleigh
Budleigh Salterton
Crediton
Dartmouth
Great Torrington
Holsworthy
Honiton
Kingsbridge
Lynton
Northam
Okehampton
Ottery St. Mary
Salcombe
Seaton
South Molton
Tavistock
Totnes

DORSET
Blandford Forum
Lyme Regis
Shaftesbury
Sherborne
Wareham
Wimborne Minster

DURHAM
Barnard Castle
Tow Law

ELY, ISLE OF
Chatteris

ESSEX
Brightlingsea
Burnham-on-Crouch
Saffron Walden
West Mersea
Wivenhoe

GLOUCESTERSHIRE
Nailsworth
Tewkesbury

HEREFORDSHIRE
Bromyard
Kington
Ledbury

HERTFORDSHIRE
Baldock
Chorleywood
Royston
Sawbridgeworth

HUNTINGDONSHIRE
Huntingdon and Godmanchester
Ramsey
St. Ives
St. Neots

KENT
Lydd
New Romney
Queenborough
Sandwich
Tenterden

LANCASHIRE
Carnforth
Grange

LINCOLNSHIRE
Alford
Barton-upon-Humber
Bourne
Brigg
Horncastle
Mablethorpe and Sutton
Market Rasen
Woodhall Spa

NORFOLK
Cromer
Diss
Downham Market
Hunstanton
North Walsham
Sheringham
Swaffham
Thetford
Wells-next-the-Sea
Wymondham

NORTHAMPTONSHIRE
Brackley
Burton Latimer
Higham Ferrers
Oundle

NORTHUMBERLAND
Alnwick
Amble

OXFORDSHIRE
Bicester
Chipping Norton
Thame
Woodstock

RUTLAND
Oakham

SHROPSHIRE
Bishop's Castle
Church Stretton
Ellesmere
Market Drayton
Newport
Wem

ENGLAND (excluding Monmouthshire)—contd.

SOMERSET
Chard
Crewkerne
Glastonbury
Ilminster
Portishead
Shepton Mallet
Street
Watchet
Wellington

SUFFOLK
Aldeburgh
Beccles
Bungay
Eye
Hadleigh
Halesworth
Haverhill
Leiston-cum-Sizewell
Saxmundham
Southwold
Sudbury
Stowmarket
Woodbridge

SUSSEX
Arundel
Rye

WESTMORLAND
Appleby
Lakes

WILTSHIRE
Bradford-on-Avon
Calne
Malmesbury
Marlborough
Melksham
Westbury
Wilton

WORCESTERSHIRE
Bewdley
Droitwich

YORKSHIRE
Hedon
Hornsea
Malton
Norton
Pickering
Richmond
Tickhill
Withernsea

WALES AND MONMOUTHSHIRE

ANGLESEY
Amlwch
Beaumaris
Llangefni
Menai Bridge

BRECONSHIRE
Builth Wells
Hay
Llanwrtyd Wells

CAERNARVONSHIRE
Bethesda
Betws-y-Coed
Criccieth
Llanfairfechan
Penmaenmawr
Portmadoc
Pwllheli

CARDIGANSHIRE
Aberayron
Cardigan
Lampeter
New Quay

CARMARTHENSHIRE
Cwmamman
Kidwelly
Llandeilo
Llandovery
Newcastle Emlyn

DENBIGHSHIRE
Llangollen
Llanrwst
Ruthin

FLINTSHIRE
Buckley
Mold

GLAMORGAN
Cowbridge

MERIONETHSHIRE
Bala
Barmouth
Dolgellau
Towyn

MONMOUTHSHIRE
Caerleon
Chepstow
Usk

MONTGOMERYSHIRE
Llanfyllin
Llanidloes
Machynlleth
Montgomery
Newtown and Llanllwchaiarn
Welshpool

PEMBROKESHIRE
Fishguard and Goodwick
Narberth
Neyland
Tenby

RADNORSHIRE
Knighton
Llandrindod Wells
Presteigne

(2) Any reference in this paragraph to a local government area shall be construed as a reference to that area as it was on 23rd April 1961, unless otherwise stated.

WORKERS TO WHOM THIS SCHEDULE APPLIES

25.—(1) Subject to the provisions of paragraph 26 the workers to whom this Schedule applies are the following workers, being workers employed in England and Wales:—

(*a*) street newsvendors; and

(*b*) workers employed in any undertaking or any branch or department of an undertaking, being an undertaking, branch or department engaged—

(i) wholly or mainly in the retail newsagency, tobacco and confectionery trades; or

(ii) wholly or mainly in those trades and one or more of the groups of retail distributive trades set out in the Appendix hereto, and to a greater extent in the retail newsagency, tobacco and confectionery trades than in any one of those groups:

Provided that if a branch or department of an undertaking is not so engaged this Schedule shall not apply to workers employed in that branch or department (notwithstanding that the undertaking as a whole is so engaged), except in the case of workers as respects their employment in a department of that branch if that department is so engaged.

(2) For the purpose of this paragraph:—

(*a*) in determining the extent to which an undertaking or branch or department of an undertaking is engaged in a group of trades regard shall be had to the time spent in the undertaking, branch or department on work in that group of trades;

(*b*) an undertaking or branch or department of an undertaking which is engaged in any operations in a group of trades shall be treated as engaged in that group of trades.

26. This Schedule does not apply to any of the following workers in respect of their employment in any of the following circumstances, that is to say:—

(1) workers in relation to whom any Wages Council (which was immediately before 30th May 1959 a Wages Board established under the Catering Wages Act 1943(**a**)) operates in respect of any employment which is for the time being within the field of operation of that Wages Council;

(2) workers in relation to whom the Road Haulage Wages Council operates in respect of any employment which is within the field of operation of that Wages Council;

(3) workers employed on post office business;

(4) workers employed on the maintenance or repair of buildings, plant, equipment or vehicles (but not including workers employed as cleaners);

(5) workers employed in any ship (which includes every description of vessel used in navigation);

(6) workers employed as watchmen;

(7) workers employed as delivery workers for not more than 2 hours per day and for not more than 12 hours per week;

(8) workers employed by British Transport Hotels Limited in kiosks on railway stations.

(**a**) 1943 c. 24.

27. For the purpose of this Schedule the retail newsagency, tobacco and confectionery trades consist of:—

(1) the sale by retail of the following articles—

(*a*) newspapers, magazines and other periodicals;

(*b*) tobacco, cigars, cigarettes, snuff and smokers' requisites;

(*c*) articles of sugar confectionery and chocolate confectionery and ice-cream;

(2) operations in or about the shop or other place where any of the articles specified in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale;

(3) operations in connection with the warehousing or storing of any of the articles specified in (1) above for the purpose of the sale thereof by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail;

(4) operations in connection with the transport of any of the articles specified in (1) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) above; and

(5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles specified in (1) above and relating to such sale or to any of the operations specified in (2) to (4) above.

APPENDIX TO PARAGRAPH 25

GROUPS OF RETAIL DISTRIBUTIVE TRADES

Group 1.—The Retail Food Trades, that is to say, the sale by retail of food or drink for human consumption and operations connected therewith including:—

(i) operations in or about the shop or other place where the food or drink aforesaid is sold, being operations carried on for the purpose of such sale or otherwise in connection with such sale;

(ii) operations in connection with the warehousing or storing of such food or drink for the purpose of sale by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where such food or drink is sold by retail;

(iii) operations in connection with the transport of such food or drink when carried on in conjunction with its sale by retail or with the warehousing or storing operations specified in (ii) above; and

(iv) clerical or other office work carried on in conjunction with the sale by retail aforesaid and relating to such sale or to any of the operations in (i) to (iii) above;

but excluding

the sale by retail of bread, pastry or flour confectionery (other than biscuits or meat pastries) or the sale by retail of meat (other than bacon, ham, pressed beef, sausages, or meat so treated as to be fit for human consumption without further preparation or cooking) or the sale by retail of milk (other than dried or condensed milk) or the sale by retail of ice-cream, aerated waters, chocolate confectionery or sugar confectionery, or the sale of food or drink for immediate consumption.

For the purpose of this definition "sale by retail" includes any sale of food or drink to a person for use in connection with a catering business carried on by him, when such sale takes place at or in connection with a shop engaged in the retail sale of food or drink to the general public.

Group 2. The Retail Furnishing and Allied Trades, that is to say:

(1) the sale by retail of the following articles:-

(*a*) household and office furniture, including garden furniture, mattresses, floor coverings and mirrors, but excluding billiard tables, clocks, pianos, gramophones and pictures;

(*b*) ironmongery, turnery and hardware, of kinds commonly used for household purposes, including gardening implements;

(*c*) hand tools;

(*d*) woodware, basketware, glassware, potteryware, chinaware, brassware, plasticware and ceramic goods, being articles or goods of kinds commonly used for household purposes or as household ornaments;

(*e*) electrical and gas appliances and apparatus of kinds commonly used for household purposes (excluding clocks), and accessories and component parts thereof;

(*f*) heating, lighting and cooking appliances and apparatus, of kinds commonly used for household purposes, and accessories and component parts thereof;

(*g*) radio and television sets and their accessories and component parts;

(*h*) pedal cycles and their accessories and component parts;

(*i*) perambulators, push chairs and invalid carriages;

(*j*) toys, indoor games, requisites for outdoor games, gymnastics and athletics, but excluding billiard tables and sports clothing;

(*k*) saddlery, leather goods (other than articles of wearing apparel and ladies' handbags) and travel goods;

(*l*) paint, distemper and wallpaper, and oils of kinds commonly used for household purposes (excluding petrol and lubricating oils);

(*m*) brushes, mops and brooms, used for household purposes, and similar articles;

(*n*) disinfectants, chemicals, candles, soaps and polishes, of kinds commonly used for household purposes;

(2) operations in or about the shop or other place where any of the articles specified in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale;

(3) operations in connection with the warehousing or storing of any of the articles specified in (1) for the purpose of the sale thereof by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail;

(4) operations in connection with the transport of any of the articles specified in (1) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) above; and

(5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles specified in (1) above and relating to such sale or to any of the operations specified in (2) to (4) above;

and for the purpose of this definition the sale by retail of any of the articles specified in (1) above does not include sale by auction (except where the auctioneer sells articles by retail which are his property or the property of his master) but includes the sale of any of the articles therein specified to a person for use in connection with a trade or business carried on by him if such sale takes place at or in connection with a shop engaged in the retail sale to the general public of any of the said articles.

Group 3.—The Retail Drapery, Outfitting and Footwear Trades, that is to say:—

(1) the sale by retail of the following articles:—

(*a*) wearing apparel of all kinds (including footwear, headwear and handwear) and accessories, trimmings and adornments for wearing apparel (excluding jewellery and imitation jewellery);

(*b*) haberdashery;

(*c*) textile fabrics in the piece, leather cloth, plastic cloth and oil cloth (but not including carpets, linoleum and other kinds of floor covering);

(*d*) knitting, rug, embroidery, crochet and similar wools or yarns;

(*e*) made-up household textiles (but excluding mattresses and floor coverings);

(*f*) umbrellas, sunshades, walking sticks, canes and similar articles;

(*g*) ladies' handbags;

(2) operations in or about the shop or other place where any of the articles included in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in conjunction with such sale;

(3) operations in connection with the warehousing or storing of any of the articles included in (1) above for the purpose of the sale thereof by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail;

(4) operations in connection with the transport of any of the articles included in (1) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) above; and

(5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles included in (1) above and relating to such sale or to any of the operations specified in (2) to (4) above;

and for the purpose of this definition the sale by retail of any of the articles in (1) above includes the sale of that article to a person for use in connection with a trade or business carried on by him if such sale takes place at or in connection with a shop engaged in the retail sale to the general public of any of the articles included in (1) above.

Group 4.—The Retail Bookselling and Stationery Trades, that is to say:—

(1) the sale by retail of the following articles:—

(*a*) books (excluding printed music and periodicals);

(*b*) all kinds of stationery including printed forms, note books, diaries and similar articles, and books of kinds used in an office or business for the purpose of record;

(*c*) pens, pencils, ink, blotting paper and similar articles;

(*d*) maps and charts;

(*e*) wrapping and adhesive paper, string, paste and similar articles;

(2) operations in or about the shop or other place where any of the articles specified in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale;

(3) operations in connection with the warehousing or storing of any of the articles specified in (1) above for the purpose of the sale thereof by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail;

(4) operations in connection with the transport of any of the articles specified in (1) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) above; and

(5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles specified in (1) above and relating to such sale or to any of the operations specified in (2) to (4) above.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which has effect from 30th June 1975, sets out the increased statutory minimum remuneration payable and the holidays and holiday remuneration to be allowed to workers in relation to whom the Retail Newsagency, Tobacco and Confectionery Trades Wages Council (England and Wales) operates, in substitution for the statutory minimum remuneration and holidays and holiday remuneration set out in the Wages Regulation (Retail Newsagency, Tobacco and Confectionery) (England and Wales) Order 1974 (Order R.N.T. (56)) as amended by the Wages Regulation (Retail Newsagency, Tobacco and Confectionery) (England and Wales) (Amendment) Order 1974 (Order R.N.T. (58)), which orders are revoked.

New provisions are printed in italics.

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