	Per hour.	Per week of 48 hours.
(*b*) Female workers aged:—	s. d.	s. d.
20 years or over	*1 4*	*64 0*
19 and under 20 years	*1 3½*	*62 0*
18 „ „ 19 „	1 1¾	55 0
17 „ „ 18 „	*1 0*	*48 0*
16 „ „ 17 „	*10½*	*42 0*

	Per hour.	Per week of 44 hours.
	s. d.	s. d.
Under 16 years	*9½*	*34 10*"

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 29th March, 1950, amends the Aerated Waters Wages Council (Scotland) Wages Regulation Order, 1948 (Order A.S. (28)), by increasing the statutory minimum remuneration payable to workers in relation to whom the Council operates. New provisions are printed in italics.

The Aerated Waters Wages Council (Scotland) Wages Regulation (No. 2) Order, 1950

1950 No. 1596

Made - - - - *27th September,* 1950
Coming into Operation *1st November,* 1950

A.S. (32)

Whereas the Minister of Labour and National Service (hereinafter in this Order referred to as " the Minister ") has received from the Aerated Waters Wages Council (Scotland) (hereinafter in this Order referred to as " the Council ")

(*a*) the wages regulation proposals set out in the First Schedule hereto, being proposals for requiring workers in relation to whom the Council operates to be allowed holidays by their employers and for fixing holiday remuneration to be paid by their employers to those workers in substitution for the holidays provided for by a direction given and the holiday remuneration fixed under the Holidays with Pay Act, 1938(**a**), and confirmed by the Order of the Minister of Labour dated the 23rd day of June, 1939 (hereinafter in this Order referred to as " Order A.S. (12) "), as amended by the Aerated Waters Wages Council (Scotland) Wages Regulation Order, 1948(**b**) (hereinafter in this Order referred to as " Order A.S. (28) "), and

(*b*) the wages regulation proposals set out in the Second Schedule hereto, being proposals for amending Order A.S. (28) as amended by the Aerated Waters Wages Council (Scotland) Wages Regulation Order,

(a) 1 & 2 Geo. 6. c. 70. (b) S.I. 1948 (No. 133) I, p. 4431.

1950(a) (hereinafter in this Order referred to as "Order A.S. (31)"), which fixed the minimum remuneration to be paid by their employers to workers in relation to whom the Council operates;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 10 of the Wages Councils Act, 1945(b), and of all other powers in that behalf, hereby makes the following Order:—

Short title and interpretation

1.—(1) This Order may be cited as the Aerated Waters Wages Council (Scotland) Wages Regulation (No. 2) Order, 1950.

(2) In this Order the expression "the specified date" means the 1st day of November, 1950, provided that where as respects any worker who is paid wages at intervals not exceeding seven days that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

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

Fixing of holidays and holiday remuneration and revocation of Order A.S. (12)

2.—(1) Effect is hereby given to the said wages regulation proposals set out in the First Schedule hereto.

(2) The provisions of the First Schedule hereto shall have effect as from the specified date and as from that date Order A.S. (12) as amended by Order A.S. (28) shall cease to have effect.

Amendment of Order A.S. (28) *as amended by Order A.S.* (31)

3.—(1) Effect is hereby given to the said wages regulation proposals set out in the Second Schedule hereto.

(2) The provisions of the Second Schedule hereto shall have effect as from the specified date.

Signed by order of the Minister of Labour and National Service this 27th day of September, 1950.

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

FIRST SCHEDULE
HOLIDAYS AND HOLIDAY REMUNERATION

The following provisions as to holidays and holiday remuneration shall be substituted for the provisions as to holidays and holiday remuneration set out in Order A.S. (12) as amended by Order A.S. (28).

PART I
APPLICATION

Paragraph 1

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

(a) S.I. 1950 No. 360, p. 1226 above. (b) 8 & 9 Geo. 6. c. 17.
(c) 52 & 53 Vict. c. 63.

PART II

CUSTOMARY HOLIDAYS

Paragraph 2

(1) *An employer shall allow to every worker in his employment 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 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 three working days on which work was available to him immediately preceding the customary holiday.*

(2) *The said customary holidays are:—*

(a) *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 would normally work) 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 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 such holiday on which he so works, the worker shall be entitled to be allowed a day's holiday (hereinafter in this Schedule referred to as a "holiday in lieu of a customary holiday") on a week day on which he would normally work within the period of 28 days 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) *In addition to the holidays specified in Part II of this Schedule and subject to the provisions of sub-paragraph (2) of this paragraph and to the provisions of paragraph 4 of this Schedule, an employer shall, between the 1st day of April and the 31st day of October, 1951, and in each succeeding year between the 1st day of April and the 31st day of October (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 in that year for any one of the periods of employment (calculated in accordance with the provisions of paragraph 10 of this*

Schedule) 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 holiday for workers with a normal working week of—*			
	Six days	*Five days*	*Four days*	*Three days or less*
Column 1	*Column 2*	*Column 3*	*Column 4*	*Column 5*
At least 48 weeks	*12 days*	*10 days*	*8 days*	*6 days*
,, ,, *44* ,, ...	*11* ,,	*9* ,,	*7* ,,	*5* ,,
,, ,, *40* ,, ...	*10* ,,	*8* ,,	*6* ,,	*5* ,,
,, ,, *36* ,, ...	*9* ,,	*7* ,,	*6* ,,	*4* ,,
,, ,, *32* ,, ...	*8* ,,	*6* ,,	*5* ,,	*4* ,,
,, ,, *28* ,, ...	*7* ,,	*5* ,,	*4* ,,	*3* ,,
,, ,, *24* ,, ...	*6* ,,	*5* ,,	*4* ,,	*3* ,,
,, ,, *20* ,, ...	*5* ,,	*4* ,,	*3* ,,	*2* ,,
,, ,, *16* ,, ...	*4* ,,	*3* ,,	*2* ,,	*2* ,,
,, ,, *12* ,, ...	*3* ,,	*2* ,,	*2* ,,	*1 day*
,, ,, *8* ,, ...	*2* ,,	*1 day*	*1 day*	*1* ,,
,, ,, *4* ,, ...	*1 day*	*1* ,,	—	—

(2) Notwithstanding the provisions of the last foregoing sub-paragraph the number of days of annual holiday to which a worker is entitled in any holiday season shall not exceed in the aggregate *twice* the number of days constituting the worker's normal working week.

Paragraph 4

Annual holidays shall be allowed on consecutive working days, being days on which the worker is normally called upon to work for the employer, and days of annual holiday shall be treated as consecutive, notwithstanding that some other holiday intervenes.

Provided that—

(1) Where the duration of an annual holiday to which a worker is entitled exceeds the period constituting the worker's normal working week the said holiday may be allowed in two separate periods of such consecutive working days, and in that event, notwithstanding the foregoing provisions of this Schedule, the worker shall be allowed the said annual holiday as follows :—

(a) as to one period, not being less than the period constituting the worker's normal working week, during the said holiday season, and

(b) as to the other period at any time during the holiday season or thereafter within the period ending on the 31st day of March immediately following the holiday season.

(2) One day of the annual holiday may be allowed on a non-consecutive working day falling within the holiday season (or after the holiday season in the circumstances specified in proviso (1) (b) of this paragraph) where the said annual holiday or, as the case may be, such separate period, is allowed immediately after a customary holiday or so that such a holiday intervenes.

Paragraph 5

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.

PART IV

REMUNERATION FOR 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 appropriate statutory minimum remuneration to which he would have been entitled if the day had not been a day of holiday and he had been employed on work to which statutory minimum remuneration applies 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 each of the first two working days following the 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 second working day following the 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 are paid for the second working day following the holiday in lieu of a customary holiday. 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 condition specified in sub-paragraph (1) of this paragraph shall not apply.

REMUNERATION FOR ANNUAL HOLIDAYS

Paragraph 7

(1) Subject to the provisions of paragraph 8 of this Schedule, a worker entitled to be allowed an annual holiday under this Schedule shall be paid by his employer, on the last pay-day preceding such annual holiday, one day's holiday pay (as defined in paragraph 12 of this Schedule) in respect of each day thereof.

(2) Where under the provisions of paragraph 4 of this Schedule an annual holiday is taken 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 A.S. (12)) 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 any of the said periods 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

Subject to the provisions of this paragraph, if a worker ceases to be employed before being entitled to be allowed an annual holiday or before being allowed the whole of any annual holiday to which he is entitled under this Schedule, the employer shall, immediately on the termination of the employment (hereinafter called "the termination date"), pay to the worker as accrued holiday remuneration:—

(i) in respect of any period of employment occurring before the 1st day of April immediately preceding the termination date, an amount equal to the holiday remuneration to which the worker would have been entitled under the provisions of paragraph 7 of this Schedule if he had been allowed an annual holiday in respect of that period of employment at the termination date, LESS any holiday remuneration already paid for any day or days of annual holiday allowed subsequently to the 1st day of April aforesaid in respect of that period of employment and,

(ii) in respect of any period of employment since the 31st day of March immediately preceding the termination date, an amount equal to one day's holiday pay (as defined in paragraph 12 of this Schedule) multiplied by the number of days of annual holiday to which the worker would have been entitled under the provisions of paragraph 3 of this Schedule if by virtue of such period of employment he could have taken an annual holiday at the termination date, LESS any accrued holiday remuneration already paid by the employer to the worker in accordance with this paragraph or in accordance with the provisions of Order A.S. (12) in respect of that period.

Provided that no worker shall be entitled to the payment by his employer of accrued holiday remuneration if he is dismissed on the grounds of misconduct and is so informed by the employer at the time of dismissal.

PART V

GENERAL

Paragraph 10

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

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

(i) he has worked for the employer for not less than 24 hours and has performed some work to which statutory minimum remuneration applies; or

(ii) he has been absent throughout the week by reason of proved illness or accident (provided that the number of weeks which may be treated as weeks of employment for such reason shall not exceed eight in any such period as aforesaid); 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 eight in any such period as aforesaid, and the number of consecutive weeks so treated shall not exceed two at any one time); and

(*b*) as if he were employed on any day of holiday allowed under the provisions of this Schedule, and for the purpose 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 for the employer for the number of hours ordinarily worked by him on that day of the week on work to which statutory minimum remuneration applies.

Paragraph 11

Where any day of annual holiday allowed to any worker under this Schedule falls upon a day of holiday or a half-holiday to which the worker may be entitled under any enactment other than the Wages Councils Act, 1945, the annual holiday shall be in addition to the said day of holiday but the said half-holiday shall be treated as part of the annual holiday.

Paragraph 12

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 while in the employment of the employer during the twelve months immediately preceding the commencement of the holiday season, or, where under paragraph 9 of this Schedule, accrued holiday remuneration is payable on the termination of the employment, during the twelve months immediately preceding the 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 worker's weekly remuneration, that is to say,

where the worker's normal working week is six days—one-sixth

where the worker's normal working week is five days—one-fifth

where the worker's normal working week is four days—one-quarter

where the worker's normal working week is three days—one-third

where the worker's normal working week is two days—one-half

where the worker's normal working week is one day—the whole,

and in this definition, "weekly remuneration" means the remuneration which the worker would be entitled to receive from the employer at the date of the holiday or, where accrued holiday remuneration is payable, at the termination date, for one week's work

(a) if working his normal working week and the daily number of hours normally worked by him (exclusive of overtime); and

(b) if paid at the appropriate rate of statutory minimum remuneration for work to which statutory minimum remuneration applies and at the same rate for any work for the same employer to which such remuneration does not apply.

"Statutory minimum remuneration" means minimum remuneration (other than holiday remuneration) fixed by a wages regulation order made by the Minister to give effect to proposals submitted to him by the Council.

"Week" means "pay week."

Paragraph 13

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

STATUTORY MINIMUM REMUNERATION

Order A.S. (28) as amended by Order A.S. (31) shall have effect as if in the First Schedule thereto for paragraph 4 there were substituted the following paragraph:—

"Paragraph 4

(1) Minimum overtime rates are payable to a worker to whom this Schedule applies as follows:—

(*a*) on a Sunday or a *customary holiday*, for all time worked	DOUBLE TIME
(*b*) in any week, exclusive of any time in respect of which an overtime rate is payable under the provisions of (*a*) of this sub-paragraph, for all time worked in excess of 48 hours	TIME-AND-A-HALF

(2) In this part of this Schedule—

(i) the expressions 'time-and-a-half' and 'double time' mean respectively:—

(*a*) in the case of a time worker, one and a half times and twice the hourly general minimum time rate otherwise payable to the worker;

(*b*) in the case of a worker employed on piece work, one and a half times and twice the piece rates otherwise payable to the worker under paragraph 1 (*b*) of this Schedule.

(ii) the expression 'customary holiday' means—

(a) 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 would normally work) 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 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."

EXPLANATORY NOTE

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

This Order has effect from the 1st November, 1950, and revokes Order A.S. (12) (as amended).

The First Schedule increases the annual holidays and fixes certain other days of holiday which an employer is required to allow to workers in relation to whom the Aerated Waters Wages Council (Scotland) operates. In addition it fixes the remuneration payable to such workers for those holidays.

The Second Schedule amends Order A.S. (28) (which, as amended by Order A.S. (31), fixed the statutory minimum remuneration payable to workers in relation to whom the Council operates) by providing a minimum overtime rate payable to a worker for time worked on a customary holiday.

New provisions in the Schedules are printed in italics.