## EXPLANATORY NOTE

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

1. This Order, which has effect from the 27th August, 1948, revokes the Baking Wages Council (Scotland) Wages Regulation Order, 1947 (Order BKS (13)), which fixed the statutory minimum remuneration payable to workers in relation to whom the Council operates, and substitutes the statutory minimum remuneration set out in the First Schedule to this Order.

2. The provisions of the First Schedule to this Order which differ from those in the Schedule to Order BKS (13) are set out in italics.

3. The Order also amends, in the manner set out in the Second Schedule, the Baking Wages Council (Scotland) Wages Regulation (Holidays) Order, 1947 (Order BKS (14)), which fixed the holidays and holiday remuneration which an employer is required to allow to workers in relation to whom the Council operates.

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### (3) BOOT AND FLOOR POLISH (G.B.)

# The Boot and Floor Polish Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1948

## 1948 No. 1023

*Made* - - - - 13*th May*, 1948

B.P. (29)

Whereas the Minister of Labour and National Service (hereinafter referred to as " the Minister ") has received from the Boot and Floor Polish Wages Council (Great Britain) (hereinafter referred to as " the Council ") the wages regulation proposals set out in the 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 and confirmed by the Order of the Minister of Labour dated the 14th day of June, 1939 (hereinafter referred to as " Order B.P.(8)") as amended by the Boot and Floor Polish Wages Council (Great Britain) Wages Regulation Order, 1946(a) (hereinafter referred to as " Order B.P.(27)");

1 & 2 Geo. 6, c. 70.

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

8 & 9 Geo. 6, c. 17.

Short title and interpretation.

**1.**—(1) This Order may be cited as the Boot and Floor Polish Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1948.

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(a) S.R. & O. 1946 (No. 1438) I, p. 1749.

(2) In this Order the expression " the specified date " means the 31st day of May, 1948, 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, applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament. 52 & 53 Vict. c. 63.

Fixing of holidays and holiday remuneration and revocation of Order B.P. (8).

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

(2) The provisions of the Schedule hereto shall have effect as from the specified date and as from that date Order B.P. (8) as amended by Order B.P. (27) (a) shall cease to have effect.

Signed by order of the Minister of Labour and National Service this 13th day of May, 1948.

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

## SCHEDULE

The following provisions as to holidays and holiday remuneration shall be substituted for the provisions as to holidays and holiday remuneration set out in Order B.P.(8) as amended by Order B.P.(27).

### PART I

### APPLICATION

Paragraph 1

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

### PART II

### CUSTOMARY HOLIDAYS

Paragraph 2

(1) An employer shall allow to every worker to whom this Schedule applies a holiday (hereinafter referred to as a " customary holiday ") in each year on the days specified in the following sub-paragraph provided that the worker has been in his employment for a period of not less than two weeks immediately preceding the 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, or accident to, the worker) has worked for the employer throughout the last working day on which work was available to him immediately preceding the holiday.

(2) The said customary holidays are:—

(*a*) (i) In England and Wales—

Christmas Day (or, if Christmas Day falls on a Sunday, such other week day as may be appointed by national proclamation, or, if none is so appointed, the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday and August Bank Holiday.

(a) S.R. & O. 1946 (No. 1438) I, p. 1749.

(ii) In Scotland—

New Year's Day (or, if New Year's Day falls on a Sunday, the following Monday);

the local Spring holiday;

the local Autumn holiday; and

three other days (being days on which the worker normally works) in the course of a calendar year to be fixed by the employer and notified to the worker not less than three weeks before the holiday;

or (*b*) in the case of each of the said days (other than a day fixed by the employer in Scotland and notified to the worker as aforesaid) a day substituted by the employer therefor, being a day recognised by local custom as a day of holiday in substitution for the said day.

(3) Notwithstanding the preceding provisions of this paragraph, an employer may (except where in the case of a woman or young person such a requirement would be unlawful) require a worker who is otherwise entitled to any customary holiday under the foregoing provisions of this Schedule to work thereon, and, in lieu of any holiday on which he so works, the worker shall be entitled to be allowed a day's holiday (hereinafter referred to as a " holiday in lieu of a customary holiday ") on a week day, being a day upon which he would normally work, 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) In addition to the customary holidays specified in Part II of this Schedule and subject to the provisions of sub-paragraph (2) of this paragraph, an employer shall before the 30th day of September, 1948, and between the 1st day of May and the 30th day of September in each subsequent year, allow a holiday (hereinafter referred to as an " annual holiday ") to every worker in his employment to whom this Schedule applies who was employed by him during the twelve months immediately preceding the commencement of the holiday season for any of the periods specified below, and the duration of the annual holiday shall be related to the worker's period of employment during that twelve months as follows:—

| Period of employment | Duration of holiday |
|---|---|
| At least 48 weeks ... ... | 6 days |
| ,, ,, 40 ,, ... ... | 5 ,, |
| ,, ,, 32 ,, ... ... | 4 ,, |
| ,, ,, 24 ,, ... ... | 3 ,, |
| ,, ,, 16 ,, ... ... | 2 ,, |
| ,, ,, 8 ,, ... ... | 1 day |

(2) Notwithstanding the provisions of sub-paragraph (1) of this paragraph—

(*a*) the number of days of annual holiday to which a worker is entitled in any holiday season shall not exceed in the aggregate the period constituting the worker's normal working week;

(*b*) the worker shall not be entitled to be allowed an annual holiday during the holiday season ending on the 30th day of September, 1948, if he has been duly allowed an annual holiday by the employer under the provisions of the Minister of Labour's Confirming Order B.P. (8), as amended by Order B.P. (27), between the first day of May, 1948, and the date on which the provisions of this Schedule become effective.

(3) In this Schedule the expression " holiday season " means in relation to an annual holiday during the year 1948, the period commencing on the 1st day of May and ending on the 30th day of September, 1948, and in relation to each subsequent year the period commencing on the 1st day of May and ending on the 30th day of September in that year.

Paragraph 4.

An annual holiday shall be allowed on consecutive working days, being days upon which the worker is normally called upon to work, and days of holiday shall be treated as consecutive notwithstanding the intervention of a Sunday, a customary holiday, a holiday in lieu of a customary holiday, or a day upon which the worker is not normally called upon to work for the employer.

Paragraph 5.

An employer shall give to a worker reasonable notice of the commencing date and duration of his annual holiday. Such notice may be given individually to a worker or by the posting of a notice in the place where the worker is employed.

PART IV

CUSTOMARY HOLIDAYS—HOLIDAY REMUNERATION

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 as a time worker 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 the first working day following the holiday and works throughout that day.

(2) Holiday remuneration in respect of any customary holiday shall be paid by the employer to the worker on the pay day on which wages are payable for the first working day following the said holiday.

(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 that holiday in lieu 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 such holiday in lieu of a customary holiday.

ANNUAL HOLIDAYS

Paragraph 7

(1) Subject to the provisions of this paragraph and of paragraph 10 of this Schedule, a worker entitled to be allowed an annual holiday under this

Schedule shall be paid by his employer in respect thereof, on the last pay day preceding such annual holiday, remuneration in accordance with the next following Table:—

TABLE OF ANNUAL HOLIDAY REMUNERATION

| Col. 1 Period of annual holiday | Col. 2 Annual holiday remuneration for workers with a normal working week of— | | | | Col. 3 Amount of holiday remuneration for full normal working week |
|---|---|---|---|---|---|
| | 6 days | 5 days | 4 days | 3 days | |
| 6 days ... | The amount in Col. 3 | — | — | — | The amount which the worker would be entitled to receive from his employer, at the date when the holiday remuneration is payable, for a week's work, if working his normal working week and the number of daily hours usually worked by him (exclusive of overtime), and if paid at the appropriate statutory minimum remuneration for time work, fixed by a wages regulation order in respect of the worker for work to which that order applies, and at the same rate for work (if any) to which that order does not apply. |
| 5 days ... | Five-sixths of the amount in Col. 3 | The amount in Col. 3 | — | — | |
| 4 days ... | Two-thirds of the amount in Col. 3 | Four-fifths of the amount in Col. 3 | The amount in Col. 3 | — | |
| 3 days ... | One-half of the amount in Col. 3 | Three-fifths of the amount in Col. 3 | Three-quarters of the amount in Col. 3 | The amount in Col. 3 | |
| 2 days ... | One-third of the amount in Col. 3 | Two-fifths of the amount in Col. 3 | One-half of the amount in Col. 3 | Two-thirds of the amount in Col. 3 | |
| 1 day ... | One-sixth of the amount in Col. 3 | One-fifth of the amount in Col. 3 | One-quarter of the amount in Col. 3 | One-third of the amount in Col. 3 | |

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

Paragraph 8

If a worker ceases to be employed by an employer before being allowed or entitled to be allowed an annual holiday under this Schedule the employer shall, immediately on the termination of the employment, pay to the worker any holiday remuneration which has accrued to that worker in accordance with the provisions of the next following paragraph.

Paragraph 9

(1) Subject to the provisions of this paragraph, holiday remuneration shall accrue to a worker during the period of twelve months commencing on the 1st day of May, 1947, and thereafter in each successive period of twelve months commencing on the 1st day of May and such holiday remuneration shall accrue in accordance with the provisions of the next following Table:—

TABLE OF ACCRUED ANNUAL HOLIDAY REMUNERATION

| Col. 1<br>Period of employment | Col. 2<br>Accrued annual holiday remuneration for workers with a normal working week of :— | | | | Col. 3<br>Accrued holiday remuneration for full normal working week |
|---|---|---|---|---|---|
| | 6 days | 5 days | 4 days | 3 days | |
| After 48 weeks of employment calculated in accordance with the provisions of paragraph 11 of this Schedule. | The amount in Col. 3. | — | — | — | The amount which the worker would be entitled to receive from his employer, at the date of termination of his employment, for a week's work, if working his normal working week and the number of daily hours usually worked by him (exclusive of overtime), and if paid at the appropriate statutory minimum remuneration for time work, fixed by a wages regulation order in respect of the worker for work to which that order applies, and at the same rate for work (if any) to which that order does not apply. |
| After 40 weeks of such employment. | Five-sixths of the amount in Col. 3. | The amount in Col. 3. | — | — | |
| After 32 weeks of such employment. | Two-thirds of the amount in Col. 3. | Four-fifths of the amount in Col. 3. | The amount in Col. 3. | — | |
| After 24 weeks of such employment. | One-half of the amount in Col. 3. | Three-fifths of the amount in Col. 3. | Three-quarters of the amount in Col. 3. | The amount in Col. 3. | |
| After 16 weeks of such employment. | One-third of the amount in Col. 3. | Two-fifths of the amount in Col. 3. | One-half of the amount in Col. 3. | Two-thirds of the amount in Col. 3. | |
| After 8 weeks of such employment. | One-sixth of the amount in Col. 3. | One-fifth of the amount in Col. 3. | One-quarter of the amount in Col. 3. | One-third of the amount in Col. 3. | |

(2) In the application of the provisions of the last foregoing Table to the case of a piece worker, the appropriate statutory minimum remuneration for time work is the rate that would be applicable to him if he were employed as a time worker.

(3) The amount of any accrued holiday remuneration payable on the termination of the worker's employment in respect of any of the periods of twelve months mentioned in sub-paragraph (1) of this paragraph shall be reduced by the amount of any previous payment of accrued holiday remuneration made by the employer to the worker in respect of the period for which the accrued holiday remuneration is payable.

Paragraph 10

Where, in accordance with the provisions of paragraphs 8 and 9 of this Schedule, any accrued holiday remuneration has been paid by the employer to the worker in respect of any period of employment in the twelve months immediately preceding the holiday season within which an annual holiday is allowed by the employer to the worker in accordance with the provisions of this Schedule, the amount of holiday remuneration, payable by the employer in respect of the said annual holiday under the provisions of paragraph 7 of this Schedule, shall be reduced by the amount of the said accrued holiday remuneration, unless, in the case of an annual holiday allowed during the holiday season ending on the 30th day of September, 1948, such accrued holiday remuneration has previously been deducted under the provisions of Order B.P. (8), as amended by Order B.P. (27).

## Part V

## GENERAL

Paragraph 11

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 twenty hours and 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 up to but not exceeding six weeks in the aggregate in the period of twelve months immediately preceding the commencement of the holiday season; or

(iii) he has been suspended throughout the week owing to shortage of work up to but not exceeding four weeks in the aggregate in the period of twelve months last mentioned; or

(*b*) as if he were employed on any day of holiday allowed under the provisions of this Schedule, and for the purposes of the provisions of sub-paragraph (*a*) of this paragraph, a worker who is absent on such a holiday shall be treated as having worked thereon the number of hours ordinarily worked by him on that day of the week for the employer on work to which statutory minimum remuneration applies.

Paragraph 12

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

Paragraph 13

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

" normal working week " means the number of days on which it has been usual for the worker to work in a week in the employment of the employer in the twelve months immediately preceding the commencement of the holiday season, or where under paragraphs 8 and 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.

" statutory minimum remuneration " means statutory minimum remuneration (other than holiday remuneration) which has been fixed by a wages regulation order made by the Minister pursuant to proposals submitted to him by the Boot and Floor Polish Wages Council (Great Britain).

" week " in paragraphs 3 and 11 means " pay week."

Paragraph 14

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.

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EXPLANATORY NOTE

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

1. This Order, which has effect from the 31st May, 1948, fixes the annual holidays and certain other days of holiday (referred to as " customary holidays ") which an employer is required to allow to a worker in relation to whom the Boot and Floor Polish Wages Council (Great Britain) operates. The Order also fixes the remuneration payable in respect of such holidays.

2. The provisions of Order B.P. (8) cease to have effect when the provisions of this Order come into force.

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## (4) BOOT AND SHOE REPAIRING (G.B.)

# The Boot and Shoe Repairing Wages Council (Great Britain) Wages Regulation Order, 1948

## 1948 No. 238

*Made - - - - 11th February,* 1948

D(93)

[This Order was revoked and replaced (February 4, 1949) by the Boot and Shoe Repairing Wages Council (Great Britain) Wages Regulation Order, 1949 (S.I. 1949 No. 45) and is therefore omitted from this volume.]