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 1st October, 1952, sets out the holidays which an employer is required to allow to workers and the remuneration payable to such workers for those holidays, in substitution for the holidays and holiday remuneration fixed (*a*) under the Holidays with Pay Act, 1938, by the Order of the Minister of Labour dated the 29th June, 1939, (Order H.L. (16)), as amended by the Linen and Cotton Handkerchief and Household Goods and Linen Piece Goods Wages Council (Great Britain) Wages Regulation Order, 1951, (Order H.L. (38)), and (*b*) by the Linen and Cotton Handkerchief and Household Goods and Linen Piece Goods Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1945, (Order H.L. (30)). Order H.L. (16) and Order H.L. (30) are revoked.

New provisions in the Schedule are printed in italics.

1952 No. 834

The Made-up Textiles Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1952

Made - - - - 24*th April*, 1952

Coming into Operation 12*th May*, 1952

Whereas the Minister of Labour and National Service (hereinafter in this Order referred to as "the Minister") has received from the Made-up Textiles Wages Council (Great Britain) (hereinafter in this Order referred to as "the Wages Council") the wages regulation proposals set out in the Schedule hereto, being proposals for requiring workers in relation to whom the Wages 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 6th day of June, 1939, (hereinafter in this Order referred to as "Order M.T. (20)"), as amended by the Made-up Textiles Wages Council (Great Britain) Wages Regulation Order, 1951(**b**), (hereinafter in this Order referred to as "Order M.T. (34)") and the holidays provided for and the holiday remuneration fixed by the Made-up Textiles Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1946(**c**), (hereinafter in this Order referred to as "Order M.T. (28)") as amended by Order M.T. (34);

Now, therefore, the Minister, by virtue of the powers conferred on him by section 10 of the Wages Councils Act, 1945(**d**), 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 Made-up Textiles Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1952.

(**a**) 1 & 2 Geo. 6. c. 70.
(**b**) S.I. 1951/488; 1951 II, p. 1110.
(**c**) S.R. & O. 1946/146; 1946 I, p. 2000.
(**d**) 8 & 9 Geo. 6. c. 17.

(2) In this Order the expression "the specified date" means the 12th day of May, 1952, 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(a), 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 M.T. (20) *and Order M.T.* (28)

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 M.T. (20) and Order M.T. (28) shall cease to have effect.

Signed by order of the Minister of Labour and National Service this 24th day of April, 1952.

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

SCHEDULE

The following provisions as to holidays and holiday remuneration shall be substituted for the provisions as to holidays and holiday remuneration set out in Order M.T. (20) as amended by Order M.T. (34) and Order M.T. (28) as amended by Order M.T. (34).

PART I

APPLICATION

Paragraph 1

This Schedule applies to every worker (other than an outworker) for whom statutory minimum remuneration has been fixed.

PART II

CUSTOMARY HOLIDAYS

Paragraph 2

(1) An employer shall allow to every worker to whom this Schedule applies a holiday (hereinafter in this Schedule referred to as a "customary holiday") in each year on the days specified in the following sub-paragraph, provided that the worker has been in his employment for a period of not less than eight weeks immediately preceding the customary holiday *and unless excused*

(a) 52 & 53 Vict. c. 63.

by the employer or absent by reason of the proved illness of the worker has worked for the employer throughout the last working day on which work was available to him prior to the holiday.

(2) The said customary holidays are:—

(*a*) (i) In England and Wales—

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

(ii) In Scotland—

New Year's Day and the following day;

Provided that if New Year's Day falls on a Sunday the holidays shall be the following Monday and Tuesday, and if New Year's Day falls on a Saturday the holidays shall be New Year's Day and the following Monday;

the local Spring holiday;

the local Autumn holiday;

two other days (being normal working days for the workers concerned) 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 such week day as may be substituted therefor being either—

(i) a day which is by local custom recognised as a day of holiday, or

(ii) a day which falls within three weeks of the day for which it is substituted, and is mutually agreed between the employer and the worker.

(3) Notwithstanding the preceding provisions of this paragraph where by reason of the circumstances under which the work is carried on in an establishment the allowing of the customary holiday is rendered impracticable, a worker may be required to work on a customary holiday (except where in the case of a woman or young person such a requirement would be unlawful) and, if so required, shall be paid for all time worked thereon the statutory minimum remuneration appropriate to him for work on a customary holiday.

PART III

ANNUAL HOLIDAYS

Paragraph 3

(1) Subject to the provisions of paragraph 4 of this Schedule, in addition to the holidays specified in Part II of this Schedule an employer shall, between the date on which the provisions of this Schedule become effective and the 30th day of September, 1952, and in each succeeding year between the 1st day of May and the 30th day of September, 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 12 months immediately preceding the commencement of the holiday season for any of the periods of employment set out in the appropriate table below and the duration of the annual holiday shall, in the case of each

such worker, be related to his period of employment during that twelve months as follows:—

TABLE A

Annual Holidays in the year 1952

Where the worker's normal working week is 6 days		*Where the worker's normal working week is 5 days or less*	
Period of employment	*Duration of annual holiday*	*Period of employment*	*Duration of annual holiday*
At least 48 weeks ...	*9 days*	*At least 48 weeks ...*	*8 days*
" " *43* " ...	*8* "	" " *42* " ...	*7* "
" " *38* " ...	*7* "	" " *36* " ...	*6* "
" " *33* " ...	*6* "	" " *30* " ...	*5* "
" " *28* " ...	*5* "	" " *24* " ...	*4* "
" " *23* " ...	*4* "	" " *18* " ...	*3* "
" " *18* " ...	*3* "	" " *12* " ...	*2* "
" " *12* " ...	*2* "	" " *6* " ...	*1 day*
" " *6* " ...	*1 day*		

TABLE B

Annual Holidays in the year 1953 and in each succeeding year

Where the worker's normal working week is 6 days		*Where the worker's normal working week is 5 days or less*	
Period of employment	*Duration of annual holiday*	*Period of employment*	*Duration of annual holiday*
At least 48 weeks ...	*12 days*	*At least 48 weeks ...*	*10 days*
" " *44* " ...	*11* "	" " *43* " ...	*9* "
" " *40* " ...	*10* "	" " *38* " ...	*8* "
" " *36* " ...	*9* "	" " *33* " ...	*7* "
" " *32* " ...	*8* "	" " *28* " ...	*6* "
" " *28* " ...	*7* "	" " *24* " ...	*5* "
" " *24* " ...	*6* "	" " *19* " ...	*4* "
" " *20* " ...	*5* "	" " *14* " ...	*3* "
" " *16* " ...	*4* "	" " *9* " ...	*2* "
" " *12* " ...	*3* "	" " *4* " ...	*1 day*
" " *8* " ...	*2* "		
" " *4* " ...	*1 day*		

(2) Notwithstanding the provisions of the last foregoing sub-paragraph, the number of days of annual holiday which an employer is required to allow to a worker in the *holiday season commencing on the 1st day of May, 1952, shall not exceed in the aggregate the number of days constituting the worker's normal working week, plus three days, and in the holiday season commencing on 1st May, 1953, and in each succeeding holiday season, shall not exceed twice the number of days constituting the worker's normal working week.*

(3) Notwithstanding the provisions of sub-paragraph (1) of this paragraph, the duration of the worker's annual holiday during the holiday season ending on the 30th day of September, 1952, shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of Order M.T.(20), as amended by Order M.T.(34), between the 1st day of May, 1952, and the date on which this Order becomes effective.

(4) In this Schedule the expression "holiday season" means in relation to an annual holiday during the year 1952, the period commencing on the 1st day of May, 1952, and ending on the 30th day of September, 1952, 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

(1) Annual holidays under this Schedule 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 a Sunday, or a customary holiday on which the worker is not required to work for the employer intervenes.

Provided that where the duration of an annual holiday which an employer is required to allow to a worker exceeds the number of days constituting the worker's normal working week the said holiday may be allowed in two separate periods of such consecutive working days one of which shall be not less than the period of his normal working week.

One day of the annual holiday may be allowed on a non-consecutive working day (other than the worker's weekly short day) falling within the holiday season, where the 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.

(2) Subject to the provisions of sub-paragraph (1) of this paragraph, any day of annual holiday under this Schedule may be allowed on a day on which the worker is entitled to a day of holiday or to a half-holiday under any enactment other than the Wages Councils Act, 1945.

Paragraph 5

An employer shall give to a worker reasonable notice of the commencing date *or dates* and duration of the period *or periods* of his annual holiday. Such notice shall be given at least 21 days before the first day of the annual holiday and may be given individually to the worker or by the posting of a notice in the place where the worker is employed.

PART IV

HOLIDAY REMUNERATION

A—CUSTOMARY HOLIDAYS

Paragraph 6

(1) Subject to the provisions of this paragraph, for each day of holiday to which a worker is entitled under Part II of this Schedule he shall be paid by the employer holiday remuneration equal to the amount to which he would have been entitled as a time worker, calculated at the appropriate rate of statutory minimum remuneration, if the day had not been a day of holiday and he had worked on that day on work for which statutory minimum remuneration is payable for the time usually worked by him on that day of the week.

Provided, however, that payment of the said holiday remuneration is subject to the conditions *that the worker* (*a*) *has worked throughout the last working day on which work was available to him preceding the holiday and* (*b*) that the worker presents himself for employment at the usual starting hour on the first working day following the holiday *and works his normal number of hours that day or, if he fails to do so, failure is by reason of the proved illness of the worker or with the consent of the employer.*

(2) The holiday remuneration in respect of any customary holiday shall be paid by the employer to the worker on the pay day on which the wages for the pay week including the customary holiday are paid.

ANNUAL HOLIDAYS

Paragraph 7

(1) Subject to the provisions of paragraph 8 of this Schedule, a worker qualified to be allowed an annual holiday under this Schedule shall be paid by his employer in respect thereof, on the last pay day preceding such annual holiday, remuneration in accordance with the following table:—

TABLE OF HOLIDAY REMUNERATION

Column 1 Period of annual holiday	Column 2 Holiday remuneration for workers with a normal working week of:—				Column 3
	Six days	Five days	Four days	Three days	
12 days ...	*Twice the amount in Col. 3.*	—	—	—	The amount which the worker would be entitled to receive from his employer, *at the date of the holiday*, for a week's work, if working his normal working week, and the number of daily hours usually worked by him (exclusive of overtime) and if paid at the appropriate rate of statutory minimum remuneration for time work 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.
11 days ...	*One and five-sixths of the amount in Col. 3.*	—	—	—	
10 days ...	*One and two-thirds of the amount in Col. 3.*	*Twice the amount in Col. 3.*	—	—	
9 days ...	*One and one-half of the amount in Col. 3.*	*One and four-fifths of the amount in Col. 3.*	—	—	
8 days ...	*One and one-third of the amount in Col. 3.*	*One and three-fifths of the amount in Col. 3.*	*Twice the amount in Col. 3.*	—	
7 days ...	*One and one-sixth of the amount in Col. 3.*	*One and two-fifths of the amount in Col. 3.*	*One and three-quarters of the amount in Col. 3.*	—	
6 days ...	The amount in Col. 3.	*One and one-fifth of the amount in Col. 3.*	*One and one-half of the amount in Col. 3.*	*Twice the amount in Col. 3.*	

5 days ...	Five-sixths of the amount in Col. 3.	The amount in Col. 3.	*One and one-quarter of the amount in Col. 3.*	*One and two-thirds of 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.	*One and one-third of 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 rate of statutory minimum remuneration for time work is the appropriate rate of statutory minimum remuneration that would have been applicable to him if he had been employed as a time worker.

(3) *Where under the provisions of paragraph 4 of this Schedule an annual holiday is 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 M.T.(20), as amended by Order M.T.(34), in respect of employment during any of the periods referred to in that paragraph or that Order respectively, the amount of holiday remuneration payable by the employer in respect of any annual holiday for which the worker has qualified by reason of employment during the said period shall be reduced by the amount of the said accrued holiday remuneration *unless that remuneration has been deducted from a previous payment of holiday remuneration made under the provisions of this Schedule or of Order M.T.(20) as amended.*

ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

Paragraph 9

Where a worker ceases to be employed by an employer after the provisions of this Schedule become effective the employer shall, immediately on the termination of the employment, pay to the worker as accrued holiday remuneration:—

(1) *in respect of employment in the twelve months up to the 30th day of the preceding April, a sum equal to the holiday remuneration for any days of annual holiday for which he has qualified, except days of annual holiday which he has been allowed or has become entitled to be allowed before leaving the employment; and*

(2) *in respect of any employment since the 30th day of the preceding April, a sum equal to the holiday remuneration which would have been payable to him if he could have been allowed an annual holiday in respect of that employment at the time of leaving it.*

PART V

GENERAL

Paragraph 10

For the purpose of calculating any period of employment qualifying a worker for a holiday or for any accrued holiday remuneration under this Schedule, the worker shall be treated:—

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

(*a*) he has worked for the employer for not less than 24 hours and has performed some work for which statutory minimum remuneration is payable; or

(*b*) (i) he has been absent throughout the week, or

(ii) *he has worked for the employer for less than 24 hours* solely by reason of the proved illness of, or accident to, the worker, provided that the number of weeks which may be treated as weeks of employment for such reasons shall not exceed four in the aggregate in the period of twelve months immediately preceding the customary holiday in the case of a customary holiday or the commencement of the holiday season, in the case of an annual holiday; or

(c) *he has been suspended throughout the week owing to shortage of work but not exceeding 4 weeks in the aggregate in any of the periods of 12 months last mentioned,*

(2) as if he were employed on any day of holiday allowed under the provisions of this Schedule or of Order M.T.(20), as amended, or Order M.T.(28), as amended, and for the purposes of the provisions of sub-paragraph (1) 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 for which statutory minimum remuneration is payable.

Paragraph 11

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

"normal working week" means the number of days on which it has been usual for the worker to work in a week in the employment of the employer 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 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) fixed by a wages regulation order.

"wages regulation order" means a wages regulation order made by the Minister to give effect to proposals submitted to him by the Wages Council.

"week" in paragraphs 3 and 10 means "pay week."

Paragraph 12

The provisions of this Schedule are without prejudice to any agreement for the allowance of any further holidays with pay or for the payment of additional holiday remuneration.

EXPLANATORY NOTE

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

This Order, which has effect from the 12th May, 1952, sets out the holidays which an employer is required to allow to workers and the remuneration to be paid for such holidays, in substitution for the holidays and holiday remuneration fixed under the Holidays with Pay Act, 1938, by the Order of the Minister of Labour dated the 6th June, 1939 (Order M.T. (20)), and by the Made-up Textiles Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1946 (Order M.T. (28)), as amended in each case by the Made-up Textiles Wages Council (Great Britain) Wages Regulation Order, 1951 (Order M.T. (34)).

Order M.T. (20) and Order M.T. (28) are revoked.

New provisions in the Schedule are printed in italics.