# 1954 No. 137

## The Milk Distributive Wages Council (England and Wales) Wages Regulation (Amendment) Order, 1954

*Made* - - - - 8*th February*, 1954
*Coming into Operation* 28*th February*, 1954

Whereas the Minister of Labour and National Service (hereafter in this Order referred to as "the Minister") has received from the Milk Distributive Wages Council (England and Wales) the wages regulation proposals set out in the First and Second Schedules hereto;

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

**1.** This Order may be cited as the Milk Distributive Wages Council (England and Wales) Wages Regulation (Amendment) Order, 1954.

**2.**—(1) In this Order the expression "the specified date" means the 28th day of February, 1954, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

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

**3.** The wages regulation proposals set out in the First and Second Schedules hereto shall have effect as from the specified date and as from that date the Milk Distributive Wages Council (England and Wales) Wages Regulation (Amendment) Order, 1953(c), shall cease to have effect.

Signed by order of the Minister of Labour and National Service this 8th day of February, 1954.

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

### FIRST SCHEDULE

### STATUTORY MINIMUM REMUNERATION

The Milk Distributive Wages Council (England and Wales) Wages Regulation Order, 1953(d), (Order M.D. (72)), shall have effect as if in the Schedule thereto for paragraph 10 there were substituted the following paragraph:—

"PAYMENT FOR CUSTOMARY HOLIDAYS

Paragraph 10

(1) Where a worker is not required to work on a customary holiday which falls on a day on which he normally works for the employer, he shall be paid one day's pay.

(a) 8 & 9 Geo. 6. c. 17. (b) 52 & 53 Vict. c. 63. (c) S. I. 1953/1104.
(d) S.I. 1953/1394 (1953 II, p. 2488).

(2) Where a worker is required to work on a customary holiday which falls on a day on which he normally works for the employer, he shall be paid for such work in accordance with paragraphs 6, 7 and 9 of this Schedule.

(3) Where a worker is not required to work on a customary holiday which falls on his rest day, he shall be paid one day's pay.

(4) Where a worker is required to work on a customary holiday which falls on his rest day, he shall be paid for such work in accordance with paragraphs 6, 7 and 9 of this Schedule.

(5) *Notwithstanding the provisions of sub-paragraphs (1) and (3) of this paragraph, where a worker is not required to work on a customary holiday he shall not be entitled to any payment under those sub-paragraphs unless he—*

*(a) worked for the employer throughout the last working day on which work was available for him preceding the holiday; and*

*(b) presents himself for employment at the usual starting time on the first working day after the holiday:*

Provided that—

*(i) (a) or (b), as the case may be, of this sub-paragraph shall be deemed to be complied with where the worker is excused by his employer, or is prevented by his proved illness or injury, from working or presenting himself for employment as aforesaid;*

*(ii) when two customary holidays on both of which the worker is not required to work occur on successive days or so that no working day intervenes, (b) of this sub-paragraph shall apply only to the second customary holiday.*

(6) In this paragraph the expression 'one day's pay' means 7½ hours' pay at the hourly general minimum time rate normally applicable to the worker in the case of a six-day worker, and 6½ hours' pay at the hourly general minimum time rate normally applicable to the worker in the case of any other worker."

## SECOND SCHEDULE

## HOLIDAYS AND HOLIDAY REMUNERATION

The Milk Distributive Wages Council (England and Wales) Wages Regulation (Holidays) Order, 1951(a), (Order M.D. (62)), shall have effect as if in the Schedule thereto at the end of paragraph 7 (which relates to accrued holiday remuneration payable on termination of employment) there were inserted the following:—

"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 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:—

(i) without having given not less than one week's notice, or

(ii) 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 one day's holiday pay multiplied, in the case of (i), by the number of days constituting the worker's normal working week or, in the case of (ii), by the number of days which at the termination of the employment would complete a normal working week commencing at the beginning of the notice."

(a) S.I. 1951/1087 (1951 II, p. 1126).

EXPLANATORY NOTE

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

This Order has effect from the 28th February, 1954. The First Schedule amends the Milk Distributive Wages Council (England and Wales) Wages Regulation Order, 1953, (Order M.D. (72)), by specifying conditions which must be satisfied to entitle a worker to payment for a day of customary holiday on which he is not required to work. New provisions in this Schedule are printed in italics.

The Second Schedule repeats without alteration the amendment to the Milk Distributive Wages Council (England and Wales) Wages Regulation (Holidays) Order, 1951, (Order M.D. (62)), which was contained in the Second Schedule to the Milk Distributive Wages Council (England and Wales) Wages Regulation (Amendment) Order, 1953, (Order M.D. (70)), which Order is revoked.

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## 1954 No. 862

# The Milk Distributive Wages Council (England and Wales) Wages Regulation (Amendment) (No. 2) Order, 1954

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| *Made* - - - - | *25th June,* 1954 |
| *Coming into Operation* | *11th July,* 1954 |

Whereas the Minister of Labour and National Service (hereafter in this Order referred to as "the Minister") has received from the Milk Distributive Wages Council (England and Wales) the wages regulation proposals set out in the Schedule hereto;

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

**1.** This Order may be cited as the Milk Distributive Wages Council (England and Wales) Wages Regulation (Amendment) (No. 2) Order, 1954.

**2.**—(1) In this Order the expression "the specified date" means the 11th day of July, 1954, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act, 1889(**b**), applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

**3.** The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date.

Signed by order of the Minister of Labour and National Service this 25th day of June, 1954.

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

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(a) 8 & 9 Geo. 6. c. 17.

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