The Retail Bespoke Tailoring Wages Council (Scotland) Wages Regulation (Holidays) Order, 1951

1951 No. 948

Made - - - -	28*th May*, 1951
Coming into Operation	13*th June*, 1951

R.B.S. (35)

Whereas the Minister of Labour and National Service (hereinafter in this Order referred to as "the Minister") has received from the Retail Bespoke Tailoring Wages Council (Scotland) (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, and the holiday remuneration fixed, by the Retail Bespoke Tailoring Wages Council (Scotland) Wages Regulation (Holidays) Order, 1946(a) (hereinafter in this Order referred to as "Order R.B.S. (27)");

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 Retail Bespoke Tailoring Wages Council (Scotland) Wages Regulation (Holidays) Order, 1951.

(2) In this Order the expression "the specified date" means the 13th day of June, 1951, 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 R.B.S. (27)

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 R.B.S. (27)(a) shall cease to have effect.

Signed by order of the Minister of Labour and National Service this 28th day of May, 1951.

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

(a) S.R. & O. 1946 No. 1389) I, p. 2123. (b) 8 & 9 Geo. 6. c. 17. (c) 52 & 53 Vict. c. 63.

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 R.B.S. (27).

PART I

APPLICATION

Paragraph 1

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

(2) *For the purposes of this Schedule an out worker is a worker who works in his own home or in any other place not under the control or management of the employer.*

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 was in his employment for a period of not less than eight weeks 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 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 employer shall allow to the worker 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 three weeks next ensuing.

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 of paragraph 4 of this Schedule, an employer shall before the 31st day of October, 1951, and in each succeeding year between the 1st day of May and the 1st day of October, 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 was employed by him during the twelve months immediately preceding the commencement of the holiday season *for any one of the periods of employment* (*calculated in accordance with the provisions of*

paragraph 10 of this Schedule) set out in the 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 OF ANNUAL HOLIDAYS

Workers with a normal working week of 6 days		*Workers with a normal working week of 5 days or less*	
Period of employment	*Duration of annual holiday*	*Period of employment*	*Duration of annual holiday*
Not less than 48 weeks ...	12 *days*	*Not less than 48 weeks ...*	*10 days*
Not less than 44 weeks but less than 48 weeks	11 „	*Not less than 43 weeks but less than 48 weeks ... ...*	*9* „
Not less than 40 weeks but less than 44 weeks	*10* „	*Not less than 38 weeks but less than 43 weeks ... ...*	*8* „
Not less than 36 weeks but less than 40 weeks	*9* „	*Not less than 33 weeks but less than 38 weeks ... ...*	*7* „
Not less than 32 weeks but less than 36 weeks	*8* „	*Not less than 28 weeks but less than 33 weeks ... ...*	*6* „
Not less than 28 weeks but less than 32 weeks	*7* „	*Not less than 24 weeks but less than 28 weeks ... ...*	*5* „
Not less than 24 weeks but less than 28 weeks	*6* „	*Not less than 19 weeks but less than 24 weeks ... ...*	*4* „
Not less than 20 weeks but less than 24 weeks	*5* „	*Not less than 14 weeks but less than 19 weeks ... ...*	*3* „
Not less than 16 weeks but less than 20 weeks	*4* „	*Not less than 9 weeks but less than 14 weeks ... ...*	*2* „
Not less than 12 weeks but less than 16 weeks	*3* „	*Not less than 4 weeks but less than 9 weeks ... ...*	*1 day*
Not less than 8 weeks but less than 12 weeks	*2* „		
Not less than 4 weeks but less than 8 weeks	*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 *twice* the number of days constituting the worker's normal working week ;

(*b*) the duration of the worker's annual holiday during the holiday season ending on the 31st day of October, 1951, shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of Order R.B.S. (27) between the 1st day of May, 1951 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 1951 the period commencing on the 1st day of May, 1951, and ending on the 31st day of October, 1951 and in relation to each subsequent year, the period commencing on the 1st day of May and ending on the 31st day of October 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 holiday shall be treated as consecutive notwithstanding that a Sunday, a customary holiday on which the worker is not required to work or a holiday in lieu of a customary holiday intervenes.

Provided that—

(a) where the duration of an annual holiday which the employer is required to allow to a worker exceeds the period constituting the worker's normal working week the said holiday may by agreement in writing made between the employer and the worker be allowed in two separate periods of such consecutive working days, if one of such periods is not less than the period constituting the worker's normal working week;

(b) one day of an annual holiday may be allowed on a non-consecutive working day falling in the holiday season where the said annual holiday or such separate period, as the case may be, is allowed immediately after a customary holiday on which the worker is not required to work or so that such a customary 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 of the duration of the period or periods of his annual holiday. Such notice may be given individually to the worker or by posting the notice in the place where the worker is employed.

PART IV

HOLIDAY REMUNERATION

A.—CUSTOMARY HOLIDAYS AND HOLIDAYS IN LIEU OF CUSTOMARY HOLIDAYS

Paragraph 6

(1) 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 statutory minimum remuneration to which he would have been entitled, if the day had not been a day of holiday and if he had worked as a time worker on that day on work for which statutory minimum remuneration is payable—

(a) in the case of a worker who normally works for less than 30 hours in a week, for 4½ hours, or

(b) in the case of a worker who normally works for 30 hours or more in a week, for 8½ hours.

(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.

(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 week including that holiday in lieu of a customary holiday are paid.

Provided that the said payment shall be made immediately upon the termination of the worker's employment if he ceases to be employed before being allowed a holiday in lieu of a customary holiday to which he is entitled.

B.—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, on the last day preceding such holiday, *one day's holiday pay (as defined in paragraph 11 of this Schedule) in respect of each day thereof.*

(2) Where under the provisions of paragraph 4 of this Schedule an annual holiday is allowed 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 R.B.S. (27)) 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 or of the Schedule to Order R.B.S. (27).

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 (hereinafter in this Schedule referred to as "the termination date") pay to the worker accrued holiday remuneration as follows:—

(i) in respect of any period of employment since the 30th day of April immediately preceding the termination date, *an amount equal to one day's holiday pay (as defined in paragraph 11 of this Schedule) multiplied by the number of days of annual holiday for which the worker would have been qualified 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,* other than days which have been taken into account in calculating any accrued holiday remuneration previously paid by the employer to the worker in respect of that period of employment under the provisions of this Order or of Order R.B.S. (27), and,

(ii) where the termination date occurs during a holiday season and before the worker has become entitled to be allowed any days of annual holiday for which he has qualified but which he has not been allowed, in respect of any period of employment occurring during the twelve months ending on the 30th day of April immediately preceding the termination date, *an amount equal to one day's holiday pay (as defined in paragraph 11 of this Schedule) multiplied by that number of days of annual holiday which at the termination date have not been allowed to the worker in respect of that period of employment, being days of annual holiday which, if the employment had not been terminated, the employer would have been required to allow to the worker in respect of that period before the end of the holiday season,* less any accrued holiday remuneration already paid by the employer to the worker in respect of that period, unless such remuneration has been deducted from a previous payment of holiday remuneration under the provisions of this Order or of Order R.B.S. (27).

PART V
GENERAL

Paragraph 10

For the purpose of calculating any period of employment qualifying a worker for an annual holiday or for 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 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 reason shall not exceed 4 in the aggregate 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 6 in the aggregate in any such period as aforesaid);

(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 for the employer on work to which statutory minimum remuneration applies,

(i) where the holiday is a customary holiday, or a holiday in lieu of the customary holiday for 8½ hours if the worker normally works for 30 hours or more in a week or for 4¼ hours if he normally works for less than 30 hours in a week; or

(ii) where the holiday is a day of annual holiday, for the number of hours ordinarily worked by him on that day of the week.

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, in the twelve months immediately preceding the termination date.

Provided that—

(i) part of a day shall count as a day; and

(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 annual 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 as a time worker for 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 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, 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

"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 Wages Council.

"WEEK" 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 13th June, 1951, sets out the annual holidays and certain other days of holiday which an employer is required to allow to workers in relation to whom the Retail Bespoke Tailoring Wages Council (Scotland) operates and the remuneration payable to such workers for those holidays.

It supersedes Order R.B.S. (27) which is revoked.

New provisions in the Schedule are printed in italics.

The Retail Bookselling and Stationery Trades Wages Council (Great Britain) Wages Regulation (Amendment) Order, 1951

1951 No. 1370

Made - - - - 30*th July*, 1951
Coming into Operation 20*th August*, 1951

R.B.C. (8)

Whereas the Minister of Labour and National Service (hereinafter in this Order referred to as "the Minister") has received from the Retail Bookselling and Stationery Trades 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 amending the Retail Bookselling and Stationery Trades Wages Council (Great Britain) Wages Regulation Order, 1950(**a**) (hereinafter in this Order referred to as "Order R.B.C. (6)") which fixed the remuneration to be paid by their employers to workers in relation to whom the Wages 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 Retail Bookselling and Stationery Trades Wages Council (Great Britain) Wages Regulation (Amendment) Order, 1951.

(2) In this Order the expression "the specified date" means the 20th day of August, 1951, 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.

Amendment of Order R.B.C. (6)

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.

Signed by order of the Minister of Labour and National Service this 30th day of July, 1951.

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

(a) S.I. 1950 (No. 1266) II, p. 1382. (b) 8 & 9 Geo. 6. c. 17. (c) 52 & 53 Vict. c. 63.