The Rubber Manufacturing Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1951

1951 No. 1080

Made - - - -	*20th June*, 1951
Coming into Operation	*6th July*, 1951

R.U. (34)

Whereas the Minister of Labour and National Service (hereinafter in this Order referred to as " the Minister ") has received from the Rubber Manufacturing Wages Council (Great Britain) (hereinafter in this Order 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, and the holiday remuneration fixed, by the Rubber Manufacturing Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1949(**a**) (hereinafter in this Order referred to as " Order RU. (30) ");

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 Rubber Manufacturing Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1951.

(2) In this Order the expression " the specified date " means the 6th day of July, 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 RU. (30)

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 RU. (30)(**a**) shall cease to have effect.

Signed by order of the Minister of Labour and National Service this 20th day of June, 1951.

H. H. Wiles,
Deputy Secretary,
Ministry of Labour and National Service.

(a) S.I. 1949 (No. 1374) I, p. 4639. (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 RU. (30).

PART I

APPLICATION

Paragraph 1

This Schedule applies to every worker (not being a home worker) for whom statutory minimum remuneration has been fixed.

PART II

CUSTOMARY HOLIDAYS

Paragraph 2

(1) Subject to the provisions of this paragraph an employer shall allow to every worker in his employment to whom this Schedule applies and who was in attendance for the normal hours of his employment on the *last* working day immediately preceding the holiday (absence on account of the certified sickness of, or accident to, the worker, or absence with permission granted by, or for any other reason acceptable to, the employer, being regarded as attendance) a holiday (hereinafter in this Schedule referred to as a "customary holiday") in each year, on the days specified in the following sub-paragraph.

(2) The said customary holidays are:

(*a*) 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 or in the case of any worker the days which may be substituted for the said days under section 78 of the Factories Act, 1937(a), in the case of women and young persons employed in a factory;

(*b*) in Scotland, six week days which shall be fixed by the employer and notified by means of a notice posted in the factory throughout not less than three weeks before each such holiday.

Provided that in a burgh two of the said week days shall be those fixed by the town council under section 78 of the Factories Act, 1937.

(3) Notwithstanding the preceding provisions of this paragraph, an employer may (except where in the case of a woman or young person such 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 customary holiday on which he so works the worker shall 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.

(4) A worker who is required to work on a customary holiday shall be paid:

(*a*) for all time worked thereon the statutory minimum remuneration 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 an employer shall before the 30th day of September, 1951, 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 was employed

(a) 1 Edw. 8. & 1 Geo. 6. c. 67.

by him during the qualifying period of employment, that is during the twelve months immediately preceding the date which is two weeks before the beginning of his annual holiday (or immediately preceding the 2nd day of September in each year if an annual holiday has not been allowed before that date) for any one of the periods of employment (calculated in accordance with the provisions of paragraph 11 of this Schedule) as is set out in the appropriate 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 Annual holiday*
Not less than 50 weeks	*12 days*
Not less than 46 weeks, but less than 50 weeks	*11 „*
„ 42 „ 46 „	*10 „*
„ 38 „ 42 „	*9 „*
„ 34 „ 38 „	*8 „*
„ 30 „ 34 „	*7 „*
„ 26 „ 30 „	*6 „*
„ 22 „ 26 „	*5 „*
„ 18 „ 22 „	*4 „*
„ 14 „ 18 „	*3 „*
„ 10 „ 14 „	*2 „*
„ 6 „ 10 „	*1 day*

Provided that 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 period constituting the worker's normal working week.

(2) Notwithstanding the provisions of the last foregoing sub-paragraph, the duration of the worker's annual holiday during the holiday season ending on the 30th day of September, 1951, shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of Order RU. (30) 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 30th day of September, 1951, 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

Unless otherwise mutually agreed between the employer and the worker or his representative 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 that *a customary holiday on which the worker is not required to work or a holiday in lieu of a customary holiday intervenes.*

Provided that 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 said annual holiday or part thereof, is allowed immediately after a customary holiday *on which the worker is not required to work, or a holiday in lieu of a customary holiday* or so that one of such holidays intervenes.

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 holiday. Such notice may be given individually to a worker or by posting a notice in the place where the worker is employed.

PART IV

HOLIDAY REMUNERATION

A—CUSTOMARY HOLIDAYS

Paragraph 6

(1) Subject to the condition that the worker is in attendance for the normal hours of his employment on the *last* working day immediately preceding and the *first* working day immediately following the customary holiday, a worker shall be paid by his employer in respect of each day which he is entitled to be allowed as a holiday under paragraph 2 of this Schedule, holiday remuneration equal to the statutory minimum remuneration to which he would have been entitled as a time worker if the day had not been a day of customary holiday and he had been employed *for 9 hours* on work to which statutory minimum remuneration applies.

(2) For the purpose of the last foregoing sub-paragraph the following shall be regarded as attendance :—

(*a*) absence on account of the certified sickness of, or accident to, the worker, unless such absence has exceeded eight consecutive weeks immediately prior to the customary holiday :

(*b*) absence with permission granted by, or for any other reason acceptable to, the employer.

(3) The holiday remuneration in respect of any customary holiday or holiday in lieu of a customary holiday shall be paid not later than the pay day on which wages are payable for the first working day immediately following the said customary holiday or holiday in lieu of a customary holiday.

Provided that if a worker ceases to be employed before being allowed a holiday in lieu of a customary holiday to which he is entitled, the said payment shall be made at the same time as the payment of the wages due to him upon the termination of his employment (or if none are due, then immediately on the termination of the employment), in which case the condition specified in sub-paragraph (1) of this paragraph shall not apply.

B—ANNUAL HOLIDAYS

Paragraph 7

Subject to the provisions of this paragraph and paragraphs 9 and 10 of this Schedule a worker qualified to be allowed an annual holiday under this Schedule shall be paid by his employer in respect thereof, not later than the pay day in the week following the worker's return to work after the annual holiday, holiday remuneration equal to the sum obtained by multiplying the number of weeks (not exceeding *50*) which constitutes the period of employment for the purpose of determining the duration of the annual holiday of that worker *by one and four-fifths times the hourly rate of statutory minimum remuneration.*

Provided that 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.

Provided also that the amount of the holiday remuneration shall be reduced by the amount of any holiday remuneration already paid by the employer to the worker in pursuance of Order RU. (30) in respect of any day or days of annual holiday for which the worker has qualified under Order RU. (30), by virtue of the same period of employment or any part thereof.

Paragraph 8

(1) Subject to the provisions of this paragraph and of paragraph 10 of this Schedule, where a worker ceases to be employed by an employer after the provisions of this Schedule become effective, the employer shall pay to the

worker at the same time as the payment of the wages due to him on the termination of his employment (or if none are due then immediately on the termination of the employment), accrued holiday remuneration of an amount calculated by multiplying the number of weeks of employment (not exceeding *50*) of the worker with the employer during the twelve months immediately preceding the termination of his employment *by one and four-fifths times the hourly rate of statutory minimum remuneration.*

Provided that accrued holiday remuneration is not payable in respect of any period of employment for which the worker has been allowed or become entitled to be allowed a holiday under this Schedule or under Order RU. (30).

Provided also that holiday remuneration shall not accrue to a worker if his total employment with the employer during the said period of twelve months is less than *six* weeks.

(2) Subject to the provisions of sub-paragraph (3) hereof, where a worker has been allowed in a holiday season part only of the annual holiday for which he has qualified under this Schedule and his employment is terminated before he becomes entitled to the rest of that holiday the accrued holiday remuneration payable shall be as follows:—

(*a*) the appropriate amount in respect of the qualifying period of employment less the amount received by the worker in respect of that part of the holiday which has been allowed, and

(*b*) *an amount calculated by multiplying the number of weeks of his employment by the employer since the end of the immediately preceding qualifying period of employment by one and four-fifths times the hourly rate of statutory minimum remuneration.*

(3) Any accrued holiday remuneration payable shall be reduced by the amount of any accrued holiday remuneration already paid by the employer to the worker in pursuance of this Order or Order RU. (30) in respect of the same period of employment or part thereof.

Paragraph 9

Where in accordance with the provisions of paragraph 8 of this Schedule or of Order RU. (30) 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.

PART V

PART-TIME WORKERS

Paragraph 10

(1) Nothwithstanding the foregoing provisions of this Schedule, the holiday remuneration or accrued holiday remuneration payable to a worker who is employed as a part-time worker, in respect of any annual holiday, shall be that proportion of the amount to which the worker is otherwise entitled under the provisions of paragraphs 7 and 8 of this Schedule which his normal number of hours of employment in the week as a part-time worker bears to 45.

(2) For the purpose of this paragraph a part-time worker is a worker who normally works for the employer less than the hours customarily worked *in a week* in the establishment in which he is employed.

PART VI

GENERAL

Paragraph 11

For the purposes 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 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 eight 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 8 in any such period as aforesaid.)

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:—

"home worker" means a worker who works in his own home or in any other place which is not under the control or management of the employer.

"hourly rate of statutory minimum remuneration" means the amount of the *general minimum time rate* (being statutory minimum remuneration) applicable to the worker at the date when the holiday remuneration or the accrued holiday remuneration, as the case may be, is payable or which would then in either case be applicable to the worker if he were a time worker.

"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 annual holiday (or immediately preceding the 2nd September if an annual holiday has not been allowed before that date), or where under paragraph 8 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 to which statutory minimum remuneration applies.

"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 Rubber Manufacturing Wages Council (Great Britain).

"week" in paragraphs 3, 6, 7, 8 and 10 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.

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 6th July, 1951, sets out the annual holidays and certain other days of holiday which an employer is required to allow to workers (other than home workers) in relation to whom the Rubber Manufacturing Wages Council (Great Britain) operates and the remuneration payable to such workers for those holidays. It supersedes Order RU. (30) which is revoked. New provisions in the Schedule are printed in italics.

The Rubber Reclamation Wages Council (Great Britain) Wages Regulation Order, 1951

1951 No. 1102

Made - - - -	*25th June*, 1951
Coming into Operation	*16th July*, 1951

R.R. (27)

Whereas the Minister of Labour and National Service (hereinafter in this Order referred to as "the Minister") has received from the Rubber Reclamation Wages Council (Great Britain) (hereinafter in this Order referred to as "the Council")

(*a*) the wages regulation proposals set out in the First Schedule hereto, being proposals for fixing the remuneration to be paid by their employers to workers in relation to whom the Council operates in substitution for the remuneration fixed for those workers by the Rubber Reclamation Wages Council (Great Britain) Wages Regulation Order, 1947(**a**) (hereinafter in this Order referred to as "Order R.R. (19)") as amended by the Rubber Reclamation Wages Council (Great Britain) Wages Regulation Order, 1949(**b**) (hereinafter in this Order referred to as "Order R.R. (24)") and

(*b*) the wages regulation proposals set out in the Second Schedule hereto being proposals for amending the Rubber Reclamation Wages Council (Great Britain) Wages Regulation (Holidays) Order 1947(**c**) (hereinafter in this Order referred to as "Order R.R. (20)") which contains provisions requiring workers in relation to whom the Council operates to be allowed holidays by their employers and fixing holiday remuneration to be paid by their employers to those workers;

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 Rubber Reclamation Wages Council (Great Britain) Wages Regulation Order, 1951.

(**a**) S.R. & O. 1947 (No. 1687) I, p. 2611.
(**b**) S.I. 1949 (No. 1063) I, p. 4647.
(**c**) S.R. & O. 1947 (No. 1688) I, p. 2617.
(**d**) 8 & 9 Geo. 6. c. 17.