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 November, 1952. The First Schedule sets out the statutory minimum remuneration payable in substitution for that fixed by the Rubber Manufacturing Wages Council (Great Britain) Wages Regulation Order, 1951, (Order R.U. (33)), as amended by the Rubber Manufacturing Wages Council (Great Britain) Wages Regulation (Amendment) Order, 1951, (Order R.U. (36)), which are revoked.

The Second Schedule amends the Rubber Manufacturing Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1951, (Order R.U. (34)) by (*a*) providing a condition subject to which holiday remuneration for holidays in lieu of customary holidays shall become payable and (*b*) altering the method of calculating holiday remuneration for customary holidays and holidays in lieu of customary holidays in the case of a part-time worker.

New provisions in the Schedules are printed in italics.

1952 No. 2004

The Sack and Bag Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1952

Made - - - - 19*th November*, 1952
Coming into Operation 10*th December*, 1952

Whereas the Minister of Labour and National Service (hereinafter in this Order referred to as " the Minister ") has received from the Sack and Bag Wages Council (Great Britain) (hereinafter in this Order referred to as " the Wages Council ") 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 in that behalf, hereby makes the following Order :—

1. This Order may be cited as the Sack and Bag Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1952.

2.—(1) In this Order the expression " the specified date " means the 10th day of December, 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.

(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 and as from that date the direction given and the holiday remuneration fixed by the Wages Council, under the Holidays with Pay Act, 1938(**c**), and confirmed by the Order of the Minister of Labour dated the 27th day of June, 1939, and the Sack and Bag Wages

(**a**) 8 & 9 Geo. 6. c. 17. (**b**) 52 & 53 Vict. c. 63. (**c**) 1 & 2 Geo. 6. c. 70.

Council (Great Britain) Wages Regulation Order, 1951(a), shall cease to have effect.

Signed by order of the Minister of Labour and National Service this 19th day of November, 1952.

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

SCHEDULE

The following provisions as to holidays and holiday remuneration shall be substituted for

(1) the holidays provided for by the direction given and the holiday remuneration fixed by the Wages Council under the Holidays with Pay Act, 1938, and confirmed by the Order of the Minister of Labour dated the 27th day of June, 1939, (Order S.B. (15)) as amended by the Sack and Bag Wages Council (Great Britain) Wages Regulation (No. 2) Order, 1951(b), (Order S.B. (33)) and

(2) the holidays provided for and the holiday remuneration fixed by the Sack and Bag Wages Council (Great Britain) Wages Regulation Order, 1951, (Order S.B. (31)).

PART I

APPLICATION

Paragraph 1

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

(2) *For the purposes of this Schedule an outworker is a worker who works in his own home or in some 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 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 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 prior to the customary holiday.

(2) The said customary holidays are:—

(*a*) (i) In England and Wales—

Christmas Day (or, if Christmas Day falls on a Sunday, such weekday 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; and

two 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;

(a) S.I. 1951/199; 1951 II, p. 128 (b) S.I. 1951/518; 1951 II, p. 1292.

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) such week-day as may be substituted therefor by the employer being either—

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

(ii) a day (being a day on which the worker would normally work) 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 in 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 1st day of April, 1953, and the 30th day of September, 1953, and in each succeeding year between the 1st day of April and the 30th day of September (hereinafter in this Schedule referred to as the "holiday season") 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 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:—

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*
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* "		
" " *8* " ...	*2* "		

(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 *any holiday season shall not exceed twice the number of days constituting the worker's normal working week.*

Paragraph 4

(1) Subject to the provisions of this paragraph, an annual holiday shall be allowed on consecutive working days, being days on which the worker is normally called upon to work for the employer.

(2) *Where the number of days of annual holiday for which a worker has qualified exceeds the number of days constituting his normal working week, the holiday may be allowed in two periods of consecutive working days; so however that when a holiday is so allowed, one of the periods shall consist of a number of such days not less than the number of days constituting the worker's normal working week.*

(3) For the purposes of this paragraph, days of annual holiday shall be treated as consecutive notwithstanding that a day of holiday allowed to a worker under Part II of this Schedule or a day upon which he does not normally work for the employer intervenes.

(4) *Where a day of holiday allowed to a worker under Part II of this Schedule immediately precedes a period of annual holiday or occurs during such a period and the total number of days of annual holiday required to be allowed in the period under the foregoing provisions of this paragraph, together with any such day of holiday allowed under Part II of this Schedule, exceeds the number of days constituting the worker's normal working week then, notwithstanding the foregoing provisions of this paragraph, the duration of that period of annual holiday may be reduced by one day and in such a case one day of annual holiday may be allowed on any working day (not being the worker's weekly short day) in the holiday season.*

(5) Subject to the provisions of the foregoing sub-paragraphs 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 *or before the first day of each period of annual holiday, as the case may be,* 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 (excluding overtime) 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 customary holiday and completes that day's work.

(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 first working day following the customary holiday are paid.

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 in respect thereof, on the last pay day preceding such annual holiday, remuneration in accordance with the following table:—

TABLE OF HOLIDAY REMUNERATION

Col. 1	Col. 2		Col. 3
Period of annual holiday	Holiday remuneration for workers with a normal working week of:—		
	Six days	Five days *or less*	
12 days ...	*Twice the amount in Col. 3*	—	The amount which the worker would be entitled to receive from his employer, *at the beginning of the holiday or the first period 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 times the amount in Col. 3*	—	
10 days ...	*One and two-thirds times the amount in Col. 3*	*Twice the amount in Col. 3*	
9 days ...	*One and one-half times the amount in Col. 3*	*One and four-fifths times the amount in Col. 3*	
8 days ...	*One and one-third times the amount in Col. 3*	*One and three-fifths times the amount in Col. 3*	
7 days ...	*One and one-sixth times the amount in Col. 3*	*One and two-fifths times the amount in Col. 3*	
6 days ...	The amount in Col. 3	*One and one-fifth times the amount in Col. 3*	
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	
3 days ...	One-half of the amount in Col. 3	Three-fifths of the amount in Col. 3	
2 days ...	One-third of the amount in Col. 3	Two-fifths 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 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 S.B.(15), as amended by Order S.B.(33)) 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 Order S.B.(15) 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 31st day of the preceding March, a sum equal to the holiday remuneration which would be payable 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) if they were allowed at the time of leaving the employment; and

(2) in respect of any employment since the 31st day of the preceding March, 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 4 in the aggregate in the period of twelve months immediately preceding the commencement of the holiday season; or

(*c*) he has been suspended throughout the week owing to shortage of work but not exceeding 4 weeks in the aggregate in the period of twelve months last mentioned.

(2) as if he were employed on any day of holiday allowed under the provisions of this Schedule or of Order S.B.(15), as amended, or Order S.B.(31) 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 10th December, 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 27th June, 1939, (Order S.B. (15)), as amended by the Sack and Bag Wages Council (Great Britain) Wages Regulation (No. 2) Order, 1951, (Order S.B. (33)), and (*b*) by the Sack and Bag Wages Council (Great Britain) Wages Regulation Order, 1951, (Order S.B. (31)). Order S.B. (15) and Order S.B. (31) are revoked.

New provisions in the Schedule are printed in italics.