The Sack and Bag Wages Council (Great Britain) Wages Regulation Order, 1951

1951 No. 199

Made - - - - *7th February*, 1951
Coming into Operation *22nd February*, 1951

S.B. (31)

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 Council")

(*a*) the wages regulation proposals set out in the First Schedule hereto, being proposals for requiring workers in relation to whom the Council operates to be allowed by their employers the holidays set out in the said Schedule and for fixing the holiday remuneration specified therein, and

(*b*) the wages regulation proposals set out in the Second Schedule hereto, being proposals for amending the Sack and Bag Wages Council (Great Britain) Wages Regulation Order, 1947(**a**) (hereinafter in this Order referred to as "Order S.B. (25)"), as amended by the Sack and Bag Wages Council (Great Britain) Wages Regulation Order, 1949(**b**) (hereinafter in this Order referred to as "Order S.B. (29)"), which fixed the minimum remuneration to be paid by their employers to workers in relation to whom the Council operates;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 10 of the Wages Councils Act, 1945(**c**), 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 Sack and Bag Wages Council (Great Britain) Wages Regulation Order, 1951.

(2) In this Order the expression "the specified date" means the 22nd day of February, 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(**d**), applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Fixing of holidays and holiday remuneration

2.—(1) Effect is hereby given to the said wages regulation proposals set out in the First Schedule hereto.

(2) The provisions of the First Schedule hereto shall have effect as from the specified date.

(**a**) S.R. & O. 1947 (No. 1198) I, p. 2623.
(**b**) S.I. 1949 (No. 2091) I, p. 4650.
(**c**) 8 & 9 Geo. 6. c. 17.
(**d**) 52 & 53 Vict. c. 63.

Amendment of Order S.B. (25) *as amended by Order S.B.* (29)

3.—(1) Effect is hereby given to the said wages regulation proposals set out in the Second Schedule hereto.

(2) The provisions of the Second Schedule hereto shall have effect as from the specified date.

Signed by order of the Minister of Labour and National Service this 7th day of February, 1951.

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

FIRST SCHEDULE

CUSTOMARY HOLIDAYS

Paragraph 1

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

Paragraph 2

(1) In addition to any holiday which an employer may be required to allow to a worker under the provisions of the principal Order the employer shall, subject to the provisions of sub-paragraph (3) of this paragraph, 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 (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 immediately 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 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; 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; 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) Where by reason of the circumstances in which the work is carried on in an establishment the allowing of the 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.

REMUNERATION FOR CUSTOMARY HOLIDAYS

Paragraph 3

(1) For each customary holiday which a worker is allowed by his employer under this Schedule he shall be paid by the employer holiday remuneration equal to the appropriate statutory minimum remuneration to which he would have been entiled as a time worker if the day had not been a day of holiday and he had been employed on work to which statutory minimum remuneration applies 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 holiday and completes that day's work.

(2) The holiday remuneration in respect of any customary holiday allowed to a worker shall be paid by the employer to the worker on the pay day on which the wages for the first working day following the holiday are paid.

Paragraph 4

In this Schedule:—

"statutory minimum remuneration" means statutory minimum remuneration fixed by a wages regulation order made by the Minister to give effect to proposals submitted by the Sack and Bag Wages Council (Great Britain) and "the principal Order" means the Order of the Minister of Labour dated 27th June, 1939 (as amended by Order S.B. (25)), confirming a direction given and the holiday remuneration fixed under the Holidays with Pay Act, 1938(a).

SECOND SCHEDULE

(Virtually revoked by S.I. 1951 No. 518, p. 1292 below.)

EXPLANATORY NOTE

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

This Order has effect from the 22nd February, 1951.

The First Schedule fixes certain additional days of holiday (referred to as "customary holidays") which an employer is required to allow to a worker in relation to whom the Sack and Bag Wages Council (Great Britain) operates unless, by reason of the circumstances in which the work is carried on in an establishment, the allowing of any such holiday is rendered impracticable. It also fixes the remuneration payable to such workers for customary holidays.

The Second Schedule amends Order S.B. (25) (which. as amended by Order S.B. (29), fixed the statutory minimum remuneration payable to workers in relation to whom the Council operates) by substituting for the definition of "customary holiday" used in the overtime provisions, the definition contained in the First Schedule to this Order.

(a) 1 & 2 Geo. 6. c. 70.