# The Tin Box Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1951

## 1951 No. 777

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|---|---|
| *Made* - - - - | *2nd May*, 1951 |
| *Coming into Operation* | *21st May*, 1951 |

X. (38)

Whereas the Minister of Labour and National Service (hereinafter in this Order referred to as "the Minister") has received from the Tin Box 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 Tin Box Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1947(**a**) (hereinafter in this Order referred to as "Order X. (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 Tin Box Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1951.

(2) In this Order the expression "the specified date" means the 21st day of May, 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 X. (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 X. (30)(**a**) shall cease to have effect.

Signed by order of the Minister of Labour and National Service this 2nd day of May, 1951.

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

(a) S.R. & O. 1947 (No. 108) I, p. 2640. (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 X. (30).

### PART I

### APPLICATION

Paragraph 1

This Schedule applies to every worker for whom statutory minimum remuneration has been fixed.

### 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 on the day immediately preceding the holiday and (unless excused by the employer or absent by reason of the proved illness of the worker) worked for the employer throughout the last working day on which work was available to him immediately preceding the customary holiday.

(2) the said customary holidays are:—

(*a*) (i) In England and Wales—

Christmas Day (or, if Christmas Days 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 (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 normally works) 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) 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 customary 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.

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

(*a*) for all time worked thereon, at the minimum rate 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 31st day of October, 1951, and in each succeeding year between the 1st day of April and the 31st 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 has been employed by him during the 12 months immediately preceding the commencement of the holiday season in that year for any one of the periods of employment (calculated in accordance with the provisions of paragraph 11 of this Schedule) set out in the first columns of the tables below, and the duration of the annual holiday shall in the case of each such worker be related to that period as follows:—

| *Workers with a normal working week of six days* | | *Workers with a normal working week of five days or less* | |
|---|---|---|---|
| *Column 1 Period of employment* | *Column 2 Duration of annual holiday* | *Column 1 Period of employment* | *Column 2 Duration of annual holiday* |
| *Not less than 48 weeks* ... ... ... ... ... | *12 days* | *Not less than 48 weeks* ... ... ... ... ... | *10 days* |
| ,, ,, ,, *44* ,, *but less than 48 weeks* ... ... | *11* ,, | ,, ,, ,, *43* ,, *but less than 48 weeks* ... ... | *9* ,, |
| ,, ,, ,, *40* ,, ,, ,, ,, *44* ,, ... ... | *10* ,, | ,, ,, ,, *38* ,, ,, ,, ,, *43* ,, ... ... | *8* ,, |
| ,, ,, ,, *36* ,, ,, ,, ,, *40* ,, ... ... | *9* ,, | ,, ,, ,, *33* ,, ,, ,, ,, *38* ,, ... ... | *7* ,, |
| ,, ,, ,, *32* ,, ,, ,, ,, *36* ,, ... ... | *8* ,, | ,, ,, ,, *28* ,, ,, ,, ,, *33* ,, ... ... | *6* ,, |
| ,, ,, ,, *28* ,, ,, ,, ,, *32* ,, ... ... | *7* ,, | ,, ,, ,, *24* ,, ,, ,, ,, *28* ,, ... ... | *5* ,, |
| ,, ,, ,, *24* ,, ,, ,, ,, *28* ,, ... ... | *6* ,, | ,, ,, ,, *19* ,, ,, ,, ,, *24* ,, ... ... | *4* ,, |
| ,, ,, ,, *20* ,, ,, ,, ,, *24* ,, ... ... | *5* ,, | ,, ,, ,, *14* ,, ,, ,, ,, *19* ,, ... ... | *3* ,, |
| ,, ,, ,, *16* ,, ,, ,, ,, *20* ,, ... ... | *4* ,, | ,, ,, ,, *9* ,, ,, ,, ,, *14* ,, ... ... | *2* ,, |
| ,, ,, ,, *12* ,, ,, ,, ,, *16* ,, ... ... | *3* ,, | ,, ,, ,, *4* ,, ,, ,, ,, *9* ,, ... ... | *1 day* |
| ,, ,, ,, *8* ,, ,, ,, ,, *12* ,, ... ... | *2* ,, | | |
| ,, ,, ,, *4* ,, ,, ,, ,, *8* ,, ... ... | *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 period 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 X (30) between the 1st day of April, 1951, and the date on which this Schedule becomes 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 April, 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 April and ending on the 31st day of October in that year.

Paragraph 4

Annual holidays 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 annual holiday shall be treated as consecutive notwithstanding the intervention of one or more customary holidays or holidays in lieu of a customary holiday or days upon which the worker is not normally called upon to work for the employer.

*Provided that where the duration of an annual holiday which an employer is required to allow to a worker exceeds the period constituting the worker's normal working week the said holiday may be allowed in two or more separate periods of such consecutive working days one of which shall be not less than the period of his normal working week.*

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 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 appropriate statutory minimum remuneration to which he would have been entitled 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 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 presents himself for employment at the usual starting hour on the first working day following the holiday or, if he fails to do so, failure is by reason of the proved illness of the worker or with the consent of the employer.

(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 first working day following 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 pay week including the first working day following 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 in the case where he ceases to be employed before being allowed a holiday in lieu of a customary holiday to which he is entitled, and in that case the condition specified in sub-paragraph (1) of this paragraph shall not apply.

## B—ANNUAL HOLIDAYS

Paragraph 7

(1) Subject to the provisions of paragraph 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, on the last pay day preceding such annual holiday, remuneration in accordance with the following table:—

### TABLE OF HOLIDAY REMUNERATION

| *Column 1 Period of annual holiday* | *Column 2 Holiday remuneration for workers with a normal working week of:—* | | Column 3 |
|---|---|---|---|
| | *Six days* | *Five days or less* | |
| *12 days ...* | *Twice the amount in Col. 3.* | — | |
| *11 „ ...* | *One and five-sixths times the amount in Col. 3.* | — | |
| 10 „ ... | *One and two-thirds times the amount in Col. 3.* | *Twice the amount in Col. 3.* | The amount which the worker would be entitled to receive from his employer, at the date 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. |
| *9 „ ...* | *One and one-half times the amount in Col. 3.* | *One and four-fifths times the amount in Col. 3.* | |
| *8 „ ...* | *One and one-third times the amount in Col. 3.* | *One and three-fifths times the amount in Col. 3.* | |
| *7 „ ...* | *One and one-sixth times the amount in Col. 3.* | *One and two-fifths times the amount in Col. 3.* | |
| *6 „ ...* | *The amount in Col. 3.* | *One and one-fifth times the amount in Col. 3.* | |
| *5 „ ...* | *Five-sixths of the amount in Col. 3.* | *The amount in Col. 3.* | |
| *4 „ ...* | *Two-thirds of the amount in Col. 3.* | *Four-fifths of the amount in Col. 3.* | |
| *3 „ ...* | *One-half of the amount in Col. 3.* | *Three-fifths of the amount in Col. 3.* | |
| *2 „ ...* | *One-third of the amount in Col. 3.* | *Two-fifths of the amount in Col. 3.* | |
| *1 day ...* | *One-sixth of the amount in Col. 3.* | *One-fifth of the amount in Col. 3.* | |

(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.*

(3) 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 minimum rate that would have been applicable to him if he had been employed as a time worker.

Paragraph 8

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 accrued holiday remuneration in accordance with the following paragraph.

Paragraph 9

(1) Subject to the provisions of this paragraph accrued holiday remuneration shall be payable in accordance with the following Table if the worker has in the 12 months commencing on 1st April, 1950 and thereafter in any period of 12 months commencing on the 1st April been employed for any of the periods of employment specified in Column 1 or Column 2 of that Table, as the case may be.

(2) 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.

(3) Subject to the provisions of sub-paragraph (4) 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 or under the First Schedule to Order X. (30) and his employment is terminated before he becomes entitled to the rest of the annual holiday the accrued holiday remuneration payable shall be the appropriate amount under the following Table 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.

(4) Any accrued holiday remuneration payable under the following Table 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 X.(30) in respect of the same period of employment or part thereof.

TABLE OF ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

| *Column 1*<br>*Workers with a normal working week of six days* | | *Column 2*<br>*Workers with a normal working week of five days or less* | | Column 3 |
|---|---|---|---|---|
| *Period of employment* | *Accrued holiday remuneration* | *Period of employment* | *Accrued holiday remuneration* | |
| *After 48 weeks' employment calculated in accordance with the provisions of paragraph 11 of this Schedule.* | *Twice the amount in Col. 3 ...* | *After 48 weeks' employment calculated in accordance with the provisions of paragraph 11 of this Schedule.* | *Twice the amount in Col. 3....* | The amount which the worker would be entitled to receive from his employer, at the date of the termination of his employment, 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. |
| *After 44 weeks' such employment.* | *One and five-sixths times the amount in Col. 3.* | *After 43 weeks' such employment.* | *One and four-fifths times the amount in Col. 3.* | |
| *After 40 weeks' such employment.* | *One and two-thirds times the amount in Col. 3.* | *After 38 weeks' such employment.* | *One and three-fifths times the amount in Col. 3.* | |
| *After 36 weeks' such employment.* | *One and one-half times the amount in Col. 3.* | *After 33 weeks' such employment.* | *One and two-fifths times the amount in Col. 3.* | |
| *After 32 weeks' such employment.* | *One and one-third times the amount in Col. 3.* | *After 28 weeks' such employment.* | *One and one-fifth times the amount in Col. 3.* | |
| *After 28 weeks' such employment.* | *One and one-sixth times the amount in Col. 3.* | *After 24 weeks' such employment.* | *The amount in Col. 3 ...* | |
| *After 24 weeks' such employment.* | *The amount in Col. 3 ...* | *After 19 weeks' such employment.* | *Four-fifths of the amount in Col. 3.* | |
| *After 20 weeks' such employment.* | *Five-sixths of the amount in Col. 3.* | *After 14 weeks' such employment.* | *Three-fifths of the amount in Col. 3.* | |
| *After 16 weeks' such employment.* | *Two-thirds of the amount in Col. 3.* | *After 9 weeks' such employment.* | *Two-fifths of the amount in Col. 3.* | |
| *After 12 weeks' such employment.* | *One-half of the amount in Col. 3.* | *After 4 weeks' such employment.* | *One-fifth of the amount in Col. 3.* | |
| *After 8 weeks' such employment.* | *One-third of the amount in Col. 3.* | | | |
| *After 4 weeks' such employment.* | *One-sixth of the amount in Col. 3.* | | | |

(5) 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 minimum rate that would have been applicable to him if he had been employed as a time worker.

Paragraph 10

Where in accordance with the provisions of this Schedule, or of the Schedule to Order X.(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 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 X.(30).

## PART V

## 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—

(*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 twenty-four 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 six in the aggregate in the period of twelve months immediately preceding the commencement of the holiday season; 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 four in the aggregate in the period of twelve months last mentioned; or

(*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 for the number of hours ordinarily worked by him on that day of the week on work to which statutory minimum remuneration applies.

Paragraph 12

Where any day of annual holiday allowed to a worker under this Schedule falls upon a day of holiday or a half-holiday to which the worker may be entitled under any enactment other than the Wages Councils Act, 1945, that holiday or half-holiday shall be treated as part of the annual holiday allowed under this Schedule.

Paragraph 13

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 paragraphs 8 and 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 Tin Box Wages Council (Great Britain).

"week" means "pay week."

Paragraph 14

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 21st May, 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 Tin Box Wages Council (Great Britain) operates, and the remuneration payable to such workers for those holidays.

It supersedes Order X. (30) which is revoked.

New provisions in the Schedule are printed in italics.

## The Toy Manufacturing Wages Council (Great Britain) Wages Regulation (Amendment) Order, 1951

## 1951 No. 39

*Made* - - - - 9*th January*, 1951

*Coming into Operation* 26*th January*, 1951

Y. (45)

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