STATUTORY INSTRUMENTS

1975 No. 579

WAGES COUNCILS

The Wages Regulation (Aerated Waters) (Scotland) (Amendment) Order 1975

Made - - - -	*7th April* 1975
Coming into Operation	*28th April* 1975

Whereas the Secretary of State has received from the Aerated Waters Wages Council (Scotland) the wages regulation proposals set out in Schedules 1 and 2 hereto;

Now, therefore, the Secretary of State in exercise of powers conferred by section 11 of the Wages Councils Act 1959**(a)**, and now vested in him **(b)**, and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Wages Regulation (Aerated Waters) (Scotland) (Amendment) Order 1975.

2.—(1) In this Order the expression "the specified date" means the 28th April 1975, 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**(c)** shall apply 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 Schedules 1 and 2 hereto shall have effect as from the specified date.

Signed by order of the Secretary of State.

7th April 1975.

Alan Brown,
Under Secretary,
Department of Employment.

(a) 1959 c. 69.
(b) S.I. 1959/1769, 1968/729 (1959 I, p. 1795; 1968 II, p. 2108).
(c) 1889 c. 63.

Article 3

SCHEDULE 1

STATUTORY MINIMUM REMUNERATION

The Wages Regulation (Aerated Waters) (Scotland) (No. 2) Order 1974(a) (Order A.S. (85)), shall have effect as if in the Schedule thereto:—

1. for Part II there were substituted the following Part:—

"PART II

GENERAL MINIMUM TIME RATES

3. Subject to the provisions of this Schedule, the general minimum time rates are as follows:—

	Per hour	*Per week of 40 hours*
	p	£
(1) Workers aged 19 years or over	*52·63*	*21·05*
(2) Workers aged—		
18 years and under 19 years	*39·89*	*15·96*
17 „ „ „ 18 „	*34·70*	*13·88*
Under 17 years	*29·50*	*11·80*"

2. for the definition of "customary holiday" in sub-paragraph (2)(*b*) of paragraph 4 there were substituted the following definition:—

"(*b*) the expression 'customary holiday' means—

1st and 2nd January and Christmas Day (or if any of these days fall on a Saturday or a Sunday, the next day, not being a Sunday, a day of customary holiday or a day taken in lieu of a customary holiday);
the local Spring holiday,
the local Summer holiday and
the local Autumn holiday,
each to be allowed on a Monday notified by the employer to the worker not less than three weeks before the holiday; and
one other day to be allowed on a day observed as a national holiday or a local holiday in the area, to be notified by the employer to the worker not less than three weeks before the holiday, or failing such notification before Good Friday, on Good Friday."

SCHEDULE 2

Article 3

HOLIDAYS AND HOLIDAY REMUNERATION

The Wages Regulation (Aerated Waters) (Scotland) (Holidays) Order 1974(b) (Order A.S. (83)) shall have effect as if in the Schedule thereto:—

1. for sub-paragraph (2) of paragraph 2 (which relates to customary holidays) there were substituted the following sub-paragraph:—

"(2) The said customary holidays are:—

1st and 2nd January and Christmas Day (or if any of these days fall on a Saturday or a Sunday, the next day, not being a Sunday, a day of customary holiday or a day taken in lieu of a customary holiday);
the local Spring holiday,
the local Summer holiday and
the local Autumn holiday,
each to be allowed on a Monday notified by the employer to the worker not less than three weeks before the holiday; and

(a) S.I. 1974/2067 (1974 III, p. 8047). (b) S.I. 1974/1543 (1974 III, p. 5840).

one other day to be allowed on a day observed as a national holiday or a local holiday in the area, to be notified by the employer to the worker not less than three weeks before the holiday, or, failing such notification before Good Friday, on Good Friday."

2. for sub-paragraph (1) of paragraph 3 (which relates to annual holiday) there were substituted the following sub-paragraph:—

"ANNUAL HOLIDAY

3.—(1) Subject to the provisions of this paragraph and of paragraph 4, in addition to the holidays specified in Part II of this Schedule, an employer shall, between 1st April 1975 and 31st October 1975 and in each succeeding year between 1st April and 31st October, allow a holiday (hereinafter 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 12) set out in 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 holiday for workers with a normal working week of—		
	Five days *or more*	Four days	Three days or less
Column 1	Column 2	Column 3	Column 4
At least 48 weeks	10 days	8 days	6 days
" " 44 "	9 "	7 "	5 "
" " 40 "	8 "	6 "	5 "
" " 36 "	7 "	6 "	4 "
" " 32 "	6 "	5 "	4 "
" " 28 "	5 "	4 "	3 "
" " 24 "	5 "	4 "	3 "
" " 20 "	4 "	3 "	2 "
" " 16 "	3 "	2 "	2 "
" " 12 "	2 "	2 "	1 day
" " 8 "	1 day	1 day	1 "
" " 4 "	1 "	—	— "

3. for paragraph 14 (which relates to the meaning of expressions) there were substituted the following paragraph:—

"14. 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 while in the employment of the employer during the 12 months immediately preceding the commencement of the holiday season, or, where under paragraph 11, accrued holiday remuneration is payable on the termination of the employment during the 12 months immediately preceding the termination date where accrued holiday remuneration is due in respect of annual holiday, and during the 12 months immediately preceding 1st April where accrued holiday remuneration is due in respect of a long service annual holiday:

Provided that—

(1) part of a day shall count as a day;

(2) 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 worker's weekly remuneration, that is to say,

where the worker's normal working week is five days *or more*—one-fifth

where the worker's normal working week is four days—one-quarter

where the worker's normal working week is three days—one-third

where the worker's normal working week is two days—one-half

where the worker's normal working week is one day—the whole,

and in this definition, 'weekly remuneration' means the remuneration which the worker would be entitled to receive from the employer at the date of the holiday or, where accrued holiday remuneration is payable, at the termination date, for one week's work

(*a*) if working his normal working week and the daily number of hours normally worked by him (exclusive of overtime); and

(*b*) 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.

'Statutory minimum remuneration' means minimum remuneration (other than holiday remuneration) fixed by a wages regulation order made by the Secretary of State to give effect to proposals submitted to him by the Wages Council.

'Week' means 'pay week'."

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order, which has effect from 28th April 1975, amends the Wages Regulation (Aerated Waters) (Scotland) (No. 2) Order 1974 (Order A.S. (85)), by substituting for the statutory minimum remuneration payable to workers in relation to whom the Aerated Waters Wages Council (Scotland) operates, fixed by that Order, the increased statutory minimum remuneration set out in Schedule 1.

Schedule 2 amends the provisions of the Wages Regulation (Aerated Waters) (Scotland) (Holidays) Order 1974 (Order A.S. (83)) by providing for an additional day of customary holiday.

New provisions are printed in italics.

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