# 1958 No. 1660

# The Wages Regulation (Flax and Hemp) (Holidays) Order, 1958

*Made* - - - - 6*th October*, 1958
*Coming into Operation* 20*th October*, 1958

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

**1.** This Order may be cited as the Wages Regulation (Flax and Hemp) (Holidays) Order, 1958.

**2.**—(1) In this Order the expression "the specified date" means the 20th day of October, 1958, 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 Flax and Hemp Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1956(c) shall cease to have effect and the Wages Regulation (Flax and Hemp) Order, 1957(d), shall have effect as if the Second Schedule thereto were omitted.

Signed by order of the Minister of Labour and National Service this 6th day of October, 1958.

*Harold Emmerson*,
Secretary,
Ministry of Labour and National Service.

## 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 the Flax and Hemp Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1956 (hereinafter referred to as "Order F.H. (82)") as amended by the Second Schedule to the Wages Regulation (Flax and Hemp) Order, 1957 (Order F.H. (86)).

(a) 8 & 9 Geo. 6. c. 17. (b) 52 & 53 Vict. c. 63.
(c) S.I. 1956/635 (1956 II, p. 2578). (d) S.I. 1957/1261 (1957 II, p. 2704).

## PART I
## APPLICATION

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

## PART II
## CUSTOMARY HOLIDAYS

2.—(1) An employer shall allow to every worker to whom this Schedule applies a holiday (hereafter in this Schedule referred to as a "customary holiday") in each year on the days specified in the next following sub-paragraph, provided that the worker has been in his employment for a period of not less than four weeks immediately preceding the customary holiday and has worked for the employer during the whole or part of that period and (unless excused by the employer or absent by reason of the proved illness of 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 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:

Provided that in the case of workers who normally work on each week-day except Saturday if Christmas Day falls on a Saturday the holiday shall be the next following Tuesday;

(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; if New Year's Day falls on a Saturday then in the case of workers who normally work on each week-day except Saturday the holidays shall be the following Monday and Tuesday and in the case of all other workers, 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 normally works for the employer) in the course of a calendar year to be fixed by the employer in consultation with the worker or his representative 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 such holiday on which he so works, the employer shall allow to the worker a day's holiday (hereafter in this Schedule referred to as a "holiday in lieu of a customary holiday") on a week-day on which he would normally work for the employer within the period of four weeks immediately following the customary holiday.

(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 HOLIDAY

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 June and the 30th day of September, 1959, and in each succeeding year between the 1st day of June and the 30th day of September (hereafter in this Schedule referred to as the "holiday season") allow a holiday (hereafter 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 twelve months immediately preceding the commencement of the holiday season for any of the periods of employment (calculated in accordance with the provisions of paragraph 10 of this Schedule) specified 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 six days | | Workers with a normal working week of five 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 " | " " 4 " ... ... | 1 day |
| " " 8 " ... ... | 2 " | | |
| " " 4 " ... ... | 1 day | | |

(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 in the aggregate twice the number of days constituting the worker's normal working week.

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, by agreement in writing between the employer and the worker or his representative, 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 sub-paragraph (1) 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.

5. An employer shall give to the 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 AND HOLIDAYS IN LIEU OF CUSTOMARY HOLIDAYS

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 as follows:—*

*(a) In the case of a piece worker, an amount equal to the average daily earnings for the days worked by him for the employer in the four weeks immediately before the week in which the holiday occurs;*

*(b) in the case of a time worker, an amount equal to the sum which would be payable to him by the employer if that day were not a holiday and he worked thereon the number of hours normally worked by him (exclusive of overtime) on that day of the week and if he were paid at the rate of wages payable to him under his contract of employment immediately before the holiday:*

*Provided that the holiday remuneration for any day of holiday shall not exceed 11/10ths of the amount to which the worker would be entitled if that day were not a day of holiday and he had worked on that day on work for which statutory minimum remuneration is payable for the time normally worked by him (exclusive of overtime) on that day of the week and if he were paid at the appropriate rate of statutory minimum remuneration.*

(2) 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 *and works throughout that day* or, if he fails to do so, failure is by reason of the proved illness of, or accident to, the worker or with the consent of the employer.

(3) 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.

(4) 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 are paid for the pay week including the first working day following the holiday in lieu of a customary holiday:

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 sub-paragraph (2) of this paragraph shall not apply.

## B—ANNUAL HOLIDAY

**7.**—(1) Subject to the provisions of this paragraph and 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, holiday remuneration as follows:—

(*a*) in the case of a piece worker, either of the following amounts when they are equal and otherwise whichever of these amounts is the smaller:—

(i) 4 per cent. of the sum of (a) the total remuneration (exclusive of holiday remuneration and overtime) paid by the employer to the worker in respect of all work done by the worker for the employer during the qualifying period, and (b) the amount obtained by multiplying the hourly rate payable to the worker if paid at the appropriate rate of statutory minimum remuneration by any hours deemed to have been worked in accordance with sub-paragraph (2) of this paragraph, or,

(ii) 4·4 per cent. of the amount obtained by multiplying the appropriate rate of statutory minimum remuneration applicable to the worker on the last pay day preceding the beginning of the annual holiday by the total number of hours (exclusive of overtime) worked, including hours deemed to have been worked in accordance with sub-paragraph (2) of this paragraph, by the worker for the employer during the qualifying period;

(*b*) in the case of a time worker, a sum equal to 4 per cent. of the amount obtained by multiplying the hourly rate payable to the worker under the arrangement current on the last pay day preceding the annual holiday by the total number of hours (exclusive of overtime) worked, including hours deemed to have been worked in accordance with sub-paragraph (2) of this paragraph, by the worker for the employer during the qualifying period: Provided that a worker shall not be entitled to be paid under the provisions of (*b*) of this sub-paragraph more than 10 per cent. in excess of the amount which would be payable to him if there were substituted for the words "under the arrangement current" the words "if paid at the appropriate rate of statutory minimum remuneration".

(2) For the purposes of this paragraph a worker shall be deemed to have worked for his normal working hours (exclusive of overtime):—

(*a*) (i) on any day of absence from work due to the proved illness of, or accident to, the worker;

(ii) on any day of absence from work due to suspension because of shortage of work:

Provided that in neither case shall the number of hours for which he shall be deemed to have so worked exceed, in any qualifying period, two twenty-fifths of the number of hours (exclusive of overtime) usually worked by him for the employer in a week multiplied by his number of weeks of employment (calculated in accordance with the provisions of paragraph 10 of this Schedule) in that qualifying period;

(*b*) on any customary holiday or holiday in lieu of a customary holiday allowed to him by the employer under this Schedule.

(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.

**8.** Where any accrued holiday remuneration has been paid by the employer to the worker (in accordance with paragraph 9 of this Schedule or with Order F.H.(82)) in respect of employment during any of the periods referred to in that paragraph or that Order, 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.

## ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

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 May, a sum equal to the holiday remuneration which would be payable for any annual holiday for which he has qualified (except an annual holiday which he has become entitled to be allowed before leaving the employment) if it were allowed at the time of leaving the employment, less any holiday remuneration paid to the worker in respect of any part of an annual holiday allowed to the worker under this Schedule since the said 31st day of May ; and

(2) in respect of any employment since the 31st day of the preceding May, 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

10. For the purpose of calculating any period of employment qualifying a worker for an annual holiday or for the purpose of calculating any 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*) in the case of a worker other than a part-time worker, he has worked for the employer for not less than twenty hours and has performed some work for which statutory minimum remuneration is payable ;

(*b*) in the case of a part-time worker, he has worked for the employer and has performed some work for which statutory minimum remuneration is payable ;

(*c*) (i) in the case of a worker other than a part-time worker, he has worked for the employer for less than twenty hours by reason of the proved illness of, or accident to, the worker or, in the case of any worker, for a like reason he has been absent throughout the week (provided that the number of weeks which may be treated as weeks of employment for such reason shall not exceed 4 in the aggregate in any such period) ; or

(ii) in the case of any worker, 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 4 in the aggregate in any such period) ;

(2) as if he were employed on any day of holiday allowed under the provisions of this Schedule, or of Order F.H.(82), and for the purposes of the provisions of sub-paragraph (1) of this paragraph, a worker who is absent on any such holiday shall be treated as having worked thereon for the employer on work for which statutory minimum remuneration is payable ;

(i) where the holiday is a customary holiday, or a holiday in lieu of a customary holiday, for eight and a half hours if the worker is normally employed for more than 30 hours a week or for four and a quarter hours if he is normally employed for 30 hours a week or less, or

(ii) where the holiday is a day of annual holiday allowed to the worker by the employer, for the number of hours ordinarily worked by him on that day of the week.

11. In this Schedule, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"APPROPRIATE RATE OF STATUTORY MINIMUM REMUNERATION" means—

(*a*) in the case of a worker to whom an hourly piece work basis time rate is applicable, that rate; and

(*b*) in the case of any other worker, the hourly general minimum time rate.

"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 holiday season, or, where under paragraph 9 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 for which statutory minimum remuneration has been fixed.

"PART-TIME WORKER" means a worker who normally works for the employer for less than twenty hours a week by reason only of the fact that he does not hold himself out as normally available for work for more than the number of hours he normally works in the week.

"QUALIFYING PERIOD" means—

(*a*) for the purpose of calculating holiday remuneration payable in respect of an annual holiday or accrued holiday remuneration payable under sub-paragraph (1) of paragraph 9 of this Schedule, the period of twelve months immediately preceding the commencement of the holiday season during which the annual holiday is allowed or during which the termination of the employment occurs, as the case may be;

(*b*) for the purpose of calculating accrued holiday remuneration payable under sub-paragraph (2) of paragraph 9 of this Schedule, the period between the 31st day of May immediately preceding the date of the termination of the worker's employment and that date.

"STATUTORY MINIMUM REMUNERATION" means minimum remuneration (other than holiday remuneration) fixed by a wages regulation order made by the Minister to give effect to proposals submitted to him by the Flax and Hemp Wages Council (Great Britain).

"WEEK" in paragraphs 3, 10 and in this paragraph means "pay week".

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 20th October, 1958, sets out the holidays which an employer is required to allow to workers and the remuneration payable for those holidays in substitution for the holidays and holiday remuneration fixed by the Flax and Hemp Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1956 (Order F.H. (82)), as amended by the Wages Regulation (Flax and Hemp) Order, 1957 (Order F.H. (86)). Order F.H. (82) is revoked.

New provisions are printed in italics.

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# 1958 No. 725

# The Wages Regulation (Fustian Cutting) Order, 1958

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|---|---|
| *Made* - - - - | 30*th April*, 1958 |
| *Coming into Operation* | 14*th May*, 1958 |

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

**1.** This Order may be cited as the Wages Regulation (Fustian Cutting) Order, 1958.

**2.**—(1) In this Order the expression "the specified date" means the 14th day of May, 1958, 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 Fustian Cutting Wages Council (Great Britain) Wages Regulation Order, 1956(c), shall cease to have effect.

Signed by order of the Minister of Labour and National Service this 30th day of April, 1958.

*Harold Emmerson,*
Secretary,
Ministry of Labour and National Service.

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(a) 8 & 9 Geo. 6. c. 17. (b) 52 & 53 Vict. c. 63.
(c) S.I. 1956/884 (1956 II, p. 2605).