(2) in the case of a worker employed on piece work,

(*a*) the piece rates otherwise payable to the worker and in addition thereto

(*b*) time rates of 7d. per hour and 2s. 4d. per hour respectively.

WAITING TIME

12.—(1) A worker is entitled to payment of the minimum remuneration specified in this Schedule for all time during which she is present on the premises of her employer, unless she is present thereon in any of the following circumstances:—

(*a*) without the employer's consent, express or implied,

(*b*) for some purpose unconnected with her work and other than that of waiting for work to be given to her to perform,

(*c*) by reason only of the fact that she is resident thereon,

(*d*) during normal meal times in a room or place in which no work is being done, and she is not waiting for work to be given to her to perform.

(2) The minimum remuneration payable under sub-paragraph (1) of this paragraph to a piece worker when not engaged on piece work is that which would be payable if she were a time worker.

EXPLANATORY NOTE

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

This Order, which applies only to female workers and has effect from 3rd June, 1959, sets out the statutory minimum remuneration payable in substitution for that fixed by the Lace Finishing Wages Council (Great Britain) Wages Regulation Order, 1953 (Order L. (26)). It increases the general minimum time rate payable to workers and fixes revised general minimum piece rates. Order L. (26) is revoked.

1959 No. 2091

The Wages Regulation (Lace Finishing) (Holidays) Order, 1959

Made - - - - *8th December*, 1959
Coming into Operation *23rd December*, 1959

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Lace Finishing Wages Council (Great Britain) (hereafter 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 11 of the Wages Councils Act, 1959(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 (Lace Finishing) (Holidays) Order, 1959.

(a) 7 & 8 Eliz. 2. c. 69.

2.—(1) In this Order the expression "the specified date" means the 23rd day of December, 1959, 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(a), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts 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 Lace Finishing Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1945(b), shall cease to have effect.

Signed by order of the Minister of Labour this 8th day of December, 1959.

P. H. St. J. Wilson,
Deputy Secretary,
Ministry of Labour.

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 Lace Finishing Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1945 (hereinafter referred to as "Order L. (22)").

PART I

APPLICATION

1. This Schedule applies only to those workers for whom statutory minimum remuneration has been fixed who work in premises under the control or management of the employer.

PART II

CUSTOMARY HOLIDAYS

2.—(1) An employer shall allow to every worker in his employment to whom this Schedule applies a holiday (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 one week immediately preceding the customary holiday.

(2) The said customary holidays are:—

(*a*) 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; or

(*b*) in the case of each of the said days, a day substituted therefor under the provisions of section 78 of the Factories Act, 1937(c).

(a) 52 & 53 Vict. c. 63. (b) S.R. & O. 1945/1513 (1945 I, p. 1324).
(c) 1 Edw. 8 & 1 Geo. 6. c. 67.

PART III

ANNUAL HOLIDAYS

3 In addition to the holidays specified in Part II an employer shall, during the holiday season (as defined in paragraph 11) in 1960 and in each succeeding year, allow a holiday (herein 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 one of the periods of employment specified below. The duration of the annual holiday shall, in the case of each such worker, be related to that period as follows:—

Period of employment (calculated in accordance with para. 10). (1)	Duration of annual holiday for a worker whose normal working week (as defined in para. 11) is				
	6 days (2)	5 days (3)	4 days (4)	3 days (5)	2 days (6)
At least 8 weeks	2 days	2 days	1 day	1 day	—
„ „ 12 „	3 „	3 „	2 days	1 „	1 day
„ „ 16 „	4 „	3 „	2 „	2 days	1 „
„ „ 20 „	5 „	4 „	3 „	2 „	1 „
„ „ 24 „	6 „	5 „	4 „	3 „	2 days
„ „ 28 „	7 „	6 „	4 „	3 „	2 „
„ „ 32 „	8 „	6 „	5 „	4 „	2 „
„ „ 36 „	9 „	7 „	5 „	4 „	3 „
„ „ 40 „	10 „	8 „	6 „	5 „	3 „
„ „ 44 „	11 „	9 „	7 „	5 „	3 „
„ „ 48 „	12 „	10 „	8 „	6 „	4 „

Provided that where a worker does not wish to take her annual holiday or part thereof during the holiday season in any year and, before the expiration of such holiday season, enters into an agreement in writing with her employer that the annual holiday or part thereof shall be allowed, at a date or dates to be specified in that agreement, after the expiration of the holiday season but before the 6th April in the following year, then any day or days of annual holiday so allowed shall be treated as having been allowed during the holiday season.

4.—(1) Subject to the provisions of this paragraph, an annual holiday shall be allowed on consecutive workings 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 her normal working week, the holiday may be allowed in two periods of consecutive working days, provided that one of the periods shall be of not less duration 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 customary holiday, or a day upon which the worker does not normally work for the employer, intervenes.

5. The employer shall give to a worker reasonable notice of the commencing date or dates and of the duration of her 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

CUSTOMARY HOLIDAYS

6. For each customary holiday which a worker is allowed she shall be paid by her employer as holiday remuneration (not later than the next following pay day one-fifth of her average weekly earnings during the twelve months ended on 5th April immediately preceding the holiday, such average weekly earnings to be determined by dividing, by the number of weeks of employment with the employer during the said period, the total remuneration paid to her by the employer during that period:

Provided that where the worker was not in the employment of the employer before the said 5th April the holiday remuneration shall be one-fifth of the average weekly earnings, calculated as aforesaid, paid to the worker since the commencement of her employment with the employer.

ANNUAL HOLIDAYS

7.—(1) Subject to the provisions of paragraph 9, a worker qualified to be allowed an annual holiday under this Schedule shall be paid as holiday remuneration by her employer in respect thereof, on the last pay day preceding such annual holiday, an amount equal to one twenty-sixth of the total remuneration paid by the employer to the worker during the twelve months ended on 5th April immediately preceding the commencement of the holiday season.

(2) Where, under the provisions of paragraphs 3 and 4, an annual holiday is allowed in more than one period, the holiday remuneration shall be apportioned accordingly.

ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

8. Subject to the provisions of 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 her employment in the twelve months ended on 5th April immediately preceding the termination of the employment, a sum equal to the holiday remuneration for any days of annual holiday for which she has qualified, except days of annual holiday which she has been allowed or has become entitled to be allowed before leaving the employment; and

(2) in respect of any employment after the said 5th April, a sum equal to one twenty-sixth of the total remuneration paid or payable by the employer to the worker since that date.

9. Where under the provisions of paragraph 8 of this Schedule or of Order L. (22) any accrued holiday remuneration has been paid by the employer to the worker, in respect of employment during either 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.

PART V

GENERAL

10. For the purposes of calculating any period of employment qualifying a worker for an annual holiday, the worker shall be treated as if she were employed for a week in respect of any week in which—

(1) she has worked for the employer for not less than 10 hours and has performed some work for which statutory minimum remuneration is payable; or

(2) she has performed no work for the employer solely by reason of the proved illness of, or accident to, the worker or otherwise by permission of the employer:

Provided that the number of weeks which may be treated as weeks of employment for such reasons shall not exceed 13 in the aggregate in any such period; or

(3) she was absent on a holiday allowed under the provisions of this Schedule.

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

"HOLIDAY SEASON" means, in any year, the period commencing on 6th April and ending on 30th September in that year.

"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:

Provided that—

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

(*b*) 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 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 Wages Council.

"WEEK" (except in Part II) 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 23rd December, 1959, 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 Lace Finishing Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1945 (Order L. (22)), which is revoked.