STATUTORY INSTRUMENTS

1974 No. 1010

WAGES COUNCILS

The Wages Regulation (Lace Finishing) (Holidays) Order 1974

Made - - - -	11*th June* 1974
Coming into Operation	11*th July* 1974

Whereas the Secretary of State has received from the Lace Finishing Wages Council (Great Britain) the wages regulation proposals set out in the Schedule hereto;

Now, therefore, the Secretary of State in exercise of powers conferred by section 11 of the Wages Councils Act 1959**(a)**, as modified by Article 2 of the Counter-Inflation (Modification of Wages Councils Act 1959) Order 1973**(b)**, and now vested in him **(c)**, 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 1974.

2.—(1) In this Order the expression "the specified date" means the 11th July 1974, 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**(d)** 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 Wages Regulation (Lace Finishing) (Holidays) Order 1972**(e)** shall cease to have effect.

Signed by order of the Secretary of State.
11th June 1974.

W. H. Marsh,
Assistant Secretary,
Department of Employment.

(a) 1959 c. 69.
(b) S.I. 1973/661 (1973 I, p. 2141).
(c) S.I. 1959/1769, 1968/729 (1959 I, p. 1795; 1968 II, p. 2108).
(d) 1889 c. 63.
(e) S.I. 1972/1224 (1972 II, p. 3700).

Article 3

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 Wages Regulation (Lace Finishing) (Holidays) Order 1972 (hereinafter referred to as "Order L.(36)").

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;

26th December if it be not a Sunday, 27th December in a year when 25th or 26th December is a Sunday;

New Year's Day, if it be not a Sunday, or if it be a Sunday, 2nd January;

Good Friday;

Easter Monday;

the last Monday in May;

the last Monday in August;

(or, when a day is substituted for any of the above days by national proclamation, that day); or

(*b*) in the case of each of the said days, a day substituted therefor being a day recognised by local custom as a day of holiday in substitution for the said day.

(3) Where Christmas Day, Boxing Day *or New Year's Day* (or any day substituted for any of these days under the provisions of (*b*) of sub-paragraph (2) of this paragraph) falls on a Saturday, the employer shall allow to a worker who normally works on each week-day except Saturday, a holiday on a day on which the worker normally works for the employer before 6th April immediately following the customary holiday;

Provided that a worker shall not be entitled to a holiday in pursuance of this sub-paragraph:—

(i) if she is not qualified under sub-paragraph (1) of this paragraph to be allowed the customary holiday; or

(ii) if she has been allowed a day of holiday (not being a customary holiday or a day of annual holiday) on a day on which she would normally work for the employer before the customary holiday and has been paid for that holiday not less than the amount to which she would have been entitled had the day been a customary holiday allowed to her under sub-paragraph (1) of this paragraph.

PART III

ANNUAL HOLIDAY

3.—(1) Subject to the provisions of paragraph 4, in addition to the holidays specified in Part II of this Schedule an employer shall between the date on which this Schedule becomes effective and 30th September 1974, and in each succeeding year between 6th April and 30th September 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 for any of the periods of employment (calculated in accordance with the provisions of paragraph 10) set out in the appropriate column of the table below and the duration of the annual holiday shall, in the case of each such worker, be related to her period of employment during that 12 months as follows:—

Period of employment	Duration of Annual holiday for workers with a normal working week of—			
	five days or more	four days	three days	two days
At least 48 weeks	15 days	12 days	9 days	6 days
,, ,, 44 ,,	13 ,,	11 ,,	8 ,,	5 ,,
,, ,, 40 ,,	12 ,,	10 ,,	7 ,,	5 ,,
,, ,, 36 ,,	11 ,,	9 ,,	6 ,,	4 ,,
,, ,, 32 ,,	10 ,,	8 ,,	6 ,,	4 ,,
,, ,, 28 ,,	8 ,,	7 ,,	5 ,,	3 ,,
,, ,, 24 ,,	7 ,,	6 ,,	4 ,,	3 ,,
,, ,, 20 ,,	6 ,,	5 ,,	3 ,,	2 ,,
,, ,, 16 ,,	5 ,,	4 ,,	3 ,,	2 ,,
,, ,, 12 ,,	3 ,,	3 ,,	2 ,,	1 day
,, ,, 8 ,,	2 ,,	2 ,,	1 day	1 ,,

(2) Where in any holiday season a worker does not wish to take during the holiday season days of holiday not exceeding twice the number of days constituting her normal working week being all or part of the annual holiday for which she has qualified under this paragraph and before the expiration of such holiday season enters into an agreement in writing with her employer that such days of annual holiday 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.

(3) The duration of the worker's annual holiday in the holiday season ending on 30th September 1974, shall be reduced by any days of annual holiday duly allowed to her by the employer under the provisions of Order L.(36) between 6th April 1974, and the date on which the provisions of this Schedule become effective.

(4) In this Schedule the expression "holiday season" means in any year, the period commencing on 6th April and ending on 30th September of the same year.

4.—(1) Subject to the provisions of this paragraph, an annual holiday under this Schedule shall be allowed on consecutive working days and days of 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 she does not normally work for the employer intervenes.

(2) (*a*) Where the number of days of annual holiday for which a worker has qualified exceeds the number of days constituting her normal working week, but does not exceed twice that number, the holiday may 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.

(*b*) Where the number of days of annual holiday for which a worker has qualified exceeds twice the number of days constituting her normal working week the holiday may be allowed as follows:—

(i) as to the period comprising twice the number of days constituting the worker's normal working week, in accordance with sub-paragraph (*a*) of this paragraph; and

(ii) as to any additional days, on working days which need not be consecutive, to be fixed by the employer after consultation with the worker, either during the holiday season or before the beginning of the next following holiday season.

(3) 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 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 in the holiday season, or by agreement between the employer and the worker on any working day before the beginning of the next following holiday season.

5. An employer shall give to a worker reasonable notice of the commencement 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.—(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 she shall be paid by the employer as holiday remuneration an amount equal to the sum which would be payable to her by the employer if that day were not a holiday and she worked thereon the number of hours normally worked by her (exclusive of overtime) on that day of the week and if she were paid at the agreed minimum hourly rate payable to her under her contract of employment immediately before the holiday or where in the case of a piece worker no such rate is payable, one day's holiday pay (as defined in paragraph 11).

(2) 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 first working day following the customary holiday are paid.

ANNUAL HOLIDAY

7.—(1) Subject to the provisions of paragraph 8, a worker qualified to be allowed an annual holiday under this Schedule shall be paid as holiday remuneration by her employer on the last pay-day preceding such annual holiday—

(*a*) in respect of days of annual holiday not exceeding twice the number of days constituting the worker's normal working week, whichever of the following is the greater:—

(i) 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; or

(ii) one day's holiday pay (as defined in paragraph 11) in respect of each day of annual holiday; and

(*b*) in respect of any additional days of annual holiday in accordance with the provisions of paragraph 6(1) of this Schedule.

(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.

8. Where under the provisions of paragraph 9 of this Schedule or of Order L.(36) 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 or of Order L.(36).

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 (hereinafter called "the termination date"), pay to the worker as accrued holiday remuneration:—

(1) in respect of employment in the 12 months up to and including 5th April immediately preceding the termination date, 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 since 5th April immediately preceding the termination date, an amount equal to the holiday remuneration which would have been payable to her if she could have been allowed an annual holiday in respect of that employment at the time of leaving it.

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:—

"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.

"ONE DAY'S HOLIDAY PAY" means the appropriate proportion of the remuneration which the worker would be entitled to receive from her employer at the date of the annual holiday for one week's work if working her normal working week and the number of daily hours normally worked by her (exclusive of overtime)

and if paid as a time worker at the appropriate rate of statutory minimum remuneration for work for which statutory minimum remuneration is payable and at the same rate for any work for which such remuneration is not payable, and in this definition "appropriate proportion" means—

where the worker's normal working week is five days	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.

"STATUTORY MINIMUM REMUNERATION" means minimum remuneration (other than holiday remuneration) fixed by a wages regulation order.

"TOTAL REMUNERATION" means any payments paid or payable to the worker under her contract of employment for time worked or piece work done by her, holiday remuneration, any productivity, long service, or other bonus payable to the worker on a weekly, fortnightly or monthly basis and merit payments so payable but does not include any other payments.

"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.*)

This Order, which has effect from 11th July 1974, sets out the holidays which an employer is required to allow to workers in relation to whom the Lace Finishing Wages Council operates and the remuneration payable for those holidays in substitution for the holidays and holiday remuneration fixed by the Wages Regulation (Lace Finishing) (Holidays) Order 1972 (Order L.(36)). Order L.(36) is revoked.

New provisions are printed in italics.

SI 1974/1010
ISBN 0-11-041010-6

