STATUTORY INSTRUMENTS

1972 No. 1484

WAGES COUNCILS

The Wages Regulation (Licensed Non-residential Establishment) (Amendment) Order 1972

Made - - -	*2nd October* 1972
Coming into Operation	*12th November* 1972

Whereas the Secretary of State has received from the Licensed Non-residential Establishment Wages Council 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**) 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 (Licensed Non-residential Establishment) (Amendment) Order 1972.

2.—(1) In this Order the expression "the specified date" means the 12th November 1972, 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 the Schedule hereto shall have effect as from the specified date.

Signed by order of the Secretary of State.
2nd October 1972.

R. R. D. McIntosh,
Deputy 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

The Wages Regulation (Licensed Non-residential Establishment) Order 1972(a) (Order L.N.R. (91)), shall have effect as if in the Schedule thereto:—

1. after paragraph 10 there were inserted the following additional paragraph:—

"AGREEMENT TO ALLOW ANNUAL HOLIDAY OUTSIDE THE HOLIDAY SEASON

10A. *Notwithstanding the provisions of paragraphs 9 and 10, where a worker elects to take his annual holiday, or part thereof, outside the holiday season and in pursuance of an agreement with his employer that the employer will allow such holiday at a given date after the end of the holiday season and before the commencement of the next following holiday season, the days of holiday so allowed shall for the purposes of this Schedule be treated as having been allowed during the holiday season."*

2. for paragraph 16 there were substituted the following paragraph:—

"ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

16. Subject to the provisions of this paragraph and the provisions of paragraph 11 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 referred to as 'the termination date') pay to the worker as accrued holiday remuneration:—

(1) in respect of employment in the 12 months up to 1st March immediately preceding the termination date a sum equal to the holiday remuneration as calculated under paragraph 14 for any days of annual holiday for which he has qualified except days of annual holiday which he has been allowed or has become entitled to be allowed before leaving the employment; and

(2) in respect of any employment since the last day of February immediately preceding the termination date a sum equal to the holiday remuneration as calculated under paragraph 14 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:

Provided that—

(1) no worker shall be entitled to the payment by his employer of accrued holiday remuneration if—

(*a*) he is dismissed on any of the following grounds, that is to say—

(i) dishonesty, or

(ii) misconduct involving contravention of the licensing laws, or

(iii) *gross industrial misconduct,*

and in each case is so informed by the employer at the time of dismissal; or

(*b*) he leaves his employment without having notified his employer, not less than one week before terminating his employment, of his intention to do so;

(a) S.I. 1972/943 (1972 II, p. 2940).

(2) the amount of any accrued holiday remuneration payable at the termination date shall be reduced by the amount of any sum paid by the employer to the worker—

(*a*) as accrued holiday remuneration under the provisions of this Schedule or of Order L.N.R. (87) in so far as such sum is attributable to the period or periods for which the accrued holiday remuneration is payable;

(*b*) in respect of any day or days of holiday for which the worker has not qualified under the provisions of this Schedule or of Order L.N.R. (87) and allowed during the period or periods in respect of which the accrued holiday remuneration is payable."

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which has effect from 12th November 1972, amends the provisions of the Wages Regulation (Licensed Non-residential Establishment) Order 1972 (Order L.N.R. (91)) relating to the allowing of days of annual holiday and to the payment of accrued holiday remuneration.

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