FIRST SCHEDULE

STATUTORY MINIMUM REMUNERATION

The Wages Regulation (Licensed Non-Residential Establishment) Order, 1948(a), as amended by the Wages Regulation (Licensed Non-Residential Establishment) (Amendment) Order, 1951(b), shall have effect as if in the First Schedule thereto in paragraphs 5, 9 and 10 (which relate to Overtime and Public Holidays) for the expression " 15 hours " there were substituted the expression " 18 hours ".

SECOND SCHEDULE

HOLIDAYS AND HOLIDAY REMUNERATION

The Wages Regulation (Licensed Non-Residential Establishment) (Holidays) Order, 1951(c), shall have effect as if in the Schedule thereto in paragraph 12 (which relates to the calculation of periods of employment entitling the worker to annual holidays and accrued holiday remuneration) for the expression " 15 hours " there were substituted the expression " 18 hours ".

EXPLANATORY NOTE

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

This Order, which has effect from 15th October, 1951, amends the provisions relating to statutory minimum remuneration and holidays contained in the Wages Regulation (Licensed Non-Residential Establishment) Order, 1948, as amended by the Wages Regulation (Licensed Non-Residential Establishment) (Amendment) Order, 1951, and the Wages Regulation (Licensed Non-Residential Establishment) (Holidays) Order, 1951, by increasing from 15 to 18 the number of hours

(1) ordinarily to be worked by a worker before the provisions relating to overtime and public holidays apply to him, and

(2) to be worked in a week by a worker before the provisions relating to the calculation of periods of employment entitling the worker to annual holidays or accrued holiday remuneration apply.

The Wages Regulation (Licensed Non-Residential Establishment) (Holidays) Order, 1951

1951 No. 675

Made - - - - 18*th April*, 1951

Coming into Operation 20*th May*, 1951

L.N.R. (19)

Whereas the Minister of Labour and National Service (hereinafter in this Order referred as to " the Minister ") has received from the Licensed Non-Residential Establishment Wages Board (hereinafter in this Order referred

(a) S.I. 1948 (No. 2100) I, p. 327. (b) S.I. 1951 (No. 588) p. 104 above.
(c) S.I. 1951 No. 675 below.

to as " the Board ") the wages regulation proposals set out in the Schedule hereto, being proposals for requiring certain workers in relation to whom the Board operates to be allowed holidays by their employers and for fixing holiday remuneration to be paid by their employers to those workers in substitution for the holidays and holiday remuneration fixed by the Wages Regulation (Licensed Non-Residential Establishment) (Holidays) Order, 1947(a) (hereinafter in this Order referred to as " Order L.N.R. (8) ") as amended by the Wages Regulation (Licensed Non-Residential Establishment) Order, 1948(b) (hereinafter in this Order referred to as " Order L.N.R. (12) ");

Now, therefore, the Minister, by virtue of the powers conferred on him by section 8 of the Catering Wages Act, 1943(c), and of all other powers in that behalf hereby makes the following Order: —

Short title, commencement, interpretation and revocation

1.—(1) This Order may be cited as the Wages Regulation (Licensed Non-Residential Establishment) (Holidays) Order, 1951, and shall come into operation on the 20th day of May, 1951.

(2) The Interpretation Act, 1889(d), applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(3) Order L.N.R. (8), as amended by Order L.N.R. (12), is hereby revoked.

Provisions as to holidays and holiday remuneration

2.—(1) Effect is hereby given to the said wages regulation proposals set out in the Schedule hereto.

(2) The provisions of the Schedule hereto shall have effect as from the 20th day of May, 1951.

Signed by order of the Minister of Labour and National Service this 18th day of April, 1951.

Godfrey H. Ince,
Secretary,
Ministry of Labour and National Service.

SCHEDULE

APPLICATION

Paragraph 1

This Schedule applies to every worker to whom a wages regulation order applies, other than a Manager, Manageress, Relief Manager, Relief Manageress, Club Steward, Club Stewardess, or the wife of a Manager, Relief Manager or Club Steward, if she is required by the employer to assist in the work of the establishment.

ANNUAL HOLIDAYS

Paragraph 2

Subject to the provisions of this paragraph and of paragraph 4 an employer shall between the 20th day of May, 1951, and the 31st day of October, 1951, and between the 1st day of March and the 31st day of October in each subsequent year (hereinafter in this Schedule referred to as

(a) S.R. & O. 1947 (No. 2719) I, p. 177.
(b) S.I. 1948 (No. 2100) I, p. 327.
(c) 6 & 7 Geo. 6. c. 24.
(d) 52 & 53 Vict. c. 63.

"the holiday season") allow a holiday (hereinafter in this Schedule referred to as an "annual holiday") to every worker in his employment to whom this Schedule applies who during the 12 months immediately preceding his annual holiday or immediately preceding the 17th day of October, if a holiday has not been allowed before that date (hereinafter in this Schedule referred to as "the qualifying period") was employed for any of the periods specified below, and the duration of the annual holiday shall be related to the period of the worker's employment during that 12 months as follows:—

Period of Employment	Duration of Holiday
At least 48 weeks	12 days
„ „ 44 „	11 „
„ „ 40 „	10 „
„ „ 36 „	9 „
„ „ 32 „	8 „
„ „ 28 „	7 „
„ „ 24 „	6 „

Provided that—

(*a*) the number of days of annual holiday to which a worker is entitled in any holiday season shall not exceed twice the number constituting the worker's normal working week;

(*b*) where an annual holiday is allowed to a worker in two separate periods in accordance with the provisions of paragraph 3 the period of 12 months immediately preceding the worker's annual holiday referred to in this paragraph shall be the period of 12 months immediately preceding the first holiday period;

(*c*) the duration of the worker's annual holiday during the holiday season ending on the 31st day of October, 1951, shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of the Schedule to Order L.N.R. (8) (as amended) between the 1st day of March, 1951, and the 20th day of May, 1951.

Paragraph 3

Annual holidays shall be allowed on consecutive working days and days of holiday shall be treated as consecutive notwithstanding that the worker's day of rest or a day of public holiday or a day of holiday in lieu of a day of public holiday intervenes. Provided that—

Where a worker is entitled to more days of annual holiday than the number of days constituting his normal working week his annual holiday may be allowed in two separate periods of which one shall consist of at least the number of days constituting his normal working week.

Paragraph 4

Notwithstanding the provisions of paragraph 2, the Board may vary the holiday season as there set out if they receive an application for the purpose from an employer and are satisfied that it is reasonable to do so to meet special circumstances. Such variation may provide for the commencement of the holiday season earlier than 1st March or its extension beyond 31st October. An application relating to the commencement of the holiday season shall be made to the Board not less than six weeks before the operative date and an application to extend the duration of the holiday season, before 1st July. Any such alteration in the holiday season shall not become effective until notice of the decision of the Board has been communicated to the employer concerned.

In the case of any variation of the holiday season under this provision, the qualifying period in respect thereof shall be that stated in paragraph 2 except that a date not later than 14 days before the end of the holiday season as extended shall be substituted for the 17th October.

Paragraph 5

An employer shall give to a worker reasonable notice of the commencing date and duration of his annual holiday and such notice may be given individually to a worker or by the posting of a notice in the place where a worker is employed.

Paragraph 6

Where any day of annual holiday allowed to any worker under this Schedule falls upon a day of holiday or half-holiday to which the worker may be entitled under any enactment other than the Catering Wages Act, 1943, that holiday or half-holiday shall be treated as part of the holiday allowed under this Schedule.

HOLIDAY REMUNERATION

Paragraph 7

Holiday remuneration for annual holidays shall be paid on the last pay day preceding the holiday as follows:—

For each week in the qualifying period (but not exceeding 48) in respect of which, under the provisions of paragraph 12, the worker is treated as having been employed, one twenty-fourth of the amount he would be entitled to receive from his employer under the arrangement current immediately before the holiday if he worked his normal weekly hours of work, exclusive of overtime, with the addition in the case of a worker who is normally supplied with full board, meals or lodging of *one-sixth* of the following amounts for each day of holiday:—

(*a*) *27s. 6d.* in the case of a worker normally supplied by his employer with full board and lodging;

(*b*) *22s. 6d.* in the case of a worker normally supplied by his employer with 2 meals only a day and lodging;

(*c*) *17s. 0d.* in the case of a worker normally supplied by his employer with 1 meal only a day and lodging;

(*d*) *17s. 6d.* in the case of a worker normally supplied by his employer with full board but no lodging;

(*e*) *12s. 6d.* in the case of a worker normally supplied by his employer with 2 meals only a day but no lodging;

(*f*) *7s. 0d.* in the case of a worker normally supplied by his employer with 1 meal only a day but no lodging;

(*g*) *10s. 0d. in the case of a regular worker (as defined in paragraph 13) normally supplied by his employer with lodging but with no meals.*

Provided that where under the provisions of paragraph 3 an annual holiday is taken in two periods, the holiday remuneration shall be apportioned accordingly.

ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

Paragraph 8

If a worker ceases to be employed by an employer, the employer shall, immediately on termination of his employment (hereinafter in this Schedule referred to as the "termination date") pay to the worker accrued holiday remuneration in accordance with the provisions of paragraphs 9 and 10.

Paragraph 9

Subject to the provisions of this paragraph and of paragraph 10, accrued holiday remuneration shall be payable to a worker in respect of his employment with the employer in the 12 months immediately preceding the termination date as follows:—

For each week (but not exceeding 48) in respect of which, under the provisions of paragraph 12, the worker is treated as having been

employed, one twenty-fourth of the amount he would be entitled to receive from his employer under the arrangement current immediately before the termination date if he worked his normal weekly hours of work, exclusive of overtime, with the addition in the case of a worker who is normally supplied with full board, meals or lodging of *one-sixth* of the following amounts for each period of 4 weeks' employment (but not exceeding a total of 48 weeks) in respect of which under the provisions of paragraph 12 the worker is treated as having been employed:—

(*a*) *27s. 6d.* in the case of a worker normally supplied by his employer with full board and lodging;

(*b*) *22s. 6d.* in the case of a worker normally supplied by his employer with 2 meals only a day and lodging;

(*c*) *17s. 0d.* in the case of a worker normally supplied by his employer with 1 meal only a day and lodging;

(*d*) *17s. 6d.* in the case of a worker normally supplied by his employer with full board but no lodging;

(*e*) *12s. 6d.* in the case of a worker normally supplied by his employer with 2 meals only a day but no lodging;

(*f*) *7s. 0d.* in the case of a worker normally supplied by his employer with 1 meal only a day but no lodging;

(*g*) *10s. 0d. in the case of a regular worker (as defined in paragraph 13) normally supplied by his employer with lodging but with no meals.*

Provided that—

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

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

(i) dishonesty, or

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

(*c*) he ceases to be employed during the first 24 weeks of his employment except only that where a worker is dismissed by his employer, on grounds other than those set out in proviso (1) (*a*) of this paragraph, after he has been employed for at least 12 weeks, accrued holiday remuneration shall be paid to him by his employer calculated in the manner provided in this paragraph;

(2) the amount of any accrued holiday remuneration payable on the termination of the worker's employment shall be reduced by the amount of any previous payment of accrued holiday remuneration made by the employer to the worker under the provisions of this Schedule or the Schedule to Order L.N.R. (8) (as amended) in so far as it is attributable to the period for which the accrued holiday remuneration is payable;

(3) accrued holiday remuneration is not payable in respect of any period of employment for which a worker has been allowed or become entitled to be allowed an annual holiday under this Schedule or the Schedule to Order L.N.R. (8) (as amended).

Paragraph 10

Where a worker has been allowed in a holiday season part only of the annual holiday for which he has qualified under this Schedule and his employment is terminated before he becomes entitled to the rest of that holiday, the

accrued holiday remuneration payable shall be the appropriate amount calculated in accordance with the provisions of paragraph 9:—

(*a*) in respect of his employment with the employer during the qualifying period, less the holiday remuneration received by the worker in respect of that part of the holiday which has been allowed, and

(*b*) in respect of the period of his employment since the end of the qualifying period immediately preceding the termination date.

Paragraph 11

Where under the provisions of this Schedule or of the Schedule to Order L.N.R. (8) (as amended) any accrued holiday remuneration has been paid by the employer to the worker prior to the allowance of an annual holiday in accordance with the provisions of this Schedule, the amount of holiday remuneration payable by the employer in respect of the said annual holiday under the provisions of paragraph 7 of this Schedule shall be reduced by the amount of any previous payment of accrued holiday remuneration in so far as it is attributable to any part of the period of employment in respect of which the said holiday has been allowed.

GENERAL

Paragraph 12

For the purposes of calculating any period of employment entitling a worker to an annual holiday or to any accrued holiday remuneration under this Schedule the worker shall be treated as having been employed:—

(1) for a week in respect of any week in which he has worked for the employer for not less than 15 hours and has qualified for payment of remuneration fixed by a wages regulation order;

(2) when absent from work in any of the following circumstances—

(*a*) during annual holidays, days of public holiday or days in lieu of public holiday;

(*b*) during proved sickness or accident up to and not exceeding 8 weeks in the aggregate during any such period as aforesaid;

(*c*) by leave of the employer.

DEFINITIONS

Paragraph 13

In this Schedule the following expressions have the meanings hereby assigned to them:—

"day of public holiday" means—

(*a*) in England and Wales—Christmas Day (or if Christmas Day falls on a Sunday such week-day as may be prescribed by national proclamation or if no such day is prescribed, the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday, August Bank Holiday, and any day proclaimed as an additional Bank holiday or a general holiday;

(*b*) in Scotland—

(i) New Year's Day (or the following day if New Year's Day falls on Sunday), the local Spring holiday, the local Autumn holiday, and any day proclaimed as an additional Bank holiday or a general holiday;

(ii) any other week-days in the course of a calendar year locally recognised as days of public holiday, not exceeding three in any one year.

"full board" means not less than three meals per day of good and sufficient quality and quantity one of which shall be dinner;

"lodging" means clean and adequate accommodation and facilities for eating, sleeping, washing and leisure and the laundering of such articles as may be provided by the employer for the use of the worker;

"meal" means a meal of good and sufficient quality and quantity;

"normal weekly hours of work" means the number of hours which have been most frequently worked by the worker in a week in the employment of the employer in the twelve months immediately preceding the commencement of the holiday or where under paragraph 8 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.

"normal working week" means the number of days on which the worker has most frequently worked in a week in the employment of the employer in the twelve months immediately preceding the commencement of the holiday, or where under paragraph 8 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.

"regular worker" means a worker who ordinarily works for his employer for not less than 34 hours a week.

"wages regulation order" means an order made by the Minister to give effect to proposals submitted to him by the Board for fixing the remuneration to be paid by their employers to workers in relation to whom the Board operates.

"week" means "pay week."

"CLUB STEWARD" or "CLUB STEWARDESS" means a worker aged 21 years or over, who is responsible for the stock or management of the bar or bars in a club to which this Schedule applies.

"MANAGER" or "MANAGERESS" means the person responsible to the employer for the cleanliness, care and supervision of the premises and equipment of an establishment other than a club, for the keeping of records and for the correct handling of the cash and stocks, for the control of staff where any are employed and for the conduct of the establishment as required by the law.

"RELIEF MANAGER" or "RELIEF MANAGERESS" means a worker who is appointed by the employer to take charge of an establishment, other than a club, in the absence of the manager or the manageress and who is not in receipt of minimum remuneration under a wages regulation order other than the remuneration provided for a Relief Manager or a Relief Manageress.

"ESTABLISHMENT" means a licensed non-residential establishment.

"LICENSED NON-RESIDENTIAL ESTABLISHMENT" means—

(1) A public house, inn, hotel or other premises, being an establishment

(*a*) at which it is lawful for intoxicating liquor to be sold for consumption on the premises or to be supplied for consumption on the premises by reason of the fact that part of the premises is habitually used for the purposes of a registered club; and

(*b*) which is not a residential establishment within the meaning of this Schedule;

(2) A club

(*a*) at which it is lawful for intoxicating liquor to be supplied for consumption on the premises:—

and

(*b*) which is not a residential establishment within the meaning of this Schedule

but does not include

(i) any such establishment or club as aforesaid if the main activity there carried on consists of the supply of food or drink for immediate consumption at one or more of the following places, that is to say, a restaurant, dining room, café or similar place;

(ii) any hostel or similar establishment provided by or by arrangement with an employer wholly or mainly for the purposes of accommodating persons employed by him.

"RESIDENTIAL ESTABLISHMENT" means an establishment which either contains four or more rooms ordinarily available as sleeping accommodation for guests or lodgers or if it contains less than four such rooms which contains sleeping accommodation ordinarily available for not less than eight guests or lodgers.

EXPLANATORY NOTE

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

The Schedule to this Order, which has effect from the 20th May, 1951, fixes the holidays to be allowed and the holiday remuneration to be paid by their employers to workers in relation to whom the Licensed Non-Residential Establishment Wages Board operates and to whom a wages regulation order applies (other than managers, relief managers, club stewards and the wives of such managers, relief managers and club stewards).

It supersedes the Schedule to Order L.N.R. (8) (as amended by Order L.N.R. (12)) which is revoked.

New provisions in the Schedule are printed in italics.