STATUTORY INSTRUMENTS

1971 No. 30

WAGES COUNCILS

The Wages Regulation (Licensed Non-residential Establishment) (Managers and Club Stewards) (Amendment) Order 1971

Made - - -	11*th January* 1971
Coming into Operation	14*th February* 1971

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 his powers under 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 (Licensed Non-residential Establishment) (Managers and Club Stewards) (Amendment) Order 1971.

2.—(1) In this Order the expression "the specified date" means the 14th February 1971, 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) 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.
11th January 1971.

R. R. D. McIntosh,
Deputy Secretary,
Department of Employment.

(a) 1959 c. 69.

(b) 1889 c. 63.

Article 3

SCHEDULE

The Wages Regulation (Licensed Non-residential Establishment) (Managers and Club Stewards) Order 1970(a) (Order L.N.R. (80)), shall have effect as if in the Schedule thereto:—

1. for paragraph 4 there were substituted the following paragraph:—

"4. Where the wife of a Manager, a Trainee Manager or of a Relief Manager is required by the employer to assist in the work of the licensed non-residential establishment (other than a club) she shall be paid not less than *72s. 6d.* for any week in which she is employed and during any part of which she is capable of and available for work whether she performs any work for her employer in that week or not and irrespective of the number of hours she works:

Provided that the minimum remuneration payable under this paragraph shall be reduced in any week by the amount of any holiday remuneration paid to the worker in respect of any day or days of annual holiday allowed in that week to the worker under Part II of this Schedule."

2. for Part II there were substituted the following Part:—

"PART II

ANNUAL HOLIDAY AND HOLIDAY REMUNERATION

ANNUAL HOLIDAY

19. An employer shall, between the date on which the provisions of this Schedule become effective and 31st December 1971, and in each succeeding year between 1st January and 31st December (hereinafter referred to as the 'holiday season'), allow an annual holiday to every worker to whom this Schedule applies (other than a worker who is a Club Steward, a Club Stewardess or the wife of a Club Steward, and who ordinarily works for the employer for less than 18 hours a week). The dates between which the annual holiday is to be allowed shall be agreed between the employer and the worker, or if no agreement is reached, it shall be allowed so as to terminate not later than 31st December.

20. The duration of the annual holiday shall be determined by reference to the worker's period of employment during the 12 months immediately preceding the commencement of the holiday season (*hereinafter referred to as the 'qualifying period'*) in the following manner:—

Period of employment	Duration of holiday
At least 1 month	1 day
„ „ 2 months	2 days
„ „ 3 „	3 „
„ „ 4 „	4 „
„ „ 5 „	5 „
„ „ *6 months*	*7 days*
„ „ *7* „	*9* „
„ „ *8* „	*11* „
„ „ *9* „	*13* „
„ „ *10* „	*15* „
„ „ *11* „	*16* „
„ „ *12* „	*18* „

Provided that—

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

(2) the number of days of annual holiday which an employer is required to allow to a worker during the year 1971 under the provisions of this Schedule shall be reduced by the number of any days of paid annual holiday allowed to the worker under the provisions of Order L.N.R. (80) during 1971 prior to the date on which this Schedule becomes effective.

(a) S.I. 1970/1106 (1970 II, p. 3489).

21. An annual holiday shall be allowed on consecutive working days, being days upon which the worker is normally called upon to work, and days of holiday shall be treated as consecutive notwithstanding the intervention of a public holiday or a day of holiday in lieu of a public holiday:

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 or more separate periods of which one shall consist of at least the number of days constituting his normal working week.

Remuneration for Annual Holiday

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

(1) Where a worker is not provided by the employer, for the duration of the holiday, with full board—for each day of holiday allowed in accordance with the provisions of paragraph 20—

(*a*) in the case of Managers, Trainee Managers, Manageresses, Relief Managers, Relief Manageresses and the wives of Managers, Trainee Managers or Relief Managers where such wives are required by the employer to assist in the work of the licensed non-residential establishment (other than a club), not less than one-sixth of the statutory minimum remuneration to which the worker would be entitled at the date of the holiday for a week's work if he were not provided by the employer with full board;

(*b*) in the case of Club Stewards, Club Stewardesses and the wives of Club Stewards where such wives are required by the employer to assist in the work of the club, not less than one-sixth of the statutory minimum remuneration to which the worker would be entitled at the date of the holiday for a week's work if he worked his normal weekly hours of work and if he were not provided by the employer with full board.

(2) Where a worker is provided by the employer, for the duration of the holiday, with full board—for each day of holiday allowed in accordance with paragraph 20—

(*a*) in the case of Managers, Trainee Managers, Manageresses, Relief Managers, Relief Manageresses and the wives of Managers, Trainee Managers or Relief Managers where such wives are required by the employer to assist in the work of the licensed non-residential establishment (other than a club), not less than one-sixth of the statutory minimum remuneration to which the worker would be entitled in cash at the date of the holiday for a week's work if he were provided by the employer with full board;

(*b*) in the case of Club Stewards, Club Stewardesses and the wives of Club Stewards where such wives are required by the employer to assist in the work of the club, not less than one-sixth of the statutory minimum remuneration to which the worker would be entitled in cash at the date of the holiday for a week's work if he worked his normal weekly hours of work and if he were provided by the employer with full board:

Provided that where under the provisions of paragraph 21 an annual holiday is taken in more than one period the holiday remuneration shall be apportioned accordingly.

Accrued Holiday Remuneration Payable on Termination of Employment

23. If a worker (other than a worker who is a Club Steward, a Club Stewardess or the wife of a Club Steward, and who ordinarily works for the employer for less than 18 hours a week) 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 accrued holiday remuneration in accordance with the provisions of paragraph 24.

24.—(1) Subject to the provisions of this paragraph, accrued holiday remuneration shall be payable to a worker in respect of such period of his employment with the

employer in the 12 months immediately preceding the termination date as has not already been counted as employment for the purpose of any day or days of annual holiday.

(2) The amount of the accrued holiday remuneration shall be a sum equal to the holiday remuneration which would have been payable in accordance with paragraph 22(1) if the period of employment specified in sub-paragraph (1) of this paragraph had been the qualifying period for an annual holiday and if the worker could have been allowed an annual holiday in respect of that employment at the time of leaving it.

Provided that—

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

(1) 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

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

(*b*) 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—

(i) as accrued holiday remuneration under the provisions of this Schedule or of Order L.N.R. (80) in so far as such sum is attributable to the period for which the accrued holiday remuneration is payable;

(ii) in respect of any day or days of holiday for which the worker had not qualified under the provisions of this Schedule or of Order L.N.R. (80) and allowed during the period in respect of which the accrued holiday remuneration is payable;

(*c*) accrued holiday remuneration is not payable in respect of any period of employment for which the worker has become entitled to be allowed an annual holiday under the provisions of this Schedule or of Order L.N.R. (80).

25. Where under the provisions of this Schedule or of Order L.N.R. (80) any accrued holiday remuneration has been paid by the employer to a 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 22 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.

Calculation of Employment

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

(1) for a month in respect of any month in which he has worked for the employer for not less than two weeks and has qualified for payment of statutory minimum remuneration;

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

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

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

(*c*) by leave of the employer."

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which has effect from 14th February 1971, amends the Wages Regulation (Licensed Non-residential Establishment) (Managers and Club Stewards) Order 1970 (L.N.R. (80)) by increasing the statutory minimum remuneration fixed by that Order for wives of managers, trainee managers and relief managers and by providing for a third week of annual holiday.

New provisions are printed in italics.