The Wages Regulation (Licensed Non-Residential Establishment) (Managers and Club Stewards) Order, 1951

1951 No. 676

Made - - - - 18*th April*, 1951
Coming into Operation 20*th May*, 1951

L.N.R. (20)

Whereas the Minister of Labour and National Service (hereinafter in this Order referred to as " the Minister ") has received from the Licensed Non-Residential Establishment Wages Board (hereinafter in this Order referred to as " the Board ") the wages regulation proposals set out in the First and Second Schedules hereto ;

Now, therefore, the Minister by virtue of the powers conferred on him by section 8 of the Catering Wages Act, 1943(a), 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) (Managers and Club Stewards) Order, 1951, and shall come into operation on the 20th day of May, 1951.

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

(3) The Wages Regulation (Licensed Non-Residential Establishment) (Managers and Club Stewards) (Holidays) Order, 1948(c) (hereinafter in this Order referred to as " Order L.N.R. (14) ") is hereby revoked.

Provisions as to holidays and holiday remuneration and amendment of Wages Regulation Order

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

(2) The provisions of the said Schedules 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.

(a) 6 & 7 Geo. 6. c. 24. (b) 52 & 53 Vict. c. 63. (c) S.I. 1948 (No. 2102) I, p. 349.

FIRST 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 Order L.N.R. (14).

APPLICATION

Paragraph 1

This Schedule applies to the following workers for whom statutory minimum remuneration has been fixed, that is to say, Managers, Manageresses, Relief Managers, Relief Manageresses, the wives of Managers and Relief Managers where such wives are required by the employer to assist in the work of the establishment, Club Stewards, the wives of Club Stewards where such wives are required by the employer to assist in the work of the club and Club Stewardesses, but excluding Club Stewards, Club Stewardesses *and the wives of Club Stewards,* who ordinarily work for the employer for less than 15 hours a week.

ANNUAL HOLIDAYS

Paragraph 2

An employer shall between the 20th day of May, 1951, and the 31st day of December, 1951, and in each succeeding year between the 1st day of January and the 31st day of December, allow an annual holiday to a worker to whom this Schedule applies. 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.

Paragraph 3

The duration of the annual holiday shall be determined by reference to the worker's period of employment during the twelve months immediately preceding the date on which the holiday begins, in the following manner:—

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

Provided that—

(*a*) the number of days of annual holiday to which a worker is entitled in any year 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 or more separate periods in accordance with the provisions of paragraph 4 below, 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 number of days of annual holiday which an employer is required to allow to a worker during the year 1951 under the provisions of this Schedule shall be reduced by the number of any days of paid annual holiday taken by the worker under the provisions of the Schedule to Order L.N.R. (14) during 1951 prior to the date on which this Schedule becomes effective.

Paragraph 4

Annual holidays 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 day of public holiday or a day of holiday in lieu of a day of 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.

HOLIDAY REMUNERATION

Paragraph 5

Holiday remuneration for annual holidays 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 3 of this Schedule—

(*a*) in the case of managers, manageresses, relief managers, relief manageresses and the wives of managers or relief managers where such wives are required by the employer to assist in the work of the establishment, 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 3 of this Schedule—

(*a*) in the case of managers, manageresses, relief managers, relief manageresses and the wives of managers or relief managers where such wives are required by the employer to assist in the work of the establishment, 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 4 of this Schedule 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

Paragraph 6

If 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 accrued holiday remuneration in accordance with the provisions of paragraph 7 of this Schedule.

Paragraph 7

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, as follows:—

For each month's employment—

(1) in the case of managers, manageresses, relief managers, relief manageresses and the wives of managers or relief managers where such wives are required by the employer to assist in the work of the establishment, not less than one-sixth of the statutory minimum remuneration to which the worker would be entitled at the termination date for a week's work if he were not provided by the employer with full board;

(2) 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 termination date 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.

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 previous payment by the employer to the worker of accrued holiday remuneration, under the provisions of this Schedule or of the Schedule to Order L.N.R. (14), in so far as such payment is attributable to the period for 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 this Schedule or the Schedule to Order L.N.R. (14).

Paragraph 8

Where under the provisions of this Schedule or of the Schedule to Order L.N.R. (14) 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 5 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 9

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 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 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 10

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 ; and

(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.

" ESTABLISHMENT " means a licensed non-residential establishment.

" FULL BOARD " means not less than three meals per day of good and sufficient quality and quantity one of which shall be dinner.

" 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.

"MONTH" means the period commencing on a date of any number in one month of the calendar and ending on the day before the date of the same number in the next month, or if the commencing date is the 29th, 30th or 31st and there is no date of the same number in the next month, then on the last day of that month.

"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 annual holiday or where accrued holiday remuneration is payable on the termination of the employment, in the twelve months immediately preceding the termination date.

"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 accrued holiday remuneration is payable on the termination of the employment, in the twelve months immediately preceding the termination date.

"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.

"STATUTORY MINIMUM REMUNERATION" means minimum remuneration (other than holiday remuneration) which has been fixed by a Wages Regulation Order.

"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 the workers specified in paragraph 1 of this Schedule.

"WEEK" means pay week.

"CLUB STEWARD" or "CLUB STEWARDESS" means a worker aged 21 years or over who is responsible for the stock and management of the bar or bars in a Club.

"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 the 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.

SECOND SCHEDULE

REMUNERATION FOR EMPLOYMENT

The Wages Regulation (Licensed Non-Residential Establishment) (Managers and Club Stewards) Order, 1948(a), shall have effect as if in the Schedule thereto—

(1) For paragraphs 5 and 6 there were substituted the following paragraphs:—

"Paragraph 5

(1) The remuneration for a Relief Manager (as defined in paragraph 18) whether accommodation is provided by the employer or not shall be not less than £5 10*s.* 0*d.* for any week in which he is employed on the duties of a Relief Manager on more than one day and during any part of which week he is capable of and available for work, whether he performs any work for his employer in that week or not and irrespective of the number of hours he 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 a wages regulation order.

(2) The remuneration for a Relief Manager who is employed on not more than one day in any week shall be not less than 18s. 4d. for such day of employment.

Paragraph 6

(1) The remuneration for a Relief Manageress (as defined in paragraph 18) whether accommodation is provided by the employer or not shall be not less than £4 8*s.* 0*d.* for any week in which she is employed on the duties of a Relief Manageress on more than one day and during any part of which week 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 a wages regulation order.

(2) The remuneration for a Relief Manageress who is employed on not more than one day in any week shall be not less than 14s. 8d. for such day of employment."

(2) In paragraph 8 (1) (*a*) for the words "a week-day" there were substituted the words "a day".

(3) For paragraphs 13 and 14 there were substituted the following paragraphs:—

"Paragraph 13

The minimum remuneration for a Club Steward or a Club Stewardess who ordinarily works for his employer for less than 34 hours a week on work to which this Schedule applies shall be—

(a) where the employer does not provide the worker with accommodation (as defined in paragraph 18) at the rate of 2s. 3d. an hour for each hour worked;

(b) where the employer provides the worker with accommodation (as defined in paragraph 18)

(i) at the rate of 1s. 1½d. an hour for each of the first 22 hours worked in any week;

(ii) at the rate of 2s. 3d. for each hour worked thereafter in that week.

(a) S.I. 1948 (No. 2101) I, p. 338.

Paragraph 14

The minimum remuneration for the wife of a Club Steward who is required by the employer to assist in the work of the club, for any week in which she is employed and during any part of which she is capable of and available for work, shall be—

(a) where she ordinarily works for the employer for not less than 34 hours a week on work to which this Schedule applies .. .. .. 72s. per week

(b) where she ordinarily works for the employer for less than 34 hours a week on work to which this Schedule applies, for all time worked .. .. 1s. 6d. per hour."

(4) In paragraph 18, after the definition of "WAGES REGULATION ORDER", there were added the following definition:—

"WEEK" means pay week.

EXPLANATORY NOTE

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

This Order, which has effect from the 20th day of May, 1951, revokes the Wages Regulation (Licensed Non-Residential Establishment) (Managers and Club Stewards) (Holidays) Order, 1948.

The First Schedule fixes the annual holidays which an employer is required to allow and the holiday remuneration which he is required to pay to the following workers in relation to whom the Licensed Non-Residential Establishment Wages Board operates:—

(*a*) Managers, Manageresses, Relief Managers, Relief Manageresses and the wives of Managers and Relief Managers where such wives are required by the employer to assist in the work of the establishment;

(*b*) Club Stewards, the wives of Club Stewards, where such wives are required by the employer to assist in the work of the club, and Club Stewardesses (but excluding Club Stewards, Club Stewardesses and the wives of Club Stewards who ordinarily work for the employer for less than 15 hours a week).

The Second Schedule amends the Wages Regulation (Licensed Non-Residential Establishment) (Managers and Club Stewards) Order, 1948, by varying the provisions relating to the remuneration of relief managers, relief manageresses, club stewards, club stewardesses and the wives of club stewards.

New provisions are printed in italics.

The Wages Regulation (Licensed Non-residential Establishment) (Managers and Club Stewards) (Amendment) Order, 1951

1951 No. 1708

Made - - - - *24th September*, 1951

Coming into Operation *15th October*, 1951

L.N.R. (24)

Whereas the Minister of Labour and National Service (hereinafter in this Order referred to as "the Minister") has received from the Licensed Non-residential Establishment Wages Board the wages regulation proposals set out in the First and Second Schedules hereto;