work for more than the number of hours he normally works in the week, and the worker has informed his employer in writing that he does not so hold himself out, the guaranteed weekly remuneration shall be the amount payable to the worker at the appropriate hourly rate calculated as in paragraph 1 hereof for the number of hours in the week normally worked by the worker for the employer on work to which this Schedule applies in his usual occupation."

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 21st December, 1952, amends the Wages Regulation (Licensed Non-residential Establishment) Order, 1952 (Order L.N.R. (28)) by providing for the reduction of the amount of the guaranteed weekly remuneration payable to a worker where the worker ordinarily works for not less than 34 but less than 48 hours in a week in the circumstances specified in the Schedule.

1952 No. 205

The Wages Regulation (Licensed Non-residential Establishment) (Managers and Club Stewards) Order, 1952

Made - - - - *4th February,* 1952
Coming into Operation *2nd March,* 1952

L.N.R. (26)

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 Wages Board") the wages regulation proposals set out in the Schedule 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, 1952, and shall come into operation on the 2nd day of March, 1952.

(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) Order, 1948(c), the Wages Regulation (Licensed Non-Residential Establishment) (Managers and Club Stewards) Order, 1951(d), (hereinafter in this Order referred to as "Order L.N.R. (20)") and the Wages Regulation (Licensed Non-residential Establishment) (Managers and Club Stewards) (Amendment) Order, 1951(e), are hereby revoked.

(a) 6 & 7 Geo. 6. c. 24. (b) 52 & 53 Vict. c. 63.
(c) S.I. 1948/2101; Rev. III, p. 520; 1948 I, p. 338. (d) S.I. 1951/676; 1951 I, p. 117.
(e) S.I. 1951/1708; 1951 I, p. 124.

Fixing of statutory minimum remuneration and 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 said Schedule shall have effect as from the 2nd day of March, 1952.

Signed by order of the Minister of Labour and National Service this fourth day of February, 1952.

Guildhaume Myrddin-Evans,
Deputy Secretary,
Ministry of Labour and National Service.

ARRANGEMENT OF SCHEDULE

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SCHEDULE

PART I

REMUNERATION FOR EMPLOYMENT

MANAGERS, MANAGERESSES, RELIEF MANAGERS, RELIEF MANAGERESSES AND THE WIVES OF MANAGERS AND RELIEF MANAGERS

Paragraph 1

The minimum remuneration payable to a Manager or a Manageress, other than a Relief Manager or a Relief Manageress (as defined in paragraph 26), for any week in which he is employed and during any part of which 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 worked, shall be in accordance with the table in paragraph 2.

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.

Paragraph 2

The table of weekly minimum remuneration is as follows:—

Column 1 Manager or Manageress	Column 2 Where the employer provides accommodation (as defined in paragraph 26)		Column 3 Where the employer does not provide accommodation (as defined in paragraph 26)	
	Manager	Manageress	Manager	Manageress
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Category A	5 12 6	4 10 6	7 0 0	5 18 0
„ B	6 2 6	4 18 6	7 10 0	6 6 0
„ C	6 12 6	5 6 6	8 0 0	6 14 0
„ D	7 2 6	5 14 6	8 10 0	7 2 0
„ E	7 12 6	6 2 6	9 0 0	7 10 0
„ F	8 2 6	6 10 6	9 10 0	7 18 0
„ G	8 12 6	6 18 6	10 0 0	8 6 0
„ H	9 12 6	7 14 6	11 0 0	9 2 0
„ I	10 12 6	8 10 6	12 0 0	9 18 0
„ J	11 12 6	9 6 6	13 0 0	10 14 0

Paragraph 3

(1) For the purposes of paragraph 2 the category of a Manager or a Manageress in an establishment in which no staff hours are worked in a week or the number of staff hours worked in a week does not exceed 35 shall be A.

(2) The category of a Manager or a Manageress in an establishment in which the number of staff hours worked in a week exceeds that specified in Column 2 of the table to this sub-paragraph but does not exceed that in Column 3 shall be that specified in Column 1 of that table.

Column 1	Column 2	Column 3
Category B	35 hours	70 hours
„ C	70 „	105 „
„ D	105 „	175 „
„ E	175 „	280 „
„ F	280 „	420 „
„ G	420 „	560 „
„ H	560 „	735 „
„ I	735 „	980 „
„ J	980 „	1,330 „

(3) For the purpose of sub-paragraphs (1) and (2) of this paragraph:—

(*a*) the staff hours shall be calculated as follows: in any week there shall be counted all hours including overtime actually worked by workers for whom statutory minimum remuneration has been fixed pursuant to proposals of the Wages Board and who are employed in the establishment by the employer, but excluding any time worked by the Manager or Manageress, a Relief Manager or Relief Manageress or the wife of the Manager or Relief Manager and excluding also any time worked by any worker in any ancillary business the profits from which are taken by the Manager, the Manageress or the wife of the Manager;

(*b*) the number of staff hours worked in a week shall be the total of weekly staff hours calculated as in (*a*) of this sub-paragraph averaged over the period of 52 weeks preceding the last Saturday in February in each year and the resulting figure shall determine the category of the Manager or the Manageress for the 26 weeks beginning with the fifth week following the last Saturday in February. For the following period of 26 weeks the number of staff hours worked in a week shall be the total of weekly staff hours calculated as in (*a*) of this sub-paragraph averaged over the period of 52 weeks preceding the last Saturday in August in each year and the resulting figure shall determine the category of the Manager or Manageress for the purposes of remuneration for that period of 26 weeks.

Provided that where an establishment is newly opened or has been under management for less than 52 weeks immediately preceding the last Saturday in February or the last Saturday in August in any year, the category of the Manager or the Manageress in any week shall be determined by the staff hours worked in the previous week calculated as in (*a*) above until the establishment shall have been under management for not less than 52 weeks preceding the last Saturday in February or the last Saturday in August as the case may be.

Paragraph 4

Where the wife of a Manager or of a Relief Manager is required by the employer to assist in the work of the establishment she shall be paid not less than 30s. 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.

Paragraph 5

(1) The remuneration for a Relief Manager (as defined in paragraph 26) whether accommodation is provided by the employer or not shall be not less than *£6 2s. 6d.* 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 Part II of this Schedule.

(2) The remuneration for a Relief Manager who is employed on not more than one day in any week shall be not less than *£1 0s. 5d.* for such day of employment.

Paragraph 6

(1) The remuneration for a Relief Manageress (as defined in paragraph 26) whether accommodation is provided by the employer or not shall be not less than *£4 18s. 6d.* 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 Part II of this Schedule.

(2) The remuneration for a Relief Manageress who is employed on not more than one day in any week shall be not less than *16s. 5d.* for such day of employment.

BENEFITS OR ADVANTAGES

MANAGERS OR MANAGERESSES SUPPLIED WITH FULL BOARD

Paragraph 7

For the purpose of calculating the weekly minimum remuneration of a Manager or Manageress, the Wages Board authorises the following benefits or advantages, being benefits or advantages provided in connection with the employment by the employer or by some other person under arrangements with the employer and not being benefits or advantages illegally provided, to be reckoned as payment of wages by the employer in lieu of payment in cash:—

(i) full board supplied to a Manager and his wife;

(ii) where (i) above is not provided, full board supplied to a Manager or a Manageress

and the Wages Board defines the value at which such benefits or advantages are to be reckoned at 30*s.* a week and 15*s.* a week respectively.

WEEKLY DAY OF REST

Paragraph 8

Where a worker to whom the foregoing paragraphs of this Schedule apply is required to work on the weekly day of rest (as defined in paragraph 26) he shall be paid in respect of the week in which no weekly day of rest has been allowed, in addition to the weekly minimum remuneration to which he is entitled under the provisions of those paragraphs, an amount equal to one-sixth of that weekly minimum remuneration.

PUBLIC HOLIDAYS

Paragraph 9

Where a worker to whom the foregoing paragraphs of this Schedule apply is required to work on a day of public holiday, or where such day of public holiday falls on a day of annual holiday, and his employer has neither (*a*) during the four weeks immediately preceding the day of public holiday allowed him on a week-day other than the weekly day of rest or a day of annual holiday, a day of holiday in lieu of the day of public holiday, nor (*b*) agreed to allow him such a day of holiday within four weeks of the day of public holiday, the worker shall be paid in respect of the day of public holiday in addition to the minimum remuneration to which he is entitled under the provisions of paragraphs 1 to 7 of this Schedule an amount equal to one-sixth of that weekly minimum remuneration.

CLUB STEWARDS, CLUB STEWARDESSES AND THE WIVES OF CLUB STEWARDS

Paragraph 10

The minimum remuneration payable to a Club Steward or a Club Stewardess who ordinarily works for the employer for not less than 34 hours a week on work to which this Schedule applies for any week in which he is employed and during any part of which 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 worked, shall be in accordance with the table in paragraph 11.

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.

Paragraph 11

The table of weekly minimum remuneration is as follows:—

Column 1 Club Steward or Club Stewardess	Column 2 Where the employer provides accommodation (as defined in paragraph 26)		Column 3 Where the employer does not provide accommodation (as defined in paragraph 26)	
	Club Steward	Club Stewardess	Club Steward	Club Stewardess
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Category A	4 17 6	3 18 0	6 5 0	5 5 0
„ B	5 7 6	—	6 15 0	—
„ C	5 7 6	4 6 0	6 15 0	5 13 0
„ D	5 17 6	4 14 0	7 5 0	6 1 0
„ E	6 7 6	5 2 0	7 15 0	6 9 0
„ F	6 17 6	5 10 0	8 5 0	6 17 0
„ G	7 7 6	5 18 0	8 15 0	7 5 0
„ H	7 17 6	6 6 0	9 5 0	7 13 0
„ I	8 7 6	6 14 0	9 15 0	8 1 0
„ J	9 7 6	7 10 0	10 15 0	8 17 0
„ K	10 7 6	8 6 0	11 15 0	9 13 0
„ L	11 7 6	9 2 0	12 15 0	10 9 0

Paragraph 12

(1) For the purposes of paragraph 11 the category of a Club Steward or a Club Stewardess shall be determined in the following manner:—

(*a*) Where no staff hours are worked in a week in a club and, in the case of a Club Steward, his wife is not required by the employer to assist in the work of the club, the category shall be A.

(*b*) Where no staff hours are worked in a week in a club, but the wife of the Club Steward is required by the employer to assist in the work of the club, the category shall be B.

(*c*) Where the number of staff hours worked in a week in a club does not exceed 35, the category shall be C.

(*d*) Where the number of staff hours worked in a week in a club exceeds that specified in Column 2 of the table to this sub-paragraph but does not exceed that in Column 3 the category shall be that specified in Column 1 of that table.

Column 1	Column 2	Column 3
Category D	35 hours	70 hours
„ E	70 „	105 „
„ F	105 „	175 „
„ G	175 „	280 „
„ H	280 „	420 „
„ I	420 „	560 „
„ J	560 „	735 „
„ K	735 „	980 „
„ L	980 „	1,330 „

(2) For the purpose of sub-paragraph (1) of this paragraph

(*a*) the staff hours shall be calculated as follows:—in any week there shall be counted all hours, including overtime, actually worked by the following grades or descriptions of workers employed in the club:—

(i) Cellarmen (England or Wales).

(ii) Barmen (England or Wales) or Barmen (Scotland only).

(iii) Barmaids (Great Britain).

(iv) Club Waiters (Great Britain) who are under the control of the Club Steward or Club Stewardess.

(v) Club Waitresses (Great Britain) who are under the control of the Club Steward or Club Stewardess.

(vi) Workers employed in cleaning the bar and such other parts of the club, for the cleanliness of which the Club Steward or Club Stewardess is required by the employer to be responsible.

Provided that hours worked by a worker relieving a Club Steward or a Club Stewardess in his absence shall not be included for the purpose of calculating the number of staff hours.

(*b*) the number of staff hours worked in a week shall be the total of weekly staff hours calculated as in (*a*) of this sub-paragraph averaged over the period of 52 weeks preceding the last Saturday in February in each year and the resulting figure shall determine the category of the Club Steward or the Club Stewardess for the 26 weeks beginning with the fifth week following the last Saturday in February. For the following period of 26 weeks the number of staff hours worked in a week shall be the total of weekly staff hours calculated as in (*a*) of this sub-paragraph averaged above over the period of 52 weeks preceding the last Saturday in August in each year and the resulting figure shall determine the category of the Club Steward or the Club Stewardess for the purposes of remuneration for that period of 26 weeks.

Provided that where a club has been in existence for less than 52 weeks immediately preceding the last Saturday in February or the last Saturday in August in any year, the category of the Club Steward or the Club Stewardess in any week shall be determined by the staff hours worked in the previous week calculated as in (*a*) above until the club shall have been in existence for not less than 52 weeks preceding the last Saturday in February or the last Saturday in August as the case may be.

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 26) 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 26)

(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.

Paragraph 14

Except as is otherwise provided in this paragraph 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.

Provided that where the wife of a Club Steward performs all or the greater part of the duties of her husband during his absence on any day of annual holiday allowed him under Part II of this Schedule (hereinafter in this paragraph referred to as a day of special duties), the minimum remuneration for the week in which a day of special duties occurs shall be—

(i) for each day of special duties one-sixth of the remuneration payable under the provisions of paragraph 11 of this Schedule to a Club Stewardess of the same category as the husband or, where the husband is a Club Steward of category B, one-sixth of the remuneration payable to a Club Stewardess of category C ; and

(ii) for each day other than a day of special duties

(*a*) where she ordinarily works for the employer for not less than 34 hours a week on work to which this Schedule applies, for each day 12s. or

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

BENEFITS OR ADVANTAGES

CLUB STEWARDS OR CLUB STEWARDESSES SUPPLIED WITH FULL BOARD

Paragraph 15

For the purpose of calculating the weekly minimum remuneration of a Club Steward or Club Stewardess, the Wages Board authorises the following benefits or advantages, being benefits or advantages provided in connection with the employment by the employer or by some other person under arrangements with the employer and not being benefits or advantages illegally provided, to be reckoned as payment of wages by the employer in lieu of payment in cash :—

(i) full board supplied to a Club Steward and his wife ;

(ii) where (i) above is not provided, full board supplied to a Club Steward or a Club Stewardess ;

and the Wages Board defines the value at which such benefits or advantages are to be reckoned at 30s. a week and 15s. a week respectively.

WEEKLY DAY OF REST

Paragraph 16

Where a worker to whom paragraph 10, 11, 13, 14 or 15 of this Schedule applies, but excluding such a worker who ordinarily works for the employer for less than 18 hours a week, is required by the employer to work on the weekly day of rest (as defined in paragraph 26), he shall be paid in respect of the pay week in which no weekly day of rest has been allowed, in addition to the weekly minimum remuneration to which he is entitled under the provisions of paragraphs 10, 11, 13, 14 and 15 of this Schedule, an amount equal to one-sixth of that weekly minimum remuneration.

For the purposes of this paragraph "weekly minimum remuneration" for a worker to whom the provisions of paragraph 13 apply means the minimum remuneration to which the worker is entitled for a week's work under the provisions of this Schedule if working the number of hours ordinarily worked by him in a week, exclusive of hours worked on the weekly day of rest.

PUBLIC HOLIDAYS

Paragraph 17

Where a worker to whom paragraph 10, 11, 13, 14 or 15 of this Schedule applies, not being a worker who ordinarily works for the employer for less than 18 hours a week, is required by the employer to work on a day of public holiday, or when such day of public holiday falls on a day of annual holiday, and his employer has neither (*a*) during the four weeks immediately preceding the day of public holiday allowed him on a week-day other than the weekly day of rest or a day of annual holiday, a day of holiday in lieu of the day of public holiday, nor (*b*) agreed to allow him such a day of holiday within four weeks of the day of public holiday, the worker shall be paid in respect of the day of public holiday in addition to the minimum remuneration to which he is entitled under the provisions of paragraphs 10, 11, 13, 14 and 15 of this Schedule, an amount equal to one-sixth of that weekly minimum remuneration.

For the purposes of this paragraph "weekly minimum remuneration" for a worker to whom the provisions of paragraph 13 apply means the minimum remuneration to which the worker is entitled for a week's work under the provisions of this Schedule if working the number of hours ordinarily worked by him in a week, exclusive of hours worked on the weekly day of rest.

PART II

ANNUAL HOLIDAYS

Paragraph 18

An employer shall between the date on which the provisions of this Schedule become effective and the 31st day of December, 1952, and in each succeeding year between the 1st day of January and the 31st day of December, 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.

Paragraph 19

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 20 of this Schedule, 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 1952 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 First Schedule to Order L.N.R.(20) (as amended) during 1952 prior to the date on which this Schedule becomes effective.

Paragraph 20

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 21

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 19 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 19 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 20 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 22

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 23 of this Schedule.

Paragraph 23

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 First Schedule to Order L.N.R. (20), 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 First Schedule to Order L.N.R. (20).

Paragraph 24

Where under the provisions of this Schedule or of the First Schedule to Order L.N.R. (20) 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 21 of this Schedule, shall be reduced by the amount of any previous payment of accrued holiday remuneration insofar as it is attributable to any part of the period of employment in respect of which the said holiday has been allowed.

GENERAL

Paragraph 25

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 statutory minimum remuneration;

(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.

PART III

DEFINITIONS

Paragraph 26

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

"ACCOMMODATION" means living premises, including the supply of light and heat.

"CATERING UNDERTAKING" means any undertaking or any part of an undertaking which consists wholly or mainly in the carrying on (whether for profit or not) of one or more of the following activities, that is to say, the supply of food or drink for immediate consumption, the provision of living accommodation for guests or lodgers or for persons employed in the undertaking and any other activity so far as it is incidental or ancillary to any such activity as aforesaid of the undertaking.

"DAY OF PUBLIC HOLIDAY" means—

(1) 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;

(2) In Scotland—

(*a*) 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

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

" RAILWAY REFRESHMENT ESTABLISHMENT " means any place of refreshment at a railway station being a place of refreshment:—

(i) at which it is lawful for intoxicating liquor to be sold for consumption on the premises ; or

(ii) the activities of which are carried on by a railway company

and for the purpose of this definition " place of refreshment " means a place used either regularly or occasionally as, or for the purposes of, a restaurant, dining room, café, tea shop, canteen or similar place or coffee stall, buffet or bar.

" 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 Wages Board.

" WEEK " means pay week.

" WEEKLY DAY OF REST " means—

(1) in an establishment open on seven days in the week—
  (*a*) a day fixed by agreement between the employer and the worker, being a day which may be changed by agreement between the employer and the worker ; or
  (*b*) if no such day has been fixed or agreed—Wednesday.

(2) in an establishment closed on Sunday—Sunday ;

(3) in any other case—
  (*a*) a day fixed by agreement between the employer and the worker, being a day which may be changed by agreement between the employer and the worker ; or
  (*b*) if no such day has been fixed or agreed—the first day in the week on which the establishment is closed.

"BARMAID (Great Britain)" means a female worker wholly or mainly employed in dispensing or in dispensing and serving refreshment.

"BARMAN OR BARMAN-WAITER (England or Wales)" means a male worker aged 21 years or over who is employed in England or Wales and who is wholly or mainly employed in dispensing or in dispensing and serving refreshment.

"BARMAN (Scotland only)" means a male worker aged 21 years or over who is employed in Scotland and who is wholly or mainly engaged in preparing, supplying and serving refreshment.

"CELLARMAN (England or Wales)" means a male worker aged 21 years or over who is employed in England or Wales and who is wholly or mainly employed in receiving, bottling or binning beers, wines, spirits or minerals, and who is responsible for the custody, issue and keeping records thereof, and for the satisfactory condition of beer and beer pipes and for seeing that beer is ready for sale.

"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.

"CLUB WAITER (Great Britain)" or "CLUB WAITRESS (Great Britain)" means a worker aged 21 years or over who is wholly or mainly employed in serving refreshment in a club and who is under the control of a Club Steward or a Club Stewardess.

"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 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.

PART IV

APPLICABILITY OF WAGES REGULATION ORDER

Paragraph 27

Subject to the provisions of paragraph 28, the provisions of this Schedule apply to the following workers employed in Great Britain in a catering undertaking who are employed by the person or body of persons carrying on that undertaking, that is to say:—

(1) a Manager, Manageress, Relief Manager, Relief Manageress, Club Steward, Club Stewardess; and

(2) the wife of a Manager, a Relief Manager or of a Club Steward if she is required by the employer to assist in the work of an establishment and who are so employed either

(*a*) for the purposes of such of the activities of the undertaking as are carried on at a licensed non-residential establishment; or

(*b*) in connection with the provision of food or drink or living accommodation provided wholly or mainly for workers employed for the purposes of any of the activities of the undertaking specified in (*a*) of this sub-paragraph ;

and who are engaged on any of the following work, that is to say:—

(i) the preparation of food or drink ;

(ii) the service of food or drink ;

(iii) work incidental to such preparation or service ;

(iv) work connected with the provision of living accommodation ;

(v) work in connection with any retail sale of goods at a licensed non-residential establishment ;

(vi) transport work ;

(vii) work performed at any office or at any store or warehouse or similar place or at any garage or stable or similar place ;

(viii) any work other than that specified in sub-paragraphs (i) to (vii) hereof performed in or about a licensed non-residential establishment, including work in connection with any service or amenity provided in or about such establishment.

Paragraph 28

This Schedule does not apply to any of the following workers in respect of their employment in any of the following circumstances, that is to say:—

(1) workers who are employed by the same employer partly in a catering undertaking and partly in some other undertaking, if their employment in the catering undertaking is confined to work specified either in sub-paragraph (vi) or sub-paragraph (vii) of paragraph 27 or partly to work specified in the said sub-paragraph (vi) and partly to work specified in the said sub-paragraph (vii) and they are mainly employed on work in or in connection with that other undertaking ;

(2) workers who are employed for the purposes of any of the activities carried on at a theatre, music hall or other place of entertainment ordinarily used for the public performance of stage plays or variety entertainments ;

(3) workers who are employed for the purposes of any of the activities carried on in a railway train ;

(4) workers employed for the purposes of the activities carried on at a railway refreshment establishment ;

(5) workers who are employed by the Crown ;

(6) workers in relation to whom the Industrial and Staff Canteen Undertakings Wages Board operates, in respect of any employment which is for the time being within the field of operation of that Wages Board.

Paragraph 29

Nothing in the provisions of this Schedule shall be construed as authorising the making of any deduction or the giving of any remuneration in any manner that is illegal by virtue of the Truck Acts, 1831 to 1940, or of any other enactment.

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 2nd March, 1952, fixes the statutory minimum remuneration payable, and the holidays to be allowed, in substitution for the statutory minimum remuneration fixed, and holidays provided for, by the Wages Regulation (Licensed Non-Residential Establishment) (Managers and Club Stewards) Order, 1948 (L.N.R. (13)), the Wages Regulation (Licensed Non-Residential Establishment) (Managers and Club Stewards) Order, 1951 (L.N.R. (20)) and the Wages Regulation (Licensed Non-residential Establishment) (Managers and Club Stewards) (Amendment) Order, 1951 (L.N.R. (24)), which are revoked.

New provisions in the Schedule to this Order are set out in italics.

1952 No. 861

The Wages Regulation (Unlicensed Place of Refreshment) (Amendment) Order, 1952

Made - - - -	*29th April*, 1952
Coming into Operation	*23rd May*, 1952

U.P.R. (12)

Whereas the Minister of Labour and National Service (hereinafter in this Order referred to as " the Minister ") has received from the Unlicensed Place of Refreshment Wages Board the wages regulation proposals set out in the Schedule 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 and interpretation

1.—(1) This Order may be cited as the Wages Regulation (Unlicensed Place of Refreshment) (Amendment) Order, 1952, and shall come into operation on the 23rd day of May, 1952.

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

Amendment of Wages Regulation Order

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 23rd day of May, 1952.

Signed by order of the Minister of Labour and National Service this 29th day of April, 1952.

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

(a) 6 & 7 Geo. 6. c. 24. (b) 52 & 53 Vict. c. 63.