STATUTORY INSTRUMENTS

1971 No. 992

WAGES COUNCILS

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

Made - - - 15*th June* 1971

Coming into Operation 22*nd August* 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) Order 1971.

2.—(1) In this Order the expression "the specified date" means the 22nd August 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 and as if this Order and the Orders hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Licensed Non-residential Establishment) (Managers and Club Stewards) Order 1970(**c**) and the Wages Regulation (Licensed Non-residential Establishment) (Managers and Club Stewards) (Amendment) Order 1971(**d**) shall cease to have effect.

Signed by order of the Secretary of State.
15th June 1971.

J. R. Lloyd Davies,
Assistant Secretary,
Department of Employment.

(**a**) 1959 c. 69.
(**b**) 1889 c. 63.
(**c**) S.I. 1970/1106 (1970 II, p. 3489).
(**d**) S.I. 1971/30 (1971 I, p. 27).

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The following minimum remuneration and provisions as to holidays and holiday remuneration shall be substituted for the statutory minimum remuneration and the provisions as to holidays and holiday remuneration set out in the Wages Regulation (Licensed Non-residential Establishment) (Managers and Club Stewards) Order 1970 (Order L.N.R. (80)) as amended by the Wages Regulation (Licensed Non-residential Establishment) (Managers and Club Stewards) (Amendment) Order 1971 (Order L.N.R. (84)).

PART I

REMUNERATION FOR EMPLOYMENT

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

1. The minimum remuneration payable to a Manager, a Trainee Manager or a Manageress, other than a Relief Manager or a Relief Manageress, 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.

2. The table of weekly minimum remuneration is as follows:—

Column 1 Manager or Manageress	Column 2 Where the employer provides accommodation		Column 3 Where the employer does not provide accommodation	
	Manager	Manageress	Manager	Manageress
	£	£	£	£
Trainee	*11·60*	—	*14·20*	—
Category A	*12·50*	*10·50*	*15·15*	*13·10*
„ B	*13·05*	*10·90*	*15·65*	*13·55*
„ C	*13·55*	*11·35*	*16·20*	*13·95*
„ D	*14·10*	*11·75*	*16·70*	*14·35*
„ E	*14·55*	*12·05*	*17·10*	*14·70*
„ F	*14·90*	*12·40*	*17·50*	*15·00*
„ G	*15·40*	*12·80*	*18·00*	*15·40*
„ H	*16·40*	*13·60*	*19·05*	*16·25*
„ I	*17·45*	*14·45*	*20·05*	*17·05*
„ J	*18·50*	*15·25*	*21·10*	*17·90*

3.—(1) For the purposes of paragraph 2 the category of a Manager or a Manageress in a licensed non-residential establishment (other than a club) 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 a licensed non-residential establishment (other than a club) 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 and who are employed in the licensed non-residential establishment (other than a club) by the employer, but excluding any time worked by the Manager, Trainee Manager or Manageress, a Relief Manager or Relief Manageress or the wife of the Manager, Trainee Manager or Relief Manager and excluding also any time worked by any worker in an ancillary business the profits from which are taken by the Manager, the Trainee Manager, the Manageress or the wife of the Manager or Trainee 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 the licensed non-residential establishment (other than a club) 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.

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 *£3·65* 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.

5.—(1) The remuneration for a Relief Manager whether accommodation is provided by the employer or not shall be not less than £14·10 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 £2·35 for such day of employment.

6.—(1) The remuneration for a Relief Manageress whether accommodation is provided by the employer or not shall be not less than *£12* 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 £2 for such day of employment.

BENEFITS OR ADVANTAGES

MANAGERS, TRAINEE MANAGERS OR MANAGERESSES SUPPLIED WITH FULL BOARD

7. For the purpose of calculating the weekly minimum remuneration of a Manager, a Trainee Manager or a Manageress, the Wages Council 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:—

(1) full board supplied to a Manager and his wife or a Trainee Manager and his wife;

(2) where (1) above is not provided, full board supplied to a Manager, a Trainee Manager or a Manageress;

and the Wages Council defines the value at which such benefits or advantages are to be reckoned at £2·85 a week and £1·65 a week respectively.

WEEKLY DAY OF REST

8. Where a worker to whom the foregoing paragraphs apply is required to work on the weekly day of rest 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

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

CLUB STEWARDS, CLUB STEWARDESSES AND THE WIVES OF CLUB STEWARDS

10. Subject to the provisions of paragraph 13 relating to overtime, 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, 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.

11. The table of weekly minimum remuneration is as follows:—

Column 1 Club Steward or Club Stewardess	Column 2 Where the employer provides accommodation		Column 3 Where the employer does not provide accommodation	
	Club Steward	Club Stewardess	Club Steward	Club Stewardess
	£	£	£	£
Category A	11·75	10·80	14·00	13·05
„ B	12·25	—	14·50	—
„ C	12·25	11·25	14·50	13·50
„ D	12·75	11·70	15·00	13·95
„ E	13·25	12·15	15·50	14·40
„ F	13·75	12·60	16·00	14·85
„ G	14·25	13·05	16·50	15·30
„ H	14·75	13·50	17·00	15·75
„ I	15·25	13·95	17·50	16·20
„ J	16·25	14·85	18·50	17·10
„ K	17·25	15·75	19·50	18·00
„ L	18·25	16·65	20·50	18·90

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 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.

13. Minimum overtime rates are payable to Club Stewards and Club Stewardesses who ordinarily work for the employer for not less than 34 hours a week on work to which this Schedule applies as follows:—

(1)	for the first four hours worked in excess of 50½ hours exclusive of time worked on a rest day	time-and-a-quarter
(2)	thereafter	time-and-a-half

14. 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—

(1) where the employer does not provide the worker with accommodation— at the rate of *25p* an hour for each hour worked;

(2) where the employer provides the worker with accommodation—

(*a*) at the rate of *13p* an hour for each of the first 22 hours worked in any week;

(*b*) at the rate of *25p* for each hour worked thereafter in that week.

15. 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, shall be at the rate of *£0·25* per hour for all time worked:

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 (hereafter in this paragraph referred to as a day of special duties), the minimum remuneration for each day of special duties shall be one-sixth of the remuneration payable under the provisions of paragraph 11 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.

BENEFITS OR ADVANTAGES

CLUB STEWARDS OR CLUB STEWARDESSES SUPPLIED WITH FULL BOARD

16. For the purpose of calculating the weekly minimum remuneration of a Club Steward or Club Stewardess, the Wages Council 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:—

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

(2) where (1) above is not provided, full board supplied to a Club Steward or a Club Stewardess;

and the Wages Council defines the value at which such benefits or advantages are to be reckoned at *£2·10* a week and *£1·25* a week respectively.

WEEKLY DAY OF REST

17. Where a worker to whom paragraph 10, 11, 14, 15 or 16 applies, but excluding such 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, he shall be paid in respect of the pay week in which no weekly day of rest has been allowed, in addition to the minimum remuneration to which he is entitled under the provisions of this Schedule, apart from this paragraph, an amount equal to one-sixth of the weekly remuneration specified in the table in paragraph 11 in the case of a worker to whom that paragraph applies, and in the case of a worker to whom paragraph 14 or 15 applies, one-sixth of 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

18. Where a worker to whom paragraph 10, 11, 14, 15 or 16 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 public holiday, or when such public holiday falls on a day of annual holiday, and his employer has neither (*a*) during the four weeks immediately preceding the public holiday allowed him on a weekday other than the weekly day of rest or a day of annual holiday, a day of holiday in lieu of the public holiday, nor (*b*) agreed to allow him such a day of holiday within four weeks of the public holiday, the worker shall be paid in respect of the public holiday in addition to the minimum remuneration to which he is entitled under the provisions of this Schedule, apart from this paragraph, an amount equal to one-sixth of the weekly minimum remuneration specified in the table in paragraph 11 in the case of a worker to whom that paragraph applies, and in the case of a worker to whom paragraph 14 or 15 applies, one-sixth of 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 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 "	7 "
" " 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) or of Order L.N.R. (80), as amended, during 1971 prior to the date on which this Schedule becomes effective.

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.

23. Where under the provisions of this Schedule or of Order L.N.R. (80) or of Order L.N.R. (80), as amended, 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.

ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

24. *Subject to the provisions of this paragraph, where 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 as accrued holiday remuneration:—*

(*1*) *in respect of employment in the 12 months up to the commencing date of the current holiday season, a sum equal to the holiday remuneration, as calculated under sub-paragraph (1) of paragraph 22, for any days of annual holiday for which he has qualified, except days of annual holiday which he has been allowed or has become entitled to be allowed before leaving the employment; and*

(*2*) *in respect of any employment since the commencing date of the current holiday season a sum equal to the holiday remuneration, as calculated under sub-paragraph (1) of paragraph 22, which would have been payable to him if he could have been allowed an annual holiday in respect of that employment at the time of leaving it:*

Provided that—

(*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) or of Order L.N.R. (80), as amended, in so far as such sum is attributable to the period or periods 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) or of Order L.N.R. (80), as amended, and allowed during the period or periods in respect of which the accrued holiday remuneration is payable.

CALCULATION OF EMPLOYMENT

25. 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.

PART III

GENERAL

DEFINITIONS

26. In this Schedule, unless the context otherwise requires, the following expressions have the meanings hereby respectively 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.

"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 12 months immediately preceding the commencement of the annual holiday, or where accrued holiday remuneration is payable on the termination of the employment, in the 12 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 12 months immediately preceding the commencement of the annual holiday, or where accrued holiday remuneration is payable on the termination of the employment, in the 12 months immediately preceding the termination date.

"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 a 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 weekdays in the course of a calendar year locally recognised as days of public holiday, not exceeding three in any one year.

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

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

(2) the activities of which are carried on by a railway company or any Board established by the Transport Act 1962(a) or any subsidiary thereof;

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) fixed by a wages regulation order made by the Secretary of State to give effect to proposals submitted to him by the Wages Council.

"TIME-AND-A-QUARTER" and "TIME-AND-A-HALF" mean, respectively, one and a quarter times and one and a half times the hourly rate obtained by dividing by 50½ the minimum weekly remuneration to which the worker would be entitled if he were employed in the circumstances specified in Column 3 of paragraph 11.

"TRAINEE MANAGER'S CONTRACT" means a written contract of employment which contains the following provisions or provisions substantially to the same effect and no provisions contrary thereto:—

(1) the worker of his own free will (and if he is under the age of 18 years with the consent of his guardian) binds himself to serve the employer as a trainee in the business of a licensed non-residential establishment and the duties of a Manager thereof;

(2) the employer undertakes to instruct the worker or cause him to be instructed in the business of a licensed non-residential establishment and the duties of a Manager thereof.

"WAGES COUNCIL" means the Licensed Non-residential Establishment Wages Council.

"WEEK" means "pay week."

(a) 1962 c. 46.

"WEEKLY DAY OF REST" means—

(1) in a licensed non-residential 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 a licensed non-residential 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 licensed non-residential 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 a licensed non-residential 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 a licensed non-residential establishment (other than a club), in the absence of the Manager or Manageress and who is not in receipt of statutory minimum remuneration other than the remuneration provided for a Relief Manager or a Relief Manageress.

"TRAINEE MANAGER" means a worker during the first year of his employment under a Trainee Manager's contract or a continuous series of such contracts with any one employer.

WORKERS TO WHOM THE SCHEDULE APPLIES

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, Trainee Manager, Manageress, Relief Manager, Relief Manageress, Club Steward, Club Stewardess; and

(2) the wife of a Manager, a Trainee 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.

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 Council operates, in respect of any employment which is for the time being within the field of operation of that Wages Council.

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(a), or of any other enactment.

(a) 1831 c. 37; 1887 c. 46; 1896 c. 44; 1940 c. 38.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which has effect from 22nd August 1971, sets out the statutory minimum remuneration payable and the holidays to be allowed to workers in substitution for the statutory minimum remuneration fixed, and the holidays provided for, by the Wages Regulation (Licensed Non-residential Establishment) (Managers and Club Stewards) Order 1970 (Order L.N.R. (80)), as amended by the Wages Regulation (Licensed Non-residential Establishment) (Managers and Club Stewards) (Amendment) Order 1971 (Order L.N.R. (84)), which orders are revoked.

New provisions are printed in italics.