1965 No. 1294

WAGES COUNCILS

The Wages Regulation (Licensed Non-residential Establishment) Order 1965

Made - - - -	*21st June* 1965
Coming into Operation	*6th August* 1965

Whereas the Minister of Labour (hereafter in this Order referred to as " the Minister ") has received from the Licensed Non-residential Establishment Wages Council (hereafter in this Order referred to as " the Council ") the wages regulation proposals set out in the Schedule hereto ;

Now, therefore, the Minister by virtue of the powers conferred on him by 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) Order 1965.

2.—(1) In this Order the expression " the specified date " means the 6th August 1965, 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 Order 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) Order 1963(c) shall cease to have effect.

Signed by order of the Minister of Labour 21st June 1965.

L. J. Dunnett,
Secretary,
Ministry of Labour.

(a) 7 & 8 Eliz. 2. c. 69. (b) 52 & 53 Vict. c. 63. (c) S.I. 1963/858 (1963 I, p. 1276).

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SCHEDULE

The following minimum remuneration and provisions as to holidays and holiday remuneration shall be substituted for the statutory minimum remuneration and provisions as to holidays and holiday remuneration set out in the Wages Regulation (Licensed Non-residential Establishment) Order 1963(a) (hereinafter referred to as " Order L.N.R. (60) ").

PART I

REMUNERATION FOR EMPLOYMENT

BASIS OF REMUNERATION

1.—(1) Minimum remuneration for a week of *44 hours* exclusive of overtime shall be in accordance with the table in paragraph 2 hereof and, as respects the minimum remuneration specified in Columns 2 to 8 of that table, shall be payable on the basis that the board, meals or lodging to be supplied are available for the worker for 7 days a week :

Provided that where on one day only in the week the employer does not supply the same number of meals as he normally supplies on each of the other days of the week the amount specified in such one of the Columns 2 to 7 of that table as would have been applicable had the worker been supplied on seven days a week with the number of meals normally supplied on a day shall be increased by 1s. for each such meal not supplied on that day subject to a maximum increase of 3s.

(2) The hourly rate payable to all such workers, except in respect of overtime, and subject to the provisions of paragraph 3, is the appropriate minimum remuneration for a working week of *44 hours* as set out in the table in paragraph 2 divided by *44*.

(a) S.I. 1963/858 (1963 I, p. 1276).

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

Column 1 Workers	Column 2 where the employer supplies full board and lodging		Column 3 where the employer supplies 2 meals only a day and lodging		Column 4 where the employer supplies 1 meal only a day and lodging		Column 5 where the employer supplies full board but not lodging		Column 6 where the employer supplies 2 meals only a day but not lodging		Column 7 where the employer supplies 1 meal only a day but not lodging		Column 8 where a regular worker is supplied by the employer with lodging but with no meals		Column 9 where none of Columns 2 to 8 inclusive is applicable	
	Area A	Area B	Area A	Area B	Area A	Area B	Area A	Area B	Area A	Area B	Area A	Area B	Area A	Area B	Area A	Area B
	s. d.	*s. d.*	*s. d.*	*s. d.*	*s. d.*	*s. d.*	*s. d.*	*s. d.*	*s. d.*	*s. d.*	*s. d.*	*s. d.*	*s. d.*	*s. d.*	*s. d.*	*s. d.*
A. MALE WORKERS Cellarman (England or Wales)...	*152 6*	*149 6*	*161 6*	*158 6*	*171 6*	*168 6*	*170 6*	*167 6*	*179 6*	*176 6*	*189 6*	*186 6*	*182 0*	*179 0*	*200 0*	*197 0*
Head Barman, Barman-in-Charge or First Hand (England or Wales)	*149 6*	*146 6*	*158 6*	*155 6*	*168 6*	*165 6*	*167 6*	*164 6*	*176 6*	*173 6*	*186 6*	*183 6*	*179 0*	*176 0*	*197 0*	*194 0*
First Hand (Scotland only)— Grade I	—	*151 6*	—	*160 6*	—	*170 6*	—	*169 6*	—	*178 6*	—	*188 6*	—	*181 0*	—	*199 0*
Grade II	—	*146 6*	—	*155 6*	—	*165 6*	—	*164 6*	—	*173 6*	—	*183 6*	—	*176 0*	—	*194 0*
Second Hand (Scotland only) ...	—	*146 6*	—	*155 6*	—	*165 6*	—	*164 6*	—	*173 6*	—	*183 6*	—	*176 0*	—	*194 0*
Barman or Barman-Waiter (England or Wales)	*144 6*	*141 6*	*153 6*	*150 6*	*163 6*	*160 6*	*162 6*	*159 6*	*171 6*	*168 6*	*181 6*	*178 6*	*174 0*	*171 0*	*192 0*	*189 0*
Barman (Scotland only) ...	—	*141 6*	—	*150 6*	—	*160 6*	—	*159 6*	—	*168 6*	—	*178 6*	—	*171 0*	—	*189 0*
Other male workers (Great Britain)— Aged 21 years or over ...	*142 6*	*139 6*	*151 6*	*148 6*	*161 6*	*158 6*	*160 6*	*157 6*	*169 6*	*166 6*	*179 6*	*176 6*	*172 0*	*169 0*	*190 0*	*187 0*
„ 20 „ and under 21 ...	*123 0*	*120 0*	*132 0*	*129 0*	*142 0*	*139 0*	*141 0*	*138 0*	*150 0*	*147 0*	*160 0*	*157 0*	*152 6*	*149 6*	*170 6*	*167 6*
„ 19 „ „ „ 20 ...	*103 0*	*100 0*	*112 0*	*109 0*	*122 0*	*119 0*	*121 0*	*118 0*	*130 0*	*127 0*	*140 0*	*137 0*	*132 6*	*129 6*	*150 6*	*147 6*
„ 18 „ „ „ 19 ...	*85 0*	*82 0*	*94 0*	*91 0*	*104 0*	*101 0*	*103 0*	*100 0*	*112 0*	*109 0*	*122 0*	*119 0*	*114 6*	*111 6*	*132 6*	*129 6*
„ under 18 years (except workers under 17 years of age wholly or mainly employed on delivery work)	*63 0*	*60 0*	*72 0*	*69 0*	*82 0*	*79 0*	*81 0*	*78 0*	*90 0*	*87 0*	*100 0*	*97 0*	*92 6*	*89 6*	*110 6*	*107 6*

Column 1 Workers	Column 2 where the employer supplies full board and lodging		Column 3 where the employer supplies 2 meals only a day and lodging		Column 4 where the employer supplies 1 meal only a day and lodging		Column 5 where the employer supplies full board but not lodging		Column 6 where the employer supplies 2 meals only a day but not lodging		Column 7 where the employer supplies 1 meal only a day but not lodging		Column 8 where a regular worker is supplied by the employer with lodging but with no meals		Column 9 where none of Columns 2 to 8 inclusive is applicable	
	Area A	Area B	Area A	Area B	Area A	Area B	Area A	Area B	Area A	Area B	Area A	Area B	Area A	Area B	Area A	Area B
B. FEMALE WORKERS Head Barmaid (Great Britain)...	*s. d.* *111 6*	*s. d.* *108 6*	*s. d.* *120 6*	*s. d.* *117 6*	*s. d.* *130 6*	*s. d.* *127 6*	*s. d.* *129 6*	*s. d.* *126 6*	*s. d.* *138 6*	*s. d.* *135 6*	*s. d.* *148 6*	*s. d.* *145 6*	*s. d.* *141 0*	*s. d.* *138 0*	*s. d.* *159 0*	*s. d.* *156 0*
Barmaid (Great Britain)— Aged 21 years or over... ...	*106 6*	*103 6*	*115 6*	*112 6*	*125 6*	*122 6*	*124 6*	*121 6*	*133 6*	*130 6*	*143 6*	*140 6*	*136 0*	*133 0*	*154 0*	*151 0*
„ 20 „ and under 21 ...	*94 0*	*91 0*	*103 0*	*100 0*	*113 0*	*110 0*	*112 0*	*109 0*	*121 0*	*118 0*	*131 0*	*128 0*	*123 6*	*120 6*	*141 6*	*138 6*
„ 19 „ „ „ 20 ...	*84 0*	*81 0*	*93 0*	*90 0*	*103 0*	*100 0*	*102 0*	*99 0*	*111 0*	*108 0*	*121 0*	*118 0*	*113 6*	*110 6*	*131 6*	*128 6*
„ under 19 years ...	*79 0*	*76 0*	*88 0*	*85 0*	*98 0*	*95 0*	*97 0*	*94 0*	*106 0*	*103 0*	*116 0*	*113 0*	*108 6*	*105 6*	*126 6*	*123 6*
Other female workers (Great Britain)— Aged 18 years or over... ...	*92 6*	*92 6*	*101 6*	*101 6*	*111 6*	*111 6*	*110 6*	*110 6*	*119 6*	*119 6*	*129 6*	*129 6*	*122 0*	*122 0*	*140 0*	*140 0*
Aged under 18 years	*70 0*	*70 0*	*79 0*	*79 0*	*89 0*	*89 0*	*88 0*	*88 0*	*97 0*	*97 0*	*107 0*	*107 0*	*99 6*	*99 6*	*117 6*	*117 6*

GUARANTEED WEEKLY REMUNERATION

3.—(1) Subject to the provisions of this paragraph, where in any week a regular worker works for less than *44 hours* he shall be paid not less than the guaranteed weekly remuneration.

(2) Guaranteed weekly remuneration in respect of any week is the amount payable to the worker at the appropriate hourly rate under paragraph 2 hereof for *44 hours*' work in his usual occupation :

Provided that where the worker normally works for the employer on work to which this Schedule applies for less than *44 hours* in a week by reason only of the fact that he does not hold himself out as normally available for 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.

(3) Guaranteed weekly remuneration shall not be payable for a week if the remuneration otherwise payable by the employer to the worker in respect of that week exceeds the amount of the guaranteed weekly remuneration.

(4) Guaranteed weekly remuneration is not payable in respect of any week unless during that week in respect of the hours ordinarily worked by the worker the worker is—

(*a*) capable of and available for work ;

(*b*) willing to perform such services as may reasonably be required by the employer when work is not available for him in his usual occupation.

(5) If the employer is unable to provide the worker with work because of circumstances beyond his control and gives the worker a clear pay week's notice to that effect, guaranteed weekly remuneration shall not be payable after the expiry of that notice during any week during which the employer continues to be unable to provide work as aforesaid.

(6) For the purpose of calculating whether a worker in any week worked for less than *44 hours* and of ascertaining whether a worker satisfies the provisions of sub-paragraph (4) hereof, any day or days allowed and taken as holidays by a worker in accordance with Part II of this Schedule and any public holiday (including any day allowed in lieu thereof) on which the worker has not worked, shall be treated as a day or days on which the worker worked for the number of hours usually worked by him on that day of the week or those days of the week, as the case may be.

OVERTIME

4. Overtime rates are payable to all workers, other than workers who ordinarily work for the employer for less than 18 hours a week, as follows :—

A. On any day other than the weekly short day, the weekly day of rest or a public holiday—

(1) In England and Wales—

(*a*) for the first hour worked in excess of *7 hours 50 minutes*	time-and-a-quarter
(*b*) thereafter	time-and-a-half

(2) In Scotland—

(*a*) (i) in all licensed non-residential establishments, except clubs, for the first hour worked in excess of *8 hours 20 minutes*	time-and-a-quarter
(ii) thereafter	time-and-a-half
(*b*) (i) in clubs, for the first hour worked in excess of *7 hours 50 minutes*	time-and-a-quarter
(ii) thereafter	time-and-a-half

B. On the weekly short day—

(1) In England and Wales—

(*a*) for the first hour worked in excess of *4 hours 50 minutes* ... ... time-and-a-quarter

(*b*) thereafter ... ... time-and-a-half

(2) In Scotland—

(*a*) (i) in all licensed non-residential establishments, except clubs, for the first hour worked in excess of *2 hours 20 minutes*... time-and-a-quarter

(ii) thereafter ... ... time-and-a-half

(*b*) (i) in clubs, for the first hour worked in excess of *4 hours 50 minutes* ... ... time-and-a-quarter

(ii) thereafter ... ... time-and-a-half

C. On the weekly day of rest—

for all time worked ... ... double time

5. For the purposes of this Schedule :—

(1) the weekly short day shall be—

(*a*) a day in the week (other than the weekly day of rest) fixed at the time of the engagement of the worker being a day which may be changed by agreement between the employer and the worker, subject to seven days' notice ; or

(*b*) if no such day has been fixed or agreed, the last day in the pay week or the day before the last day, if the last day is the weekly day of rest ;

(2) the weekly day of rest shall be—

(*a*) a day in the week (other than the weekly short day) fixed at the time of the engagement of the worker being a day which may be changed by agreement between the employer and the worker, subject to seven days' notice ; or

(*b*) if no such day has been fixed or agreed, the last day in the pay week or the day before the last day, if the last day is the weekly short day.

WORKERS WHO ARE NOT REQUIRED TO WORK ON A PUBLIC HOLIDAY OR WHO ARE GIVEN A DAY OFF IN LIEU

6. Where a worker, other than a worker who ordinarily works for the employer for less than 18 hours a week, is not required to work on a public holiday he shall be paid for the public holiday the amount to which he would have been entitled under the arrangement current between the employer and the worker immediately before the holiday had the day not been a public holiday and had he worked the number of hours ordinarily worked by him on a full working day.

7. Where a worker, other than a worker who ordinarily works for the employer for less than 18 hours a week, works on a public holiday and his employer has undertaken to allow him a day's holiday in lieu thereof within 14 days of the public holiday he shall be paid—

(1) for the hours worked on the public holiday, the amount to which he would have been entitled under the arrangement current between the employer and the worker immediately before the holiday had the day not been a public holiday ; and

(2) for the day given in lieu of the public holiday, the amount to which he would have been entitled under the arrangement current between the employer and the worker immediately before the holiday had he worked the number of hours ordinarily worked by him on that day of the week :

Provided always that this paragraph shall not apply unless the day allowed in lieu of the public holiday is a day other than the worker's weekly short day or his weekly rest-day.

WORKERS WHO WORK ON A PUBLIC HOLIDAY AND WHO ARE NOT GIVEN A DAY OFF IN LIEU

8. Where a worker, other than a worker who ordinarily works for the employer for less than 18 hours a week, works on a public holiday and his employer has not undertaken to allow him a day's holiday in lieu thereof within 14 days of the public holiday, he shall be paid—

(1) In England and Wales—

(*a*) for the first *7 hours 50 minutes* worked on the public holiday

(i) the amount to which he would have been entitled under the arrangement current between the employer and the worker immediately before the holiday had the day not been a public holiday ; and in addition

(ii) the amount to which he would have been entitled had he been employed in the circumstances in which the weekly remuneration specified in Column 9 of the table in paragraph 2 would have been payable ;

(*b*) for all time worked in excess of *7 hours 50 minutes* on the public holiday—double time.

(2) In Scotland—

(*a*) for the first *7 hours 50 minutes* worked in a club or for the first *8 hours 20 minutes* worked in any licensed non-residential establishment other than a club on the public holiday

(i) the amount to which he would have been entitled under the arrangement current between the employer and the worker immediately before the holiday had the day not been a public holiday ; and in addition

(ii) the amount to which he would have been entitled had he been employed in the circumstances in which the weekly remuneration specified in Column 9 of the table in paragraph 2 would have been payable ;

(*b*) for all time worked in excess of *7 hours 50 minutes* in a club or in excess of *8 hours 20 minutes* in any licensed non-residential establishment other than a club on the public holiday—double time.

PART II

ANNUAL HOLIDAY AND HOLIDAY REMUNERATION

ANNUAL HOLIDAY

9. Subject to the provisions of this paragraph and of paragraph 11, an employer shall, between the date on which the provisions of this Schedule become effective and 31st October 1965, and between 1st March and 31st October in each subsequent year, allow a holiday (hereinafter referred to as an " annual holiday ") to every worker in his employment to whom this Schedule applies who during the 12 months immediately preceding *the commencement of the holiday season* or immediately preceding 17th October, if a holiday has not been allowed before that date (hereinafter referred to as " the qualifying period ") was employed for any of the periods specified below, and the duration of the annual holiday shall be related to the period of the worker's employment during that 12 months as follows :—

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

Provided that—

(1) the number of days of annual holiday which an employer is required to allow to a worker in any holiday season shall not exceed twice the number constituting the worker's normal working week ;

(2) in this Schedule the expression " holiday season " means in relation to the year 1965 the period commencing on 1st March 1965 and ending on 31st October 1965, and in each succeeding year, the period commencing on 1st March and ending on 31st October of the same year ;

(3) the duration of the worker's annual holiday during the holiday season ending on 31st October 1965, shall be reduced by any days of annual holiday duly allowed to him by the employer under Order L.N.R. (60) between 1st March 1965, and the date on which the provisions of this Schedule become effective.

10. An annual holiday shall be allowed on consecutive working days and days of holiday shall be treated as consecutive notwithstanding that the weekly day of rest or a public holiday or a day of holiday in lieu of a public holiday intervenes :

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

11. Notwithstanding the provisions of paragraph 9, the Council may vary the holiday season as there set out if they receive an application for that purpose from an employer and are satisfied that it is reasonable to do so to meet special circumstances. Such variation may provide for the commencement of the holiday season earlier than 1st March or its extension beyond 31st October. An application relating to the commencement of the holiday season shall be made to the Council not less than six weeks before the operative date and an application to extend the duration of the holiday season, before 1st July. Any such alteration in the holiday season shall not become effective until notice of the decision of the Council has been communicated to the employer concerned. In the case of any variation of the holiday season under this provision, the qualifying period in respect thereof shall be that stated in paragraph 9 except that a date not later than 14 days before the end of the holiday season as extended shall be substituted for 17th October.

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

13. Where any day of annual holiday allowed to any worker under this Schedule falls upon a day of holiday or half-holiday to which the worker may be entitled under any enactment other than the Wages Councils Act 1959, that holiday or half-holiday shall be treated as part of the holiday allowed under this Schedule.

REMUNERATION FOR ANNUAL HOLIDAY

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

For each week in the qualifying period (but not exceeding 48) in respect of which, under the provisions of paragraph 19, the worker is treated as having been employed, one twenty-fourth of the amount he would be entitled to receive from his employer under the arrangement current immediately before the holiday if he worked his normal weekly hours of work, exclusive of overtime, with the addition in the case of a worker who is normally supplied with full board, meals or lodging of one-sixth of the following amounts for each day of holiday :—

(1) *47s. 6d.* in the case of a worker normally supplied by his employer with full board and lodging ;

(2) *38s. 6d.* in the case of a worker normally supplied by his employer with 2 meals only a day and lodging ;

(3) *28s. 6d.* in the case of a worker normally supplied by his employer with 1 meal only a day and lodging ;

(4) *29s. 6d.* in the case of a worker normally supplied by his employer with full board but no lodging ;

(5) *20s. 6d.* in the case of a worker normally supplied by his employer with 2 meals only a day but no lodging ;

(6) *10s. 6d.* in the case of a worker normally supplied by his employer with 1 meal only a day but no lodging ;

(7) *18s. 0d.* in the case of a regular worker normally supplied by his employer with lodging but with no meals :

Provided that—

(1) where under the provisions of paragraph 10 an annual holiday is taken in two periods, the holiday remuneration shall be apportioned accordingly ; and

(2) the amount of holiday remuneration payable under this paragraph shall be reduced by any holiday remuneration paid for any annual holiday allowed under Order L.N.R. (60) between the 1st March 1965, and the date on which the provisions of this Schedule become effective in so far as that remuneration is attributable to any part of the period to which the holiday remuneration payable under this paragraph is related.

ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

15. If a worker ceases to be employed by an employer, the employer shall, immediately on termination of his employment (hereinafter referred to as the " termination date ") pay to the worker accrued holiday remuneration in accordance with the provisions of paragraphs 16 and 17.

16. Subject to the provisions of this paragraph and of paragraph 17, accrued holiday remuneration shall be payable to a worker in respect of his employment with the employer in the 12 months immediately preceding the termination date as follows :—

For each week (but not exceeding 48) in respect of which, under the provisions of paragraph 19, the worker is treated as having been employed, one twenty-fourth of the amount he would be entitled to receive from his employer under the arrangement current immediately before the termination date if he worked his normal weekly hours of work, exclusive of overtime, with the addition in the case of a worker who is normally supplied with full board, meals or lodging of one-sixth of the following amounts for each period of 4 weeks' employment (but not exceeding a total of 48 weeks) in respect of which under the provisions of paragraph 19 the worker is treated as having been employed :—

(1) *47s. 6d.* in the case of a worker normally supplied by his employer with full board and lodging ;

(2) *38s. 6d.* in the case of a worker normally supplied by his employer with 2 meals only a day and lodging ;

(3) *28s. 6d.* in the case of a worker normally supplied by his employer with 1 meal only a day and lodging ;

(4) *29s. 6d.* in the case of a worker normally supplied by his employer with full board but no lodging ;

(5) *20s. 6d.* in the case of a worker normally supplied by his employer with 2 meals only a day but no lodging ;

(6) *10s. 6d.* in the case of a worker normally supplied by his employer with 1 meal only a day but no lodging ;

(7) *18s. 0d.* in the case of a regular worker normally supplied by his employer with lodging but with no meals :

Provided that—

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

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

(i) dishonesty, or

(ii) misconduct involving contravention of the licensing laws,

and is so informed by the employer at the time of dismissal ; or

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

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

(2) the amount of any accrued holiday remuneration payable at the termination date shall be reduced by the amount of any sum paid by the employer to the worker—

(*a*) as accrued holiday remuneration under the provisions of this Schedule or of Order L.N.R. (60) in so far as such sum is attributable to the period for which the accrued holiday remuneration is payable ;

(*b*) 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. (60) and allowed during the period in respect of which the accrued holiday remuneration is payable ;

(3) accrued holiday remuneration is not payable in respect of any period of employment for which a worker has been allowed or become entitled to be allowed an annual holiday under this Schedule or Order L.N.R. (60).

17. Where a worker has been allowed in a holiday season part only of the annual holiday for which he has qualified under this Schedule and his employment is terminated before he becomes entitled to the rest of that holiday, the accrued holiday remuneration payable shall be the appropriate amount calculated in accordance with the provisions of paragraph 16 :—

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

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

18. Where under the provisions of this Schedule or of Order L.N.R. (60) any accrued holiday remuneration has been paid by the employer to the worker prior to the allowance of an annual holiday in accordance with the provisions of this Schedule, the amount of holiday remuneration payable by the employer in respect of the said annual holiday under the provisions of paragraph 14 shall be reduced by the amount of any previous payment of accrued holiday remuneration in so far as it is attributable to any part of the period of employment in respect of which the said holiday has been allowed.

CALCULATION OF EMPLOYMENT

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

(1) for a week in respect of any week in which he has worked for the employer for not less than 18 hours 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 8 weeks in the aggregate during any such period as aforesaid ;

(*c*) by leave of the employer.

PART III

GENERAL

DEFINITIONS

20. In this Schedule, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them :—

" *AREA A* " *means the Metropolitan Police District, the City of London, the Inner Temple and the Middle Temple.*

" AREA B " means all areas other than those in Area A.

" 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.

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

" MEAL " means a meal of good and sufficient quality and quantity.

" NORMAL WEEKLY HOURS OF WORK " means the number of hours which have been most frequently worked by the worker in a week in the employment of the employer in the 12 months immediately preceding the commencement of the holiday or where under paragraph 15 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 holiday, or where under paragraph 15 accrued holiday remuneration is payable on the termination of the employment, in the 12 months immediately preceding the termination date :

Provided that—

(1) part of a day shall count as a day ;

(2) no account shall be taken of any week in which the worker did not perform any work for which statutory minimum remuneration has been fixed.

" 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 ;

(*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.

" 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.

" REGULAR WORKER " means a worker who ordinarily works for his employer not less than 34 hours a week on work to which this Schedule applies.

" 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 wage regulation order made by the Minister to give effect to proposals submitted to him by the Council.

(a) 10 & 11 Eliz. 2. c. 46.

" TIME-AND-A-QUARTER," " TIME-AND-A-HALF " and " DOUBLE TIME " mean, respectively, one and a quarter times, one and a half times and twice the hourly rate obtained by dividing by *44* the minimum weekly remuneration to which the worker would be entitled if he were employed in the circumstances specified in Column 9 of paragraph 2.

" *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 21 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.

" WEEK " means " pay week."

" 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.

" FIRST HAND (Scotland only) " means a male worker aged 21 years or over who is employed in Scotland and who is authorised by the Proprietor to take charge of a licensed non-residential establishment, other than a club, during the absence of the Proprietor or Manager.

" FIRST HAND (Scotland only) GRADE I " means a first hand (Scotland only) who is employed in a licensed non-residential establishment, other than a club, where four or more regular workers are employed.

" FIRST HAND (Scotland only) GRADE II " means a first hand (Scotland only) who is employed in a licensed non-residential establishment, other than a club, where less than four and not less than two regular workers are employed.

" HEAD BARMAID (Great Britain) " means a barmaid aged 21 years or over who supervises not less than three barmen and/or barmaids and who is responsible for the bar and for the records.

" HEAD BARMAN, BARMAN-IN-CHARGE or FIRST HAND (England or Wales) " means a barman or a barman-waiter (England or Wales) who is employed in England or Wales and who supervises not less than three barmen and/or barmaids and who is responsible for the bar and for the records.

" 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 the Manageress and who is not in receipt of statutory minimum remuneration other than that provided for a Relief Manager or a Relief Manageress.

" SECOND HAND (Scotland only) " means a male worker aged 21 years or over who is employed in Scotland and who is authorised by the Proprietor to act in the capacity of a First Hand (Scotland only) during the latter's absence, in a licensed non-residential establishment, other than a club, where four or more regular workers are employed.

" *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 THIS SCHEDULE APPLIES

21. Subject to the provisions of paragraph 22, this Schedule applies to workers employed in Great Britain in a catering undertaking who are employed by the person or body of persons carrying on that undertaking and who are so employed either

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

(2) 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 sub-paragraph (1) of this paragraph ;

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

(*a*) the preparation of food or drink ;

(*b*) the service of food or drink ;

(*c*) work incidental to such preparation or service ;

(*d*) work connected with the provision of living accommodation ;

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

(*f*) transport work ;

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

(*h*) any work other than that specified in sub-paragraphs (*a*) to (*g*) 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.

22. This Schedule does not apply to workers in respect of their employment in any of the following circumstances :—

(1) workers employed as managers, *trainee managers*, manageresses, relief managers, relief manageresses, club stewards or club stewardesses ;

(2) workers who are wives of managers, *trainee managers*, relief managers, or club stewards and who are required by the employer to assist in the work of a licensed non-residential establishment;

(3) workers employed as :—

(*a*) club secretaries ;

(*b*) entertainers, greenkeepers, gardeners, groundsmen or skittle-alley attendants ;

(4) 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 (*f*) or sub-paragraph (*g*) of paragraph 21 or partly to work specified in the said sub-paragraph (*f*) and partly to work specified in the said sub-paragraph (*g*), and they are mainly employed on work in or in connection with that other undertaking ;

(5) 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 ;

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

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

(8) workers who are employed by the Crown ;

(9) 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.

23. 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.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which has effect from 6th August 1965, 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) Order 1963 (Order L.N.R. (60)), which is revoked.

New provisions are printed in italics.

(a) 1 & 2 Will. 4. c. 37 ; 50 & 51 Vict. c. 46 ; 59 & 60 Vict. c. 44 ; 3 & 4 Geo. 6. c. 38.