STATUTORY INSTRUMENTS

1975 No. 1571

WAGES COUNCILS

The Wages Regulation (Licensed Residential Establishment and Licensed Restaurant) Order 1975

Made - - - -	*25th September* 1975
Coming into Operation	*20th October* 1975

Whereas the Secretary of State has received from the Licensed Residential Establishment and Licensed Restaurant Wages Council the wages regulation proposals set out in the Schedule hereto;

Now, therefore, the Secretary of State in exercise of powers conferred by section 11 of the Wages Councils Act 1959**(a)**, and now vested in him**(b)**, 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 Residential Establishment and Licensed Restaurant) Order 1975.

2.—(1) In this Order the expression "the specified date" means the 20th October 1975, 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**(c)** 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 Residential Establishment and Licensed Restaurant) Order 1974**(d)** shall cease to have effect.

Signed by order of the Secretary of State.

25th September 1975.

R. J. Dawe,
Assistant Secretary,
Department of Employment.

(a) 1959 c. 69.
(b) S.I. 1959/1769, 1968/729 (1959 I, p. 1795; 1968 II, p. 2108).
(c) 1889 c. 63.
(d) S.I. 1974/1411 (1974 II, p. 5486).

Article 3

ARRANGEMENT OF SCHEDULE

PART I

REMUNERATION FOR EMPLOYMENT

	Paragraphs
Remuneration for employment	1
Definition of grades or descriptions of workers	2
Other definitions relating to Tables of minimum remuneration	3
Hours on which remuneration is based	4
Tables of minimum remuneration: workers other than extra waiting staff	5
Workers supplied with full board and lodging or with meals on duty	6
Service workers employed under a written agreement relating to gratuities	7
Full-time workers not provided with laundry	8
Workers required to wear uniform or protective clothing of a distinctive character not provided by the employer	9
Extra waiting staff	10
Additional payment for Sunday work	11
Additional payment for night work	12
Payment for spreadover of hours of work	13
Payment for emergency duty	14
Special provisions relating to intervals for rest	15
Workers temporarily transferred to higher grade work	16
Guaranteed remuneration	17
Overtime	18
Special provisions relating to rest days	19
Special provisions relating to full-time workers who are not required to work on a customary holiday	20
Special provisions relating to full-time workers who work on a customary holiday	21
Night work in relation to customary holidays	22

PART II

ANNUAL HOLIDAY AND HOLIDAY REMUNERATION

Duration of annual holiday	23–24
Spells of annual holiday	25
Agreement to allow annual holiday outside the holiday season	26
Applications to vary the holiday season	27
General	28–29
Remuneration for annual holiday	30–31
Accrued holiday remuneration payable on termination of employment	32
Calculation of employment	33

PART III

GENERAL

Definitions	34
Workers to whom the Schedule applies	35–36
Illegal deductions, etc.	37

SCHEDULE

PART I

REMUNERATION FOR EMPLOYMENT

1. Subject to the provisions of this Schedule—
the minimum remuneration for workers to whom this Schedule applies (other than extra head waiters, extra waiters and extra waitresses) shall be in accordance with paragraph 5 hereof; and

the minimum remuneration for extra head waiters, extra waiters and extra waitresses shall be in accordance with paragraph 10 hereof.

Provided that—

(*a*) an employer shall be treated as supplying full board and lodging or meals to a worker if he makes them available to the worker;

(*b*) in calculating the remuneration for the purposes of this Schedule recognised breaks for mealtimes shall be excluded;

(*c*) the minimum remuneration for a worker aged under 21 years who is employed as a waiter or waitress, and who has received a Certificate of Service under an apprenticeship scheme for waiters or waitresses administered by the National Joint Apprenticeship Council of the Hotel and Catering Industry or the Hotel and Catering Industry Training Board, shall be that for a waiter or waitress as the case may be, aged 21 years or over.

2. In this Schedule the following expressions have the meanings hereby respectively assigned to them; and shown against each grade (in column 2) is the number where applicable of the appropriate group in the Tables of remuneration in paragraph 5.

Grade or description of worker	No. of appropriate group in Tables of remuneration
Column 1	Column 2
ASSISTANT MANAGER OR ASSISTANT MANAGERESS is a worker wholly or mainly engaged on catering work who assists the Manager or Manageress and who takes charge of the establishment during the absence of the Manager or Manageress.	—
BARMAID is a worker aged 21 years or over who is wholly or mainly employed in dispensing, or in dispensing and serving, refreshment at a bar or dispense, or on duties ancillary to any of these duties and who is not a cocktail barmaid.	2
BARMAID, COCKTAIL is a worker who is wholly or mainly employed in serving, or in dispensing and serving, refreshment at a cocktail bar.	12
BARMAID, HEAD is a barmaid who supervises not less than three barmen or barmaids, and who is responsible for the bar and the records.	3
BARMAN, COCKTAIL is a worker who is wholly or mainly employed in serving, or in dispensing and serving, refreshment at a cocktail bar.	12
BARMAN, DISPENSE, ETC., is a worker aged 21 years or over who is wholly or mainly employed in dispensing, or in dispensing and serving, refreshment at a dispense, lounge, saloon or private bar, or on duties ancillary thereto and who is not a cocktail barman.	2
BARMAN, HEAD is a barman who supervises not less than three barmen or barmaids, and who is responsible for the bar and the records.	3

Grade or description of worker	No. of appropriate group in Tables of remuneration
Column 1	Column 2
BARMAN, PUBLIC is a worker aged 21 years or over who is wholly or mainly employed in dispensing, or in dispensing and serving, refreshment at a public bar, or on duties ancillary to any of these duties.	1
BUTCHER is a worker aged 21 years or over who is responsible for the storage of meat and who is wholly or mainly employed in the cutting up or dressing and preparation for cooking of meat.	6
BUTCHER, ASSISTANT is a worker aged 21 years or over whose duties consist wholly or mainly in assisting a butcher.	4
CARVER is a worker aged 21 years or over who is wholly or mainly employed in carving meat, poultry or game.	6
CASHIER, DINING-ROOM AND RESTAURANT is a worker aged 21 years or over who is wholly or mainly employed on one or more of the following duties, that is to say, receiving payment from and giving change to customers in a dining-room or restaurant, keeping records of sums received and balancing cash taken with the records kept, or on duties ancillary to any of these duties.	2
CELLARMAN is a worker aged 21 years or over who is wholly or mainly employed on one or more of the following duties, that is to say, bottling, racking, receipt, custody, issue or keeping records of beers, wines, spirits and minerals.	2
CELLARMAN, HEAD is a cellarman who supervises not less than three cellar staff.	4
CHAMBERMAID OR ROOM MAID is a worker who is wholly or mainly employed on one or more of the following duties, that is to say, making beds and cleaning and tidying bedrooms or bathrooms, taking orders for, or serving, meals and refreshment required in bedrooms or similarly attending to visitors, or on duties ancillary to any of these duties.	12
CHEF DE PARTIE (SECTIONAL COOK) is a chef saucier, a chef patissier, a chef garde-manger, a chef rotisseur, a chef poissonnier, a chef entremetier, a head breakfast cook or a head grill cook.	—
CLEANER is a worker aged 21 years or over who is wholly or mainly employed in cleaning any part of the premises.	1
CLERK OR RECEPTIONIST is a worker aged 21 years or over who is wholly or mainly employed on clerical, office or reception work.	4
CLOAKROOM AND TOILET ATTENDANT is a worker who is wholly or mainly employed on one or more of the following duties, that is to say, the receipt, custody and issue of personal effects deposited in the cloakroom, or the charge of, and responsibility for cleaning, or for the cleanliness of, toilets.	10
COMMIS COOK is a worker aged 21 years or over who has undergone not less than three years' training under a chef de cuisine or a chef de partie, and who is employed under the immediate supervision of a chef de partie.	5
COOK is a worker aged 21 years or over (not being an assistant cook or a commis cook) who is wholly or mainly employed in the preparation and cooking of food requiring the mixing of two or more ingredients, or the preparation and cooking of meat, poultry, game or fish, and duties ancillary to any of these duties.	5

Grade or description of worker	No. of appropriate group in Tables of remuneration
Column 1	Column 2
COOK, ASSISTANT is a worker aged 21 years or over who is wholly or mainly employed in assisting a chef or head cook, or cook, in the preparation and cooking of food (not being mainly the preparation of vegetables or salads).	3
FIREMAN (PATROL) is a worker aged 21 years or over who patrols the premises and who is responsible for the maintenance in good and efficient order of fire prevention appliances and for taking the necessary measures to deal with any outbreak of fire.	3
FISHMONGER-POULTERER is a worker aged 21 years or over who is responsible for the storage of fish, poultry or game and who is wholly or mainly employed in the preparation for cooking of fish, poultry or game.	6
FISHMONGER-POULTERER, ASSISTANT is a worker aged 21 years or over whose duties consist wholly or mainly in assisting a fishmonger-poulterer.	4
HOUSEKEEPER is a worker aged 21 years or over who is employed on general household administration, selection and control of domestic staff, and who is responsible for domestic stores and the general cleanliness of the establishment.	—
HOUSEKEEPER GRADE I is a housekeeper who is employed in an establishment where he is the only housekeeper or where he is appointed to supervise not more than two other housekeepers.	6
HOUSEKEEPER GRADE II is a housekeeper who performs his duties under the supervision of another housekeeper or of a head housekeeper.	5
HOUSEMAID is a worker aged 21 years or over who is wholly or mainly employed on one or more of the following duties, that is to say, cleaning in bedrooms, bathrooms, corridors, staircases, lounges, dining-rooms, restaurants, attending to fires, or on duties ancillary to any of these duties.	1
LIFT ATTENDANT is a worker aged 21 years or over who is wholly or mainly employed in operating a lift.	1
LINEN KEEPER, HEAD is a worker aged 21 years or over who is responsible for the house linen, and who supervises not less than three linen or sewing maids.	3
MAID, HEAD STILLROOM is a stillroom maid who supervises not less than three stillroom maids.	3
MAID, KITCHEN, SCULLERY OR VEGETABLE is a worker aged 21 years or over who is wholly or mainly employed on one or more of the following duties, that is to say, cleaning the kitchen or scullery, or kitchen or scullery apparatus, washing dishes or cooking utensils, cleaning fish, plucking poultry or game, cleaning and preparing raw vegetables or fruit, or on duties ancillary to any of these duties.	1
MAID, LINEN OR SEWING is a worker aged 21 years or over who is wholly or mainly employed on one or more of the following duties, that is to say, the receipt, checking, folding, stacking, despatch or issue of house or visitors' linen or laundry, sewing repairs, or on duties ancillary to any of these duties.	2

Grade or description of worker	No. of appropriate group in Tables of remuneration
Column 1	Column 2
MAID OR FEMALE ATTENDANT, STAFF is a worker aged 21 years or over who is wholly or mainly employed on the duties of a housemaid in connection with those parts of the premises used mainly by the staff.	1
MAID, STILLROOM is a worker aged 21 years or over who is wholly or mainly employed on one or more of the following duties, that is to say, the preparation and dispensing of beverages or light refereshments, cleaning the stillroom, or on duties ancillary to any of these duties.	2
MANAGER OR MANAGERESS is the person responsible to the employer for the cleanliness, care and supervision of the premises and equipment of an establishment and for the handling of the cash and stocks, for the control of the staff where any is employed and for the conduct of the establishment as required by law.	—
OTHER WORKER is a worker whose grade or description is not a grade or description defined elsewhere in this Schedule.	1
PLATEMAN OR PANTRYMAN, HEAD OR FOREMAN is a plateman or pantryman, who supervises not less than three platemen or pantrymen.	3
PORTER, HOUSE, BASEMENT, CELLAR OR STORE is a worker aged 21 years or over (other than a night porter) who is wholly or mainly employed on any one or more of the following duties, that is to say, portering goods (other than luggage) or supplies, cleaning premises, furniture or fittings (including the cleaning of windows, glazed doors or partitions), attending to fires or boilers, or on duties ancillary to any of these duties.	1
PORTER (HALL OR FLOOR) OR BOOTS is a worker (other than a night porter) who is wholly or mainly employed on any one or more of the following duties, that is to say, carrying luggage, supplying information to guests, or customers, calling cars or taxis, or similarly attending to guests or customers, or cleaning boots or shoes.	10
PORTER, KITCHEN OR PLATEMAN, PANTRYMAN, *PANTRY-WOMAN* OR CROCKERY ATTENDANT is a worker aged 21 years or over who is wholly or mainly employed on one or more of the following duties, that is to say, cleaning the kitchen, service or scullery, or kitchen, service or scullery apparatus; cleaning and preparing raw vegetables or fruit or fish or plucking poultry or game; collecting, cleaning, washing or sorting plate, cutlery, crockery or glass, or on duties ancillary to any of these duties.	1
PORTER, NIGHT is a worker who is normally employed on night work and whose duties consist of any one or more of the following duties, that is to say:— attending to the requirements of visitors, acting as night watchman, carrying out household duties (including cleaning premises, furniture or fittings, attending to fires or boilers, cleaning boots or shoes) or duties ancillary to any of these duties.	13
PORTER, SINGLE OR LEADING is a porter who is either the only porter employed in the establishment or is the leading porter in an establishment where not more than four male workers, including himself, are employed on portering (other than kitchen portering) or as cloakroom or toilet attendants.	11

Grade or description of worker	No. of appropriate group in Tables of remuneration
Column 1	Column 2
SALAD HAND is a worker aged 21 years or over who is wholly or mainly employed on one or more of the following duties, that is to say, the washing of vegetables especially for salads or hors d'oeuvres, the preparation of salads or hors d'oeuvres, the making of sauces especially for salads or hors d'oeuvres, or on duties ancillary to any of these duties.	3
SERVICE DISPENSER is a worker who is not an attendant (railway refreshment establishment), is aged 21 years or over and is wholly or mainly employed in dispensing, or dispensing and serving, food or beverages (other than serving at table), cleaning the dispense counter, and duties ancillary to these duties.	2
SERVICE WORKER is a worker whose grade or description is identified in this paragraph as appropriate to one of the groups numbered 10 to 13, the rates for which are set out in paragraph 5 in Tables numbered A2, B2 and C2.	10 to 13
STILLROOM MAN is a worker aged 21 years or over who is wholly or mainly employed on one or more of the following duties, that is to say, the preparation and dispensing of beverages or light refreshments, cleaning the stillroom, or on duties ancillary to any of these duties.	2
STORESMAN is a worker aged 21 years or over who is wholly or mainly employed in the storeroom and is responsible for the receipt, custody, issue and records of goods in his charge.	2
STORESMAN, HEAD is a storesman who supervises not less than three storeroom staff.	4
STOKER is a worker aged 21 years or over who is wholly or mainly employed in the firing and regulating of boilers.	3
TELEPHONE OPERATOR is a worker aged 21 years or over who is wholly or mainly employed in operating a telephone switchboard or section thereof.	2
TELEPHONE OPERATOR, HEAD is a telephone operator who supervises not less than six telephone operators.	4
TIMEKEEPER is a worker aged 21 years or over who is wholly or mainly employed on one or more of the following duties, that is to say, recording the times of arrival or departure of staff or, ensuring that proper use is made by the staff of any time-recording system in operation, as a watchman responsible for preventing unauthorised ingoing or outgoing of goods or persons. or on duties ancillary to any of these duties.	3
VALET is a worker who is wholly or mainly employed in caring for guests' clothing and including such a worker required to perform the duties of a floor porter, or on duties ancillary to any of these duties.	11
WAITER is a worker who is wholly or mainly employed in the serving of food or drink at table, the preparation and laying and clearing of tables, or on duties ancillary to any of these duties.	12
WAITER, EXTRA is a waiter who is engaged on either an hourly or a day to day basis.	—
WAITER, EXTRA HEAD is a male worker aged 21 years or over who supervises not less than 12 waiting staff and who is engaged on either an hourly or a day to day basis.	—

Grade or description of worker	No. of appropriate group in Tables of remuneration
Column 1	Column 2
WAITRESS is a worker who is wholly or mainly employed in the serving of food or drink at table, the preparation and laying and clearing of tables, or on duties ancillary to any of these duties.	12
WAITRESS, EXTRA is a waitress who is engaged on either an hourly or a day to day basis.	—
WINDOW CLEANER is a worker aged 21 years or over who is wholly or mainly employed on cleaning windows and whose work includes the external cleaning of windows above street level.	3

3. In this Schedule the following expressions have the meanings hereby assigned to them, that is to say:—

"AREA A" means the Metropolitan Police District, as defined in the London Government Act 1963(a), the City of London, the Inner Temple and the Middle Temple.

"AREA B" means—

(1) in England and Wales—the areas as they were on 31st March 1974 of the following County Boroughs:—Birmingham, Bradford, Bristol, Cardiff, Coventry, Kingston-upon-Hull, Leeds, Leicester, Liverpool, Manchester, Newcastle-upon-Tyne, Nottingham, Sheffield and Stoke-on-Trent;

(2) in Scotland—the areas for the time being of the following Counties of Cities:—Edinburgh and Glasgow.

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

"TIME-AND-A-QUARTER", "TIME-AND-A-HALF" and "DOUBLE TIME" mean, respectively, one and a quarter times, one and half times and twice the single time rate and "SINGLE TIME RATE" means the amount obtained by dividing the minimum weekly remuneration to which the worker is entitled under the provisions of paragraph 5 by 40.

HOURS ON WHICH REMUNERATION IS BASED

4. Subject to the provisions of paragraph 17 (which relates to guaranteed remuneration) the weekly rates specified in this Part of this Schedule relate to a week of 40 hours and are subject to a proportionate increase or reduction according as the number of hours worked not being overtime is more or less than 40.

5. The minimum remuneration for workers employed in Areas A, B and C (as defined in paragraph 3) whose grades or descriptions are identified in paragraph 2 as appropriate to one of the groups in the Tables set out in this paragraph, shall be the amount specified in the Tables according to the Area, group number and age, subject to the other provisions of this Schedule.

(a) 1963 c. 33.

TABLE A1 AREA A—WORKERS OTHER THAN SERVICE WORKERS

Column 1 Groups into which workers are classified in accordance with paragraph 3	Column 2 per week of 40 hours
	£
Group 1	*29·50*
„ 2	*29·75*
„ 3	*30·00*
„ 4	*30·55*
„ 5	*31·05*
„ 6	*31·55*
Workers in Group 1 aged under 21 years—	
Aged 20 and under 21 years	*28·90*
„ 19 „ „ 20 „	*28·30*
„ 18 „ „ 19 „	*27·75*
„ 17 „ „ 18 „	*20·78*
„ 16 „ „ 17 „	*20·18*

NOTE: The grades of workers included in Groups 1 to 6 are as follows:—

GROUP 1

Barman, Public
Cleaner
Housemaid
Lift Attendant
Maid, Kitchen
Maid, Staff
Plate or Pantry Man or Woman
Porter, House, Kitchen
Other Worker

GROUP 2

Barmaid
Barman, Dispense
Cashier, Dining Room
Cellarman
Maid, Linen
Maid, Stillroom
Service Dispenser
Stillroom man
Storesman
Telephone Operator

GROUP 3

Barmaid, Head
Barman, Head
Cook, Assistant
Fireman (Patrol)
Linen Keeper, Head
Maid, Head Stillroom
Plateman, Head
Salad Hand
Stoker
Timekeeper
Window Cleaner

GROUP 4

Butcher, Assistant
Cellarman, Head
Clerk or Receptionist
Fishmonger-Poulterer, Assistant
Storesman, Head
Telephone Operator, Head

GROUP 5

Commis Cook
Cook
Housekeeper, Grade II

GROUP 6

Butcher
Carver
Fishmonger-Poulterer
Housekeeper, Grade I

TABLE A2 AREA A—SERVICE WORKERS

Column 1 Groups into which workers are classified in accordance with paragraph 3	Column 2 per week of 40 hours
	£
Group 10	*23·27*
„ 11	*23·52*
„ 12	*23·77*
„ 13	*24·02*
Workers in the above-mentioned groups aged under 21 years—	
Aged 20 and under 21 years	*23·12*
„ 19 „ „ 20 „	*22·64*
„ 18 „ „ 19 „	*22·02*
„ 17 „ „ 18 „	*16·80*
„ 16 „ „ 17 „	*16·32*

NOTE: The grades of workers included in Groups 10 to 13 are as follows:—

GROUP 10

Cloakroom and Toilet Attendant
Porter (Hall or Floor) or Boots

GROUP 11

Porter, Single or Leading
Valet

GROUP 12

Barmaid, Cocktail
Barman, Cocktail
Chambermaid or Room Maid
Waiter
Waitress

GROUP 13

Porter, Night

TABLE B1 AREA B—WORKERS OTHER THAN SERVICE WORKERS

Column 1 Groups into which workers are classified in accordance with paragraph 3	Column 2 per week of 40 hours
	£
Group 1	*27·50*
„ 2	*27·75*
„ 3	*28·00*
„ 4	*28·55*
„ 5	*29·05*
„ 6	*29·55*
Workers in Group 1 aged under 21 years—	
Aged 20 and under 21 years	*26·90*
„ 19 „ „ 20 „	*26·30*
„ 18 „ „ 19 „	*25·75*
„ 17 „ „ 18 „	*18·78*
„ 16 „ „ 17 „	*18·18*

NOTE: The grades of workers included in Groups 1 to 6 are as follows:—

GROUP 1

Barman, Public
Cleaner
Housemaid
Lift Attendant
Maid, Kitchen
Maid, Staff
Plate or Pantry Man or Woman
Porter, House, Kitchen
Other Worker

GROUP 2

Barmaid
Barman, Dispense
Cashier, Dining Room
Cellarman
Maid, Linen
Maid, Stillroom
Service Dispenser
Stillroom man
Storesman
Telephone Operator

GROUP 3

Barmaid,Head
Barman, Head
Cook, Assistant
Fireman (Patrol)
Linen Keeper, Head
Maid, Head Stillroom
Plateman, Head
Salad Hand
Stoker
Timekeeper
Window Cleaner

GROUP 4

Butcher, Assistant
Cellarman, Head
Clerk or Receptionist
Fishmonger-Poulterer, Assistant
Storesman, Head
Telephone Operator, Head

GROUP 5

Commis Cook
Cook
Housekeeper, Grade II

GROUP 6

Butcher
Carver
Fishmonger-Poulterer
Housekeeper, Grade I

TABLE B2 AREA B—SERVICE WORKERS

Column 1 Groups into which workers are classified in accordance with paragraph 3	Column 2 per week of 40 hours
	£
Group 10	*21·27*
„ 11	*21·52*
„ 12	*21·77*
„ 13	*22·02*
Workers in the above-mentioned groups aged under 21 years—	
Aged 20 and under 21 years	*21·12*
„ 19 „ „ 20 „	*20·64*
„ 18 „ „ 19 „	*20·02*
„ 17 „ „ 18 „	*14·80*
„ 16 „ „ 17 „	*14·32*

NOTE: The grades of workers included in Groups 10 to 13 are as follows:—

GROUP 10

Cloakroom and Toilet Attendant
Porter (Hall or Floor) or Boots

GROUP 11

Porter, Single or Leading
Valet

GROUP 12

Barmaid, Cocktail
Barman, Cocktail
Chambermaid or Room Maid
Waiter
Waitress

GROUP 13

Porter, Night

TABLE C1 AREA C—WORKERS OTHER THAN SERVICE WORKERS

Column 1 Groups into which workers are classified in accordance with paragraph 3	Column 2 per week of 40 hours
	£
Group 1	*27·35*
„ 2	*27·60*
„ 3	*27·85*
„ 4	*28·40*
„ 5	*28·90*
„ 6	*29·40*
Workers in Group 1 aged under 21 years—	
Aged 20 and under 21 years	*26·75*
„ 19 „ „ 20 „	*26·15*
„ 18 „ „ 19 „	*25·60*
„ 17 „ „ 18 „	*18·63*
„ 16 „ „ 17 „	*18·03*

NOTE: The grades of workers included in Groups 1 to 6 are as follows:—

GROUP 1

Barman, Public
Cleaner
Housemaid
Lift Attendant
Maid, Kitchen
Maid, Staff
Plate or Pantry Man or Woman
Porter, House, Kitchen
Other Worker

GROUP 2

Barmaid
Barman, Dispense
Cashier, Dining Room
Cellarman
Maid, Linen
Maid, Stillroom
Service Dispenser
Stillroom man
Storesman
Telephone Operator

GROUP 3

Barmaid,Head
Barman, Head
Cook, Assistant
Fireman (Patrol)
Linen Keeper, Head
Maid, Head Stillroom
Plateman, Head
Salad Hand
Stoker
Timekeeper
Window Cleaner

GROUP 4

Butcher, Assistant
Cellarman, Head
Clerk or Receptionist
Fishmonger-Poulterer, Assistant
Storesman, Head
Telephone Operator, Head

GROUP 5

Commis Cook
Cook
Housekeeper, Grade II

GROUP 6

Butcher
Carver
Fishmonger-Poulterer
Housekeeper, Grade I

TABLE C2 AREA C—SERVICE WORKERS

Column 1 Groups into which workers are classified in accordance with paragraph 3	Column 2 per week of 40 hours
	£
Group 10	*21·12*
„ 11	*21·37*
„ 12	*21·62*
„ 13	*21·87*
Workers in the above-mentioned groups aged under 21 years—	
Aged 20 and under 21 years	*20·97*
„ 19 „ „ 20 „	*20·49*
„ 18 „ „ 19 „	*19·87*
„ 17 „ „ 18 „	*14·65*
„ 16 „ „ 17 „	*14·17*

NOTE: The grades of workers included in Groups 10 to 13 are as follows:—

GROUP 10

Cloakroom and Toilet Attendant
Porter (Hall or Floor) or Boots

GROUP 11

Porter, Single or Leading
Valet

GROUP 12

Barmaid, Cocktail
Barman, Cocktail
Chambermaid or Room Maid
Waiter
Waitress

GROUP 13

Porter, Night

WORKERS SUPPLIED WITH FULL BOARD AND LODGING OR WITH MEALS ON DUTY

6. Where a worker is supplied by the employer with full board and lodging for seven days a week, or where a worker (other than an extra waiter, extra head waiter or extra waitress) is not supplied by the employer with full board and lodging but is supplied by him with such meals as are normally available in the establishment during the time the worker is on duty, the minimum remuneration shall be that payable under the other provisions of this Schedule to a worker of the same grade or description employed in the same area REDUCED, for the first 40 hours worked by him or for which payment is due to him in any week under the provisions of paragraph 17 by the appropriate amount set out in the appropriate column of the table below:

Provided that where under those other provisions the minimum remuneration payable to a worker aged under 21 years is equal to that payable to a worker of the same grade or description aged 21 years or over, the minimum remuneration shall be reduced by the amount appropriate to a worker aged 21 years or over.

Column 1	Column 2 Workers supplied with full board and lodging	Column 3 Workers not supplied with full board and lodging but with meals on duty
	All areas	All areas
	Per hour	Per hour
Workers other than Service Workers—	p	p
Aged 21 years or over	*17½*	*8½*
„ 20 and under 21 years	*16½*	*7½*
„ 19 „ „ 20 „	*15½*	*7½*
„ 18 „ „ 19 „	*14½*	*7½*
„ 17 „ „ 18 „	*11*	*5*
„ 16 „ „ 17 „	*10*	*5*
Service Workers—		
Aged 21 years or over	*15½*	*7½*
„ 20 and under 21 years	*14½*	*7½*
„ 19 „ „ 20 „	*13*	*7½*
„ 18 „ „ 19 „	*12*	*6½*
„ 17 „ „ 18 „	*10*	*5*
„ 16 „ „ 17 „	*9*	*5*

SERVICE WORKERS EMPLOYED UNDER A WRITTEN AGREEMENT RELATING TO GRATUITIES

7. Where a service worker (as defined in paragraph 2) is employed under a written agreement under which the employer undertakes to pay him in respect of each week of his employment in which he performs some work, a sum not less than the sum (if any) by which the total amount of gratuities from customers received by the worker in connection with his employment during the week falls short of—

£6·04 in the case of a worker aged 20 years or over;

£5·80 „ „ „ „ „ „ 18 years and under 20 years;

the minimum remuneration shall be the amount payable under the other provisions of this Schedule REDUCED by—

15·1p per hour in the case of a worker aged 20 years or over;

14·5p „ „ „ „ „ „ „ „ 18 years and under 20 years;

for the first 40 hours worked by him (or for which payment is due to him) in any week.

FULL-TIME WORKERS NOT PROVIDED WITH LAUNDRY

8. Where in the case of a full-time worker, protective clothing or uniform is worn and no provision is made by the employer for laundering or cleaning it free of charge to the worker, the worker shall be paid, in addition to the minimum remuneration to which he is entitled under the other provisions of this Part of this Schedule, an amount of 5p per week.

WORKERS REQUIRED TO WEAR UNIFORM OR PROTECTIVE CLOTHING OF A DISTINCTIVE CHARACTER NOT PROVIDED BY THE EMPLOYER

9.—(1) Where the employer requires a worker to wear uniform and does not provide it free of charge to the worker the worker shall be paid, in addition to the minimum remuneration to which he is entitled under the other provisions of this Part of this Schedule, an amount of 25p per week.

(2) Where the employer requires a worker to wear protective clothing of a character distinctive to the establishment and does not provide it free of charge to the worker, the worker shall be paid, in addition to the minimum remuneration to which he is entitled under the other provisions of this Part of this Schedule, an amount of 13p per week.

EXTRA WAITING STAFF

10. The hourly minimum remuneration payable to the following classes of workers is—

In the case of an EXTRA WAITER	17½p per hour
In the case of an EXTRA WAITRESS	17½p „ „
In the case of an EXTRA HEAD WAITER	22½p „ „

Provided that where a worker to whom this paragraph applies works for less than three hours in any day, he shall be paid not less than the minimum remuneration to which he would have been entitled had he worked for three hours.

ADDITIONAL PAYMENT FOR SUNDAY WORK

11. Where in the case of a full-time worker, the hours worked by him and remunerated at single time rates are normally spread over—

(*a*) not less than six days in a week, or

(*b*) not less than five days in a week, such days changing from week to week in a roster,

he shall be paid, in addition to the minimum remuneration payable under the provisions of paragraph 5 of this Schedule, for each hour worked on a Sunday between 6 a.m. and 10 p.m. for which no minimum overtime rate is payable under the provisions of paragraph 18 of this Schedule, an amount equal to one-fifth of the single time rate as defined in paragraph 3.

ADDITIONAL PAYMENT FOR NIGHT WORK

12. Subject to the provisions of this Schedule relating to overtime and to work on customary holidays, the minimum remuneration payable to a worker in respect of night work (as defined in paragraph 34), not being emergency duty (as defined in that paragraph), is the remuneration payable to the worker under paragraph 5, 6, 7, 8 or 9, with the addition per hour of 20 per cent. of the single time rate as defined in paragraph 3.

PAYMENT FOR SPREADOVER OF HOURS OF WORK

13.—(1) Subject to the provisions of sub-paragraphs (2) and (3) of this paragraph, where the hours of duty on any day of a worker, other than an extra waiter, extra waitress or extra head waiter, are spread over more than 12 hours calculated from the time at which the worker first commences duty on that day, he shall be paid, in addition to the minimum remuneration to which he is entitled under the other provisions of this Part of this Schedule, remuneration in accordance with the following Table:—

Where the hours of duty are spread over—		
more than 12 hours and not more than 14 hours	more than 14 hours and not more than 15 hours	more than 15 hours
Column 1	Column 2	Column 3
25p per day	50p per day	75p per day

(2) Where the worker works for less than eight hours on any day and his hours of duty are spread over more than 13 hours, he shall be paid the minimum remuneration to which he would be entitled under the other provisions of this Part of this Schedule if he had worked for eight hours, and in addition the appropriate remuneration set out in Column 1, 2 or 3 of the foregoing Table:

Provided that, in calculating the remuneration to which the worker would be entitled if he had worked for eight hours, overtime rates shall apply only to overtime worked.

(3) The foregoing provisions of this paragraph shall not apply—

(*a*) during the off-season to a worker employed in a seasonal establishment; and

(*b*) to a worker on any day on which his hours of duty are spread over not more than 14 hours who is employed either in a seasonal establishment or in a licensed residential establishment which contains not more than 35 rooms ordinarily available as sleeping accommodation for guests or lodgers.

(4) For the purposes of this paragraph—

(*a*) where a worker commences a turn of duty on any day before midnight and that turn of duty continues beyond midnight, the hours of duty after midnight shall be treated as hours of duty performed on the day upon which the turn of duty commenced; and

(*b*) emergency duty (as defined in paragraph 34) shall not be taken into consideration when calculating the hours over which the hours of duty have been spread.

(5) In this paragraph the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"Seasonal establishment" means a licensed residential establishment at which there is posted up a current certificate signed by a qualified auditor certifying that in his opinion more than 50 per cent. of the annual takings at the establishment in respect of the sale of food and drink (other than intoxicating liquor) and the provision of living accommodation is ordinarily earned during the months of June, July, August and September; and for the purposes of this definition—

(*a*) a certificate shall be treated as current for a period of 12 months from the date thereof; and

(*b*) "qualified auditor" means a member of one or more of the following bodies:—

The Institute of Chartered Accountants in England and Wales;

The Institute of Chartered Accountants of Scotland;

The Association of Certified and Corporate Accountants;

The Institute of Chartered Accountants in Ireland;

any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of paragraphs (*a*) and (*b*) of sub-section (1) of section 161 of the Companies Act 1948(a) by the Board of Trade;

"Off-season" means the months of a calendar year except the months June, July, August and September.

PAYMENT FOR EMERGENCY DUTY

14. A worker (other than an extra head waiter, an extra waiter or an extra waitress) who is required to perform emergency duty (as defined in paragraph 34), shall be paid for the time so worked—

(1) where the worker works for half an hour or less—7½p.

(2) where the worker works for more than half an hour—15p.

SPECIAL PROVISIONS RELATING TO INTERVALS FOR REST

15. Where an employer does not allow to a worker between the time of finishing duty on any day and the time of commencing the next following turn of duty an interval for rest of—

(1) in the case of a worker who is supplied by his employer with full board and lodging, not less than eight consecutive hours;

(2) in the case of any other worker, not less than nine consecutive hours;

the worker shall be paid for all time worked by him which reduces the said interval for rest the minimum remuneration to which he is entitled under the other provisions of this Part of this Schedule with an addition for all such time at the rate of double time (as defined in paragraph 3), provided that the interval for rest shall not be regarded as having been reduced by reason solely of the fact that the worker has performed emergency duty (as defined in paragraph 34).

WORKERS TEMPORARILY TRANSFERRED TO HIGHER GRADE WORK

16. Where a worker is required temporarily to perform the duties of a worker entitled to a higher minimum remuneration than himself for a period of more than—

(1) two hours in a day or seven hours in a week, in the case of a worker who is employed in a licensed residential establishment which contains not more than 35 rooms ordinarily available as sleeping accommodation for guests or lodgers, or

(2) two hours in any week in the case of a worker other than a worker specified in (1) above,

he shall be paid for the time so worked not less than the minimum remuneration to which he would have been entitled if he had been a worker of that higher grade:

Provided that the foregoing provision shall not apply in respect of time spent in relieving—

(*a*) any worker who is absent by reason of the fact that it is his weekly day of rest;

(*b*) for a period not exceeding 12 working days in any 12 months, any worker absent from work with the consent of the employer, but in receipt of not less than the statutory minimum remuneration.

GUARANTEED REMUNERATION

17.—A(1) This paragraph applies to workers who ordinarily work for the employer on work to which this Schedule applies for not less than 32 hours in a week or, in the case of a fortnightly worker (as defined in paragraph 34), for not less than 64 hours in a fortnight.

(a) 1948 c. 38.

(2) Notwithstanding the other provisions of this Schedule, where in respect of any week or fortnight as the case may be, the total remuneration, including any holiday remuneration, payable to a worker under those other provisions is less than the guaranteed remuneration provided under this paragraph, the minimum remuneration payable to that worker for that week or fortnight shall be that guaranteed remuneration.

B(1) The guaranteed remuneration payable in respect of any week to a worker to whom sub-paragraph C does not apply—

(*a*) who normally works for the employer for not less than 40 hours in a week on work to which this Schedule applies, is the remuneration to which he would be entitled under paragraph 5, 6 or 7 for 40 hours' work in his normal occupation;

(*b*) who normally works for the employer for more than 39 hours in a week but for less than 40 hours on work to which this Schedule applies, is the remuneration to which he would be entitled under paragraph 5, 6 or 7 (calculated as in paragraph 4) in respect of the number of hours normally worked by him in a week;

(*c*) who normally works for the employer for 39 hours or less in a week, is the remuneration to which he would be entitled under paragraph 5, 6 or 7 (calculated as in paragraph 4) for 39 hours in a week:

Provided that where the worker normally works for the employer on work to which the Schedule applies for less than 39 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 remuneration shall be the remuneration (calculated as in paragraph 4) for the number of hours in the week normally worked by the worker for the employer on work to which this Schedule applies.

(2) Guaranteed remuneration is not payable in respect of any week unless the worker throughout his normal working hours in that week (excluding any time allowed to him as a holiday) is

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

(*b*) willing to perform such duties outside his normal occupation as the employer may reasonably require if his normal work is not available in the establishment in which he is employed.

(3) Guaranteed remuneration is not payable in respect of any week if the worker's employment is terminated before the end of that week.

(4) If the employer is unable to provide the worker with work by reason of a strike or other circumstances beyond his control and gives the worker four clear days' notice to that effect, guaranteed remuneration shall not be payable after the expiry of such notice in respect of any week during which, or during part of which, the employer continues to be unable to provide work as aforesaid:

Provided that in respect of the week in which the said notice expires there shall be paid to the worker, in addition to any remuneration payable in respect of time worked in that week, any remuneration that would have been payable if the worker had worked his normal hours of work on any days in the week prior to the expiry of the notice.

C(1) The guaranteed remuneration payable in respect of any fortnight to a fortnightly worker (as defined in paragraph 34)—

(*a*) who normally works for the employer for not less than 80 hours in a fortnight on work to which this Schedule applies, is twice the remuneration to which he would be entitled under paragraph 5, 6 or 7 for 40 hours' work in his normal occupation;

(*b*) who normally works for the employer for more than 78 hours in a fortnight but for less than 80 hours on work to which this Schedule applies, is the remuneration to which he would be entitled under paragraph 5, 6 or 7 (calculated as in paragraph 4) in respect of the number of hours normally worked by him in a fortnight;

(*c*) who normally works for the employer for 78 hours or less in a fortnight, is the remuneration to which he would be entitled under paragraph 5, 6 or 7 (calculated as in paragraph 4) for 78 hours in a fortnight:

Provided that where the worker normally works for the employer on work to which this Schedule applies for less than 78 hours in a fortnight 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 fortnight, and the worker has informed his employer in writing that he does not so hold himself out, the guaranteed remuneration shall be the remuneration (calculated as in paragraph 4) for the number of hours in the fortnight normally worked by the worker for the employer on work to which this Schedule applies.

(2) Guaranteed remuneration is not payable in respect of any fortnight unless the worker throughout his normal working hours in that fortnight (excluding any time allowed to him as a holiday) is

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

(*b*) willing to perform such duties outside his normal occupation as the employer may reasonably require if his normal work is not available in the establishment in which he is employed.

(3) Guaranteed remuneration is not payable in respect of any fortnight if the worker's employment is terminated before the end of that fortnight.

(4) If the employer is unable to provide the worker with work by reason of a strike or other circumstances beyond his control and gives the worker four clear days' notice to that effect, guaranteed remuneration shall not be payable after the expiry of such notice in respect of any fortnight during which, or during part of which, the employer continues to be unable to provide work as aforesaid:

Provided that in respect of the fortnight in which the said notice expires there shall be paid to the worker, in addition to any remuneration payable in respect of time worked in that fortnight, any remuneration that would have been payable if the worker had worked his normal hours of work on any days in the fortnight prior to the expiry of the notice.

OVERTIME

18. Subject to the provisions of paragraph 19, minimum overtime rates shall be payable to workers, other than extra head waiters, extra waiters and extra waitresses, as follows:—

(1) in the case of workers other than fortnightly workers:—

(*a*) on the weekly day of rest for all time worked ...	Double time
(*b*) in any week, exclusive of time worked on a weekly day of rest, for all time worked in excess of 40 hours—	
(i) for the first *four* hours so worked	Time-and-a-quarter
(ii) thereafter	Time-and-a-half

(2) in the case of fortnightly workers (as defined in paragraph 34):—

(*a*) on the weekly day of rest for all time worked ...	Double time
(*b*) in any week, exclusive of time worked on a weekly day of rest, for all time worked in excess of 48 hours	Time-and-a-half
(*c*) in the second week of any fortnight after 80 hours' work in that fortnight, exclusive of any time in respect of which an overtime rate is payable under (*a*) or (*b*) of this sub-paragraph—	
(i) for the first *8* hours so worked	Time-and-a-quarter
(ii) thereafter	Time-and-a-half

Provided that the provisions of this paragraph shall not apply to emergency duty (as defined in paragraph 34).

SPECIAL PROVISIONS RELATING TO REST DAYS

19.—(1) Where a worker works on one weekly day of rest in any period of two consecutive weeks pursuant to an agreement in writing with his employer that the employer will allow the worker an equivalent time off during the period of the ten following weeks in lieu of time so worked, the worker shall, for the purposes of the provisions of this Schedule relating to remuneration, be treated as though on that day he had performed no work to which this Schedule applies.

(2) Where a worker to whom this paragraph applies is allowed time off pursuant to any agreement as specified in sub-paragraph (1) of this paragraph he shall be treated for the purposes of the provisions of this Schedule relating to remuneration as though in respect of that time he had been employed by the employer in his usual occupation.

SPECIAL PROVISIONS RELATING TO FULL-TIME WORKERS WHO ARE NOT REQUIRED TO WORK ON A CUSTOMARY HOLIDAY

20.—(1) This paragraph applies only to a full-time worker who is not required to work on a customary holiday and who has been in the employer's employment for the six days immediately preceding the customary holiday and (unless excused by the employer or absent by reason of proved sickness) has worked for the employer throughout his normal working hours on the last working day on which work was available to him prior to the holiday and throughout his normal working hours on the next such working day following the holiday.

(2) Where the customary holiday is not a day which has been allowed to the worker and taken by him as a day of annual holiday, he shall be paid for that day one day's holiday pay (as defined in paragraph 34).

(3) Where the customary holiday is a day which has been allowed to a worker and taken by him as a day of annual holiday, and

(*a*) he is allowed by his employer a day of holiday in lieu of the customary holiday on a day other than the weekly day of rest, within 28 days of the customary holiday, he shall be paid for the holiday given in lieu one day's holiday pay; or

(*b*) he is not allowed a day in lieu of the customary holiday in accordance with (*a*) of this sub-paragraph, he shall be paid for the working day next following the 28th day after the customary holiday or for his last working day if he leaves his employment before the said 28th day, the remuneration to which he is entitled under the other provisions of this Schedule for all time worked on that day and in addition one day's holiday pay.

SPECIAL PROVISIONS RELATING TO FULL-TIME WORKERS WHO WORK ON A CUSTOMARY HOLIDAY

21.—(1) Where a full-time worker works on a customary holiday he shall be paid for all time worked on that day the minimum remuneration to which he is entitled under the other provisions of this Part of this Schedule.

(2) Where a full-time worker who has worked on a customary holiday is allowed by his employer, on a day other than the weekly day of rest, a day of holiday in lieu of the customary holiday—

(*a*) within 28 days of the customary holiday, or

(*b*) before the end of the holiday season if the customary holiday falls within that season and the last day of that season is more than 28 days after the customary holiday, or

(*c*) before the end of the next holiday season commencing after the customary holiday if the worker so requests and the employer agrees and the agreement is reduced to writing and sets out the date on which the holiday is to be allowed,

he shall be paid for the day so allowed as a holiday one day's holiday pay (as defined in paragraph 34).

(3) Where a full-time worker who has worked on a customary holiday is not allowed a day in lieu of the customary holiday in accordance with sub-paragraph (2) of this paragraph he shall be paid for the working day next following the last day on which the holiday could have been allowed in accordance with that sub-paragraph or for his last working day if he leaves his employment before that day, for all time worked on the said working day the minimum remuneration to which he is entitled under the provisions of this Schedule and in addition one day's holiday pay.

NIGHT WORK IN RELATION TO CUSTOMARY HOLIDAYS

22. For the purposes of paragraphs 20 and 21, where a worker normally works a turn of duty which extends beyond midnight, the whole of the turn of duty worked, or the period which would have been covered by the turn of duty had it been worked, shall be counted as falling on the day upon which it commenced or would have commenced had it been worked.

PART II

ANNUAL HOLIDAY AND HOLIDAY REMUNERATION
DURATION OF ANNUAL HOLIDAY

23.—Subject to the provisions of this Part of this Schedule, an employer shall, between the date on which the provisions of this Schedule become effective and 31st October 1975 or, in the case of a worker employed at a seasonal establishment, between the date on which the provisions of this Schedule become effective and 30th November 1975, and during the holiday season (as defined in paragraph 34) in each succeeding year, allow a holiday (in this Schedule referred to as an "annual holiday") to every worker (other than an extra waiter, extra waitress or extra head waiter) for whom statutory minimum remuneration has been fixed, and who has been employed by him during the 12 months immediately preceding the commencement of the holiday season (hereinafter referred to as the "qualifying period") for any of the periods of employment (calculated in accordance with the provisions of paragraph 33) set out in the first Column of the Table below and the duration of the annual holiday shall be related to the period of the worker's employment during the qualifying period in accordance with the appropriate column of that Table:—

Period of employment during the qualifying period	Duration of annual holiday for a worker whose normal working week is		
	6 days	5 days	4 days or less
At least 8 weeks	3 days	2 days	2 days
„ 12 „	4 „	3 „	3 „
„ 16 „	6 „	5 „	4 „
„ 20 „	7 „	6 „	5 „
„ 24 „	10 „	8 „	7 „
„ 28 „	11 „	10 „	8 „
„ 32 „	13 „	11 „	9 „
„ 36 „	14 „	12 „	10 „
„ 40 „	16 „	13 „	11 „
„ 44 „	17 „	14 „	12 „
„ 48 „	20 „	17 „	14 „

24. Notwithstanding the provisions of paragraph 23:—

(1) The number of days of annual holiday which an employer is required to allow to a worker in respect of a period of employment during the 12 months immediately preceding 1st April 1975 or 1st April in any succeeding year shall not exceed in the aggregate three times the number of days constituting the worker's normal working week, plus two days.

(2) The duration of the worker's annual holiday during the holiday season commencing on 1st April 1975 shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of Order L.R. (50) between 1st April 1975 and the date on which the provisions of this Schedule become effective.

SPELLS OF ANNUAL HOLIDAY

25. An annual holiday shall be allowed on consecutive working days and days of annual holiday shall be treated as consecutive notwithstanding that the worker's weekly day of rest or a customary holiday or a day of holiday in lieu of a customary holiday intervenes:

Provided that—

(1) Where a worker has qualified for more days of annual holiday than the number constituting his normal working week his 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;

(2) Where the number of days of annual holiday for which a worker has qualified exceeds twice the number of days constituting his normal working week the holiday may be allowed as follows:—

(*a*) as to two separate periods, each such period not being less than the period constituting the worker's normal working week, during the holiday season; and

(*b*) as to the additional days on working days which need not be consecutive, to be fixed by the employer, during the holiday season, or within the period ending on 31st March immediately following the holiday season.

AGREEMENT TO ALLOW ANNUAL HOLIDAY OUTSIDE THE HOLIDAY SEASON

26. Notwithstanding the provisions of paragraph 23, an annual holiday may be allowed—

(1) (*a*) in the case of a worker employed at a seasonal establishment, during the four months preceding the commencement of the holiday season; or

(*b*) in the case of any other worker, during the five months preceding the commencement of the holiday season; or

(2) in the case of any worker, after the end of the holiday season and before the commencement of the next following holiday season in the following circumstances, that is to say—

(*a*) in the case of sub-paragraph (1) of this paragraph, where the worker informs his employer not less than one month before the date at which he wishes to take all or part of the annual holiday that he wishes to take it before the commencement of the holiday season and the employer agrees and the said agreement is reduced to writing and sets out the dates on which the annual holiday is to be allowed;

(*b*) in the case of sub-paragraph (2) of this paragraph, where the worker in the course of the holiday season informs his employer that he wishes to take the annual holiday after the end of the holiday season and the employer agrees and the said agreement is reduced to writing and sets out the dates on which the annual holiday is to be allowed.

Where under the provisions of this paragraph an annual holiday is allowed during the four or five month period (as the case may be) preceding the commencement of the holiday season the qualifying period for the purpose of calculating the duration of the said holiday of the worker concerned shall be varied and shall be the 12 months immediately preceding the commencement of the annual holiday, provided that where an annual holiday is allowed to a worker in two separate periods in accordance with the provisions of paragraph 25 the qualifying period as varied referred to in this paragraph shall be the period of 12 months immediately preceding the first holiday period.

APPLICATIONS TO VARY THE HOLIDAY SEASON

27. Notwithstanding the provisions of paragraph 23, the Wages Council may vary the holiday season in respect of any establishment if it receives an application for the purpose from an employer and is 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 April or its extension beyond 30th November in the case of a worker employed at a seasonal establishment or 31st October in the case of any other worker. An application relating to the commencement of the holiday season shall be made to the Wages Council not less than six weeks before the operative date and an application to extend the duration of the holiday season before 15th July. Any such alteration in the holiday season shall not become effective until notice of the decision of the Wages Council has been communicated to the employer concerned.

In the case of any variation of the holiday season under this provision the qualifying period for the purpose of calculating the duration of the annual holiday of the worker or workers concerned shall be varied and shall be the 12 months immediately preceding the commencement of the holiday season as varied.

GENERAL

28. 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 the worker is employed.

29. Subject to the provisions of paragraph 25, any day of annual holiday under this Schedule may be allowed on a day on which the worker is entitled to a day of holiday or to a half-holiday under any enactment other than the Wages Councils Act 1959.

REMUNERATION FOR ANNUAL HOLIDAY

30.—(1) Subject to the provisions of paragraph 31, a worker qualified to be allowed an annual holiday under this Schedule shall be paid by his employer in respect thereof, on the last pay day preceding such annual holiday, one day's holiday pay (as defined in paragraph 34) in respect of each day thereof.

(2) Where under the provisions of this Schedule an annual holiday is allowed in more than one period the holiday remuneration shall be apportioned accordingly.

31. Where in accordance with the provisions of paragraph 32 or of Order L.R.(50) accrued holiday remuneration has been paid by the employer to the worker in respect of any period of employment in the 12 months immediately preceding the holiday season within which an annual holiday is allowed by the employer to the worker 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 30 shall be reduced by the amount of the said accrued holiday remuneration, unless that remuneration has been deducted from a previous payment of holiday remuneration made under the provisions of this Schedule or of Order L.R.(50).

ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

32. Subject to the provisions of this paragraph, where a worker (other than an extra waiter, extra waitress or extra head waiter) 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, 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 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, or if no holiday season is then current, the commencing date of the last holiday season, a sum equal to the holiday remuneration 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*) the amount of the accrued holiday remuneration payable to a worker who leaves his employment without the consent of his employer before giving one week's notice of termination of employment or before one week has elapsed from the time of giving such notice, shall be the amount payable under the foregoing provisions of this Schedule less an amount equal to the holiday remuneration which would be payable to him if at the termination of his employment he had been allowed an annual holiday of an equivalent number of days as constituted his normal working week;

(*b*) accrued holiday remuneration shall not be payable where a worker is dismissed on the ground either of dishonesty or of misconduct involving contravention of the licensing laws and is so informed by the employer at the time of dismissal;

(*c*) where, during the period or periods in respect of which the said accrued holiday remuneration is payable, the worker has been allowed any day or days of holiday for which he had not qualified under the provisions of this Schedule or of Order L.R. (50), any accrued holiday remuneration payable as aforesaid shall be reduced by the amount of any sum paid by the employer to the worker in respect of such day or days of holiday.

CALCULATION OF EMPLOYMENT

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

(1) in the case of a worker other than a fortnightly worker, for a week in respect of any week in which he has worked for the employer for 40 hours or, where the number of hours normally worked by him for the employer in a week is less than 40, that number of hours, and in which he has performed some work which entitles him to statutory minimum remuneration;

(2) in the case of a fortnightly worker, for two weeks in respect of any fortnight in which he has worked for the employer for 80 hours or, where the number of hours normally worked by him for the employer in a fortnight is less than 80, that number of hours, and in both weeks of which fortnight he has performed some work which entitles him to statutory minimum remuneration;

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

(*a*) on annual holiday allowed under this Schedule, customary holidays or days of holiday in lieu of customary holidays;

(*b*) during proved sickness or accident up to and not exceeding a maximum of 12 weeks in the aggregate during the qualifying period or during the qualifying period as varied in accordance with the provisions of paragraph 26 or 27 or, where under paragraph 32 accrued holiday remuneration is payable on the termination of the employment, in the 12 months immediately preceding the termination of the employment;

(*c*) by leave of the employer.

PART III

GENERAL

DEFINITIONS

34. In this Schedule the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"CATERING CONTRACTING BUSINESS" means a business or part of a business wholly or mainly engaged in supplying food or drink for immediate consumption—

(1) on premises not ordinarily occupied by the person or body of persons carrying on the business; or

(2) in a railway train where the business is carried on otherwise than by a railway company or any Board established by the Transport Act 1962**(a)** or any subsidiary thereof;

and any activities incidental or ancillary thereto.

"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.

"CENTRAL CATERING ESTABLISHMENT" means an establishment wholly or mainly engaged in the preparation of food or drink for immediate consumption at two or more places of refreshment carried on by the person or body of persons carrying on the establishment but does not include an establishment wholly or mainly engaged in the preparation of food or drink for consumption on the same premises or in the same building as those on which or as that in which the establishment itself is carried on and for the purpose of this definition a place of refreshment means any place which is used either regularly or occasionally as, or for the purposes of, a restaurant, dining-room, café, tea shop, buffet or similar place or a coffee stall, snack bar or other similar stall or bar.

"CUSTOMARY HOLIDAY" means

(1) In England and Wales—

(*a*) Christmas Day; 26th December if it be not a Sunday; 27th December in a year when 25th or 26th December is a Sunday; New Year's Day (or the following day if New Year's Day falls on a Sunday); Good Friday; Easter Monday; the last Monday in May; the last Monday in August; or, where a day is substituted for any of the above days by national proclamation, that day; and any day proclaimed as an additional bank holiday or a general holiday; or

(a) 1962 c. 46.

(*b*) in the case of each of the said days, a day substituted by the employer therefor, being a day recognised by local custom as a day of holiday in substitution for the said day.

(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 throughout Scotland; and

(*b*) four other week-days in the course of a calendar year, to be fixed by the employer and notified to the worker not less than three weeks before the holiday, or any other day or days falling within the same calendar year which may be substituted for such day or days by agreement between the employer and the worker or his representative.

"DAY" means a period running from midnight to midnight unless the context otherwise requires.

"EMERGENCY DUTY" means work for not more than one hour performed by a worker involving the interruption of an interval for rest between two turns of duty.

"ESTABLISHMENT" means a licensed residential establishment, licensed restaurant, railway refreshment establishment or licensed workers' hostel.

"FORTNIGHT" means a period of two consecutive weeks of employment and for the purposes of this definition a week that has been treated as consecutive with the week that precedes it shall not be treated as consecutive with the week that follows it.

"FORTNIGHTLY WORKER" is a worker who is employed under a written agreement which provides for his remuneration for overtime to be calculated on a fortnightly basis.

"FULL BOARD" means not less than four meals a day.

"FULL-TIME WORKER" means a worker who normally works for his employer for not less than 64 hours a fortnight on work to which this Schedule applies.

"HOLIDAY SEASON" means in any year—

(1) in the case of a worker employed at a seasonal establishment the period commencing on 1st April and ending on 30th November in that year, or

(2) in the case of any other worker the period commencing on 1st April and ending on 31st October in that year.

"LICENSED RESIDENTIAL ESTABLISHMENT" means:—

(1) An hotel, inn, boarding house, guest house, hostel or similar establishment, including a holiday camp—

(*a*) 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; and

(*b*) 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;

but does not include any hostel or similar establishment provided by or by arrangement with an employer wholly or mainly for the purpose of accommodating persons employed by him.

(2) A club—

(*a*) 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; and

(*b*) at which it is lawful for intoxicating liquor to be supplied for consumption on the premises.

"LICENSED RESTAURANT" does not include any place which forms part of a licensed residential establishment or which constitutes or forms part of a railway refreshment establishment or any place at which intoxicating liquor can legally be sold or supplied for consumption on the premises by reason only of the fact that in relation to that place an occasional licence is for the time being in force being a licence granted to some person other than the person carrying on, or a person in the employment of the person carrying on the activities (other than the supply of intoxicating liquor) of a catering undertaking at that place; but, save as aforesaid, means any place which is used either regularly or occasionally as, or for the purposes of, a restaurant, dining-room, café or similar place at which it is lawful to sell (or supply in the case of a restaurant, dining-room or café of a club) intoxicating liquor for consumption on the premises and includes any bar or other place wholly or mainly used for the sale (or supply in the case of a club) and consumption on the premises of intoxicating liquor if the bar is situate on the same premises as any such restaurant, dining-room, café or similar place as aforesaid and the activities of such restaurant, dining-room, café or similar place constitute the main catering activities carried on at the premises.

"LICENSED WORKERS' HOSTEL" means a hostel or similar establishment provided by or by arrangement with an employer wholly or mainly for the purpose of accommodating persons employed by him otherwise than in a catering undertaking being an establishment 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 purpose of a registered club.

"LODGING" means clean and adequate accommodation and facilities for eating, sleeping, washing and leisure.

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

"NIGHT WORK" means all time amounting to one hour or more worked between 10 p.m. and 6 a.m.

"NORMAL WORKING WEEK" means one half of the number of days on which the worker has most frequently worked in a fortnight in the employment of the employer in the qualifying period or in the qualifying period as varied in accordance with the provisions of paragraph 26 or 27 or, where under paragraph 32 accrued holiday remuneration is payable on the termination of the employment, in the 12 months immediately preceding the date of the termination of the employment:

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.

"ONE DAY'S HOLIDAY PAY" means the amount obtained by dividing the appropriate statutory minimum remuneration applicable to the worker for a fortnight's work at the date of the annual holiday or of the termination of his employment as the case may be, by the number of days on which he is normally employed in a fortnight.

For the purpose of this definition—

(1) "appropriate statutory minimum remuneration" means the statutory minimum remuneration to which the worker would be entitled if he were working his normal hours of work (exclusive of overtime) and were paid at the single time rate (as defined in paragraph 3), in the case of work for which statutory minimum remuneration is payable, and at the same rate for any work for which statutory minimum remuneration is not payable.

(2) "normal hours of work" means the number of hours which have been most frequently worked by the worker in a normal working week as defined above.

"PROTECTIVE CLOTHING" means any garment other than uniform which protects a worker's normal clothing.

"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 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.

"SEASONAL ESTABLISHMENT" has the meaning assigned to it in paragraph 13.

"STATUTORY MINIMUM REMUNERATION" means minimum remuneration (other than holiday remuneration) which has been fixed by a wages regulation order made by the Secretary of State to give effect to proposals of the Wages Council.

"UNIFORM" means any outer clothing of a character distinctive to the establishment, which replaces the worker's own outer clothing.

"WEEK" means pay week.

"WEEKLY DAY OF REST" means either—

(1) a day in the week fixed by agreement between the employer and the worker as a day of rest for the worker, not being a customary holiday; or

(2) if no such day is fixed the last day of the worker's pay week not being a customary holiday;

and for the purposes of this definition, the word "day" means a period of 24 consecutive hours commencing at the time at which the worker would normally commence his turn of duty.

WORKERS TO WHOM THE SCHEDULE APPLIES

35. Subject to the provisions of paragraph 36, this Schedule applies to all 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 residential establishment or at a licensed restaurant or at a railway refreshment establishment or at a licensed workers' hostel; 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 on premises where the main activity is either the supply of food or drink for immediate consumption or the provision of living accommodation for guests or lodgers or partly the supply of food or drink as aforesaid and partly the provision of living accommodation as aforesaid;

(*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 on or about the premises or place where food or drink is prepared or served or where living accommodation is provided, including work in connection with any service or amenity provided on or about such premises or place.

36. 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 (*f*) or sub-paragraph (*g*) of paragraph 35 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;

(2) workers who are employed for the purposes of the activities carried on at any of the following establishments, that is to say:—

(*a*) any hospital, nursing home, or convalescent home or similar establishment providing accommodation for the sick, infirm or mentally defective;

(*b*) any institution or home where living accommodation is provided for the aged or indigent;

(*c*) any university, college, school or similar establishment;

and who are employed by the person or body of persons carrying on the establishment, or, in the case of any of the establishments specified in sub-paragraph (*c*) hereof, by the person or body of persons carrying on any boarding house which forms part of the establishment;

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

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

(5) workers who are employed for the purposes of any of the activities carried on in the course of a catering contracting business;

(6) workers who are employed for the purposes of any of the activities of a central catering establishment;

(7) workers who are employed for the purposes of the activities carried on at a licensed restaurant if the licensed restaurant is situated on premises where the main activity is the sale of intoxicating liquor for consumption on the premises otherwise than with meals supplied on the premises;

(8) workers who are employed by the Crown or by a local authority;

(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;

(10) workers employed in the hotel and catering services of the nationalised railways who are so employed by the British Railways Board or by British Transport Hotels Limited;

(11) workers who are employed as aircraft stewards or aircraft stewardesses;

(12) workers who are employed as managers, manageresses, assistant managers or assistant manageresses;

(13) workers who are the wives of managers and who are required by the employer to assist in the work of an establishment.

37. 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 1831-1940**(a)**, or of any other enactment.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which has effect from 20th October 1975, sets out the increased statutory minimum remuneration payable and the holidays to be allowed to workers in relation to whom the Licensed Residential Establishment and Licensed Restaurant Wages Council operates in substitution for the statutory minimum remuneration and holidays set out in the Wages Regulation (Licensed Residential Establishment and Licensed Restaurant) Order 1974 (Order L.R. (50)). Order L.R. (50) is revoked.

New provisions are printed in italics.

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

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