1957 No. 947

The Wages Regulation (Linen and Cotton Handkerchief etc.) (Holidays) Order, 1957

Made - - - - 31*st May*, 1957
Coming into Operation 17*th June*, 1957

Whereas the Minister of Labour and National Service (hereafter in this Order referred to as "the Minister") has received from the Linen and Cotton Handkerchief and Household Goods and Linen Piece Goods Wages Council (Great Britain) the wages regulation proposals set out in the Schedule hereto;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 10 of the Wages Councils Act, 1945(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 (Linen and Cotton Handkerchief etc.) (Holidays) Order, 1957.

2.—(1) In this Order the expression "the specified date" means the 17th day of June, 1957, 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), applies to the interpretation of this Order as it applies to the interpretation of an Act 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 Linen and Cotton Handkerchief and Household Goods and Linen Piece Goods Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1952(c), shall cease to have effect.

Signed by order of the Minister of Labour and National Service this 31st day of May, 1957.

H. C. Emmerson,
Secretary,
Ministry of Labour and National Service.

SCHEDULE

The following provisions as to holidays and holiday remuneration shall be substituted for the provisions as to holidays and holiday remuneration set out in the Linen and Cotton Handkerchief and Household Goods and Linen Piece Goods Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1952 (hereinafter referred to as "Order H.L. (40)").

PART I

APPLICATION

1. This Schedule applies to every worker (*other than an outworker*) for whom statutory minimum remuneration has been fixed.

PART II

CUSTOMARY HOLIDAYS

2.—(1) An employer shall before the 1st day of May, 1958, and in each succeeding period of twelve months ending on the 30th day of April, allow customary holidays to every worker in his employment to whom this

(a) 8 & 9 Geo. 6. c. 17. (b) 52 & 53 Vict. c. 63. (c) S.I. 1952/1686 (1952 III, p. 3711).

Schedule applies who has been employed by him during the twelve months immediately preceding the commencement of the holiday season (as defined in paragraph 3 of this Schedule) for any of the periods of employment (calculated in accordance with the provisions of paragraph 10 of this Schedule) set out in the table below, and the number of customary holidays which an employer is required to allow to a worker shall, in the case of each such worker, be related to that period as follows:—

Period of employment	Number of Customary Holidays
Not less than 48 weeks	six
„ „ „ 40 „ but less than 48 weeks	five
„ „ „ 32 „ „ „ „ 40 „	four
„ „ „ 24 „ „ „ „ 32 „	three
„ „ „ 16 „ „ „ „ 24 „	two
„ „ 8 „ „ „ „ 16 „	one

(2) Where in any period of twelve months ending on the 30th day of April, an employer is required to allow a worker less than six customary holidays the said customary holidays shall (subject to the provisions of sub-paragraph (4) of this paragraph) be those occurring next in succession after the immediately preceding 30th day of April.

(3) The said customary holidays are:—

(*a*) (i) in England and Wales—

Christmas Day (or, if Christmas Day falls on a Sunday, such week day as may be appointed by national proclamation, or, if none is so appointed, the following Tuesday), Boxing Day, New Year's Day, Good Friday, Easter Monday and Whit Monday;

(ii) in Scotland—

New Year's Day and the following day: Provided that if New Year's Day falls on a Sunday the customary holidays shall be the following Monday and Tuesday, and if New Year's Day falls on a Saturday the customary holidays shall be New Year's Day and the following Monday;

the local Spring holiday;

the local Autumn holiday; and

two other days (being days on which the worker normally works for the employer) in the course of each period of twelve months ending on the 30th day of April, to be fixed by the employer and notified to the worker not less than three weeks before the holiday;

or (*b*) in the case of each of the said days (other than a day fixed by the employer in Scotland and notified to the worker as aforesaid) a day substituted therefor by agreement between the employer and the worker to be allowed within the period of six weeks next ensuing and in any event before the following 1st day of May.

(4) Notwithstanding the preceding provisions of this paragraph:—

(*a*) an employer may (except where in the case of a woman or young person such a requirement would be unlawful) require a worker who is otherwise entitled to any customary holiday under the foregoing provisions of this Schedule to work thereon and, in lieu of any customary holiday on which he so works, the employer shall allow the worker a day's holiday (hereafter in this Schedule referred to as a "holiday in lieu of a customary holiday") on a week day on which he would normally work for the employer within the period of six weeks next ensuing and in any event before the following 1st day of May;

(*b*) the number of customary holidays to be allowed to a worker under the provisions of this Schedule before the first day of May, 1958, shall be reduced by any customary holidays allowed to him by the employer under the provisions of Order H.L. (40) between the 30th day of April, 1957, and the date on which the provisions of this Schedule become effective.

PART III

ANNUAL HOLIDAYS

3.—(1) Subject to the provisions of paragraph 4 of this Schedule, in addition to the holidays specified in Part II of this Schedule an employer shall, between the date on which the provisions of this Schedule become effective and the 30th day of September, 1957, and in each succeeding year between the 1st day of May and the 30th day of September, allow a holiday (hereafter in this Schedule referred to as an " annual holiday ") to every worker in his employment to whom this Schedule applies who has been employed by him during the 12 months immediately preceding the commencement of the holiday season for any of the periods of employment (calculated in accordance with the provisions of paragraph 10 of this Schedule) set out in the appropriate table below and the duration of the annual holiday shall, in the case of each such worker, be related to his period of employment during that twelve months as follows:—

Workers with a normal working week of six days		Workers with a normal working week of five days or less	
Period of employment	Duration of annual holiday	Period of employment	Duration of annual holiday
Not less than 48 weeks	12 days	Not less than 48 weeks	10 days
„ „ 44 „ but less than 48 weeks	11 „	„ „ 43 „ but less than 48 weeks ...	9 „
„ „ 40 „ „ „ 44 „	10 „	„ „ 38 „ „ „ 43 „ ...	8 „
„ „ 36 „ „ „ 40 „	9 „	„ „ 33 „ „ „ 38 „ ...	7 „
„ „ 32 „ „ „ 36 „	8 „	„ „ 28 „ „ „ 33 „ ...	6 „
„ „ 28 „ „ „ 32 „	7 „	„ „ 24 „ „ „ 28 „ ...	5 „
„ „ 24 „ „ „ 28 „	6 „	„ „ 19 „ „ „ 24 „ ...	4 „
„ „ 20 „ „ „ 24 „	5 „	„ „ 14 „ „ „ 19 „ ...	3 „
„ „ 16 „ „ „ 20 „	4 „	„ „ 9 „ „ „ 14 „ ...	2 „
„ „ 12 „ „ „ 16 „	3 „	„ „ 4 „ „ „ 9 „ ...	1 day
„ „ 8 „ „ „ 12 „	2 „		
„ „ 4 „ „ „ 8 „	1 day		

(2) Notwithstanding the provisions of the last foregoing sub-paragraph:—

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

(*b*) the duration of the worker's annual holiday during the holiday season ending on the 30th day of September, 1957, shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of Order H.L. (40) between the 1st day of May, 1957, and the date on which this Schedule becomes effective.

(3) In this Schedule the expression "holiday season" means, in the year 1957, the period commencing on the 1st day of May, 1957, and ending on the 30th day of September, 1957, and, in each subsequent year, the period commencing on the 1st day of May and ending on the 30th day of September in that year.

4.—(1) Annual holidays under this Schedule shall be allowed on consecutive working days, being days on which the worker is normally called upon to work for the employer, and days of annual holiday shall be treated as consecutive notwithstanding that a customary holiday on which the worker is not required to work for the employer or a holiday in lieu of a customary holiday intervenes:

Provided that where the duration of an annual holiday which an employer is required to allow to a worker exceeds the number of days constituting the worker's normal working week the said holiday may be allowed in two separate periods of such consecutive working days one of which shall not be less than the number of days constituting the worker's normal working week.

(2) Subject to the provisions of sub-paragraph (1) of this paragraph, 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, 1945.

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

Part IV

HOLIDAY REMUNERATION

A—CUSTOMARY HOLIDAYS AND HOLIDAYS IN LIEU OF CUSTOMARY HOLIDAYS

6.—(1) For each day of holiday to which a worker is entitled under Part II of this Schedule he shall be paid by his employer—

(*a*) holiday remuneration equal to the amount, calculated at the appropriate rate of statutory minimum remuneration, to which he would have been entitled as a time worker if the day had not been a day of holiday and he had worked on that day on work for which statutory minimum remuneration is payable for the time usually worked by him on that day of the week, *and*

(*b*) *in addition thereto seven and a half per cent. of the holiday remuneration calculated as aforesaid.*

(2) The holiday remuneration in respect of any such holiday shall be paid by the employer to the worker on the pay day on which the wages are paid for the pay week including the holiday: Provided that where a worker ceases to be employed before being allowed a holiday in lieu of a customary holiday to which he is entitled, the said payment shall be made immediately upon the termination of his employment.

B—ANNUAL HOLIDAYS

7.—(1) Subject to the provisions of paragraph 8 of this Schedule, 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, remuneration in accordance with the following table:—

TABLE OF HOLIDAY REMUNERATION

Col. 1 Period of annual holiday	Col. 2 Holiday remuneration for workers with a normal working week of:—				Col. 3
	Six days	Five days	Four days	Three days or less	
12 days ...	Twice the amount in Col. 3.	—	—	—	*The aggregate of the following sums (which together constitute the amount referred to in Col. 2 hereof)*:— (*a*) the remuneration which the worker would be entitled to receive from his employer, at the date of the holiday, for a week's work, if working his normal working week and the number of daily hours usually worked by him (exclusive of overtime), and if paid at the appropriate rate of statutory minimum remuneration for time work, fixed by a wages regulation order in respect of the worker, for work to which that order applies and at the same rate for work (if any) to which that order does not apply, *and*
11 days ...	One and five-sixths times the amount in Col. 3.	—	—	—	
10 days ...	One and two-thirds times the amount in Col. 3.	Twice the amount in Col. 3.	—	—	
9 days ...	One and one-half times the amount in Col. 3.	One and four-fifths times the amount in Col. 3.	—	—	
8 days ...	One and one-third times the amount in Col. 3.	One and three-fifths times the amount in Col. 3.	Twice the amount in Col. 3.	—	
7 days ...	One and one-sixth times the amount in Col. 3.	One and two-fifths times the amount in Col. 3.	One and three-quarters times the amount in Col. 3.	—	
6 days ...	The amount in Col. 3	One and one-fifth times the amount in Col. 3.	One and one-half times the amount in Col. 3.	Twice the amount in Col. 3.	

5 days ...	Five - sixths of the amount in Col. 3.	The amount in Col. 3	One and one-quarter times the amount in Col. 3.	One and two-thirds times the amount in Col. 3.	(*b*) *seven and a half per cent. of the remuneration calculated as at* (*a*) *above.*
4 days ...	Two-thirds of the amount in Col. 3.	Four-fifths of the amount in Col. 3.	The amount in Col. 3	One and one-third times the amount in Col. 3.	
3 days ...	One-half of the amount in Col. 3.	Three-fifths of the amount in Col. 3.	Three-quarters of the amount in Col. 3.	The amount in Col. 3	
2 days ...	One - third of the amount in Col. 3.	Two - fifths of the amount in Col. 3.	One-half of the amount in Col. 3.	Two - thirds of the amount in Col. 3.	
1 day ...	One - sixth of the amount in Col. 3.	One - fifth of the amount in Col. 3.	One-quarter of the amount in Col. 3.	One - third of the amount in Col. 3.	

(2) In the application of the provisions of the foregoing table to the case of a piece worker the appropriate rate of statutory minimum remuneration for time work is the appropriate rate of statutory minimum remuneration that would have been applicable to him if he had been employed as a time worker

(3) Where under the provisions of paragraph 4 of this Schedule an annual holiday is taken in more than one period, the holiday remuneration shall be apportioned accordingly.

8. Where any accrued holiday remuneration has been paid by the employer to the worker in accordance with paragraph 9 of this Schedule or in accordance with the provisions of Order H.L. (40) in respect of employment during any of the periods referred to in that paragraph or that Order respectively, the amount of holiday remuneration payable by the employer in respect of any annual holiday for which the worker has qualified by reason of employment during the said period 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 H.L. (40).

ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

9. Where a worker ceases to be employed by an employer after the provisions of this Schedule become effective the employer shall, immediately on the termination of the employment, pay to the worker as accrued holiday remuneration:—

(1) in respect of employment in the twelve months up to the 30th day of the preceding April, a sum equal to the holiday remuneration which would be payable 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) if they were allowed on the termination of the employment; and

(2) in respect of any employment since the 30th day of the preceding April, 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.

PART V

GENERAL

10. For the purposes of calculating any period of employment qualifying a worker for a holiday or for any accrued holiday remuneration under this Schedule, the worker shall be treated:—

(*a*) as if he were employed for a week in respect of any week in which—

(i) he has worked for the employer on at least three days and has performed some work for which statutory minimum remuneration is payable and any absence from work on the other days of the week is by permission of the employer;

(ii) he has been absent throughout the week by reason of the proved illness of, or accident to, the worker and after which he returns to employment with the same employer on the termination of his period of absence through illness or accident, provided that the number of weeks which may be treated as weeks of employment for such reason shall not exceed eight weeks in the aggregate in the period of twelve months immediately preceding the commencement of the holiday season;

(iii) he has been suspended throughout the week owing to shortage of work and after which he returns to employment with the same employer on the termination of his period of suspension, provided that the number of weeks which may be treated as weeks of employment for such reason shall not exceed eight weeks in the aggregate in the period of twelve months last mentioned;

(*b*) as if he were employed on any day of holiday allowed under the provisions of this Schedule, or of Order H.L. (40), and for the purposes of the provisions of sub-paragraph (*a*) of this paragraph, a worker who is absent on such a holiday shall be treated as having worked thereon for the employer on work for which statutory minimum remuneration is payable.

11. In this Schedule, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"normal working week" means the number of days on which it has been usual for the worker to work in a week in the employment of the employer in the twelve months immediately preceding the commencement of the holiday season or, where under paragraph 9 of this Schedule accrued holiday remuneration is payable on the termination of the employment, in the twelve months immediately preceding the date of the termination of the employment:

Provided that—

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

(ii) 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.

"outworker" means a worker who works in his own home or in any other place not under the control or management of the employer.

"statutory minimum remuneration" means statutory minimum remuneration (other than holiday remuneration) fixed by a wages regulation order.

"wages regulation order" means a wages regulation order made by the Minister to give effect to proposals submitted to him by the Linen and Cotton Handkerchief and Household Goods and Linen Piece Goods Wages Council (Great Britain).

"week" in paragraphs 2, 3 and 10 means "pay week".

12. The provisions of this Schedule are without prejudice to any agreement for the allowance of any further holidays with pay or for the payment of additional holiday remuneration.

EXPLANATORY NOTE

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

This Order, which has effect from the 17th June, 1957, sets out the holidays which an employer is required to allow to workers and the remuneration payable for those holidays in substitution for the holidays and holiday remuneration fixed by the Linen and Cotton Handkerchief and Household Goods and Linen Piece Goods Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1952 (Order H.L. (40)), which is revoked.

New provisions are printed in italics.