# 1965 No. 1077

# WAGES COUNCILS

## The Wages Regulation (Retail Bookselling and Stationery) Order 1965

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

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Retail Bookselling and Stationery Trades 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 11 of the Wages Councils Act 1959(a) and of all other powers enabling him in that behalf, hereby makes the following Order:—

**1.** This Order may be cited as the Wages Regulation (Retail Bookselling and Stationery) Order 1965.

**2.**—(1) In this Order the expression "the specified date" means the 21st June 1965, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

**3.** The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Retail Bookselling and Stationery) Order 1964(c) shall cease to have effect.

Signed by order of the Minister of Labour 6th May 1965.

*L. J. Dunnett,*

Secretary,
Ministry of Labour.

(a) 7 & 8 Eliz. 2. c. 69.
(b) 52 & 53 Vict. c. 63.
(c) S.I. 1964/1277 (1964 II, p. 2932).

## ARRANGEMENT OF SCHEDULE

### PART I

### STATUTORY MINIMUM REMUNERATION


| | Paragraph |
|---|---|
| Application ... ... ... ... ... ... ... ... ... | 1 |
| Workers other than transport workers ... ... ... ... ... | 2 |
| Transport workers ... ... ... ... ... ... ... ... | 3 |
| Late entrants ... ... ... ... ... ... ... ... ... | 4 |
| Minimum overtime rates ... ... ... ... ... ... ... | 5 |
| Waiting time ... ... ... ... ... ... ... ... ... | 6 |
| Guaranteed weekly remuneration payable to a full-time worker ... ... | 7 |
| Hours on which remuneration is based ... ... ... ... ... | 8 |


### PART II

### HOLIDAYS AND HOLIDAY REMUNERATION


| | |
|---|---|
| Customary holidays ... ... ... ... ... ... ... ... | 9 |
| Annual holiday ... ... ... ... ... ... ... ... ... | 10–12 |
| Remuneration for customary holidays ... ... ... ... ... | 13 |
| Remuneration for annual holiday ... ... ... ... ... ... | 14–15 |
| Accrued holiday remuneration payable on termination of employment ... | 16 |
| Calculation of employment ... ... ... ... ... ... ... | 17 |


### PART III

### GENERAL


| | |
|---|---|
| Definitions ... ... ... ... ... ... ... ... ... | 18 |
| Areas ... ... ... ... ... ... ... ... ... ... | 19 |
| Workers to whom Schedule applies ... ... ... ... ... ... | 20 |


## SCHEDULE

The following minimum remuneration and provisions as to holidays and holiday remuneration shall be substituted for the statutory minimum remuneration and provisions as to holidays and holiday remuneration fixed by the Wages Regulation (Retail Bookselling and Stationery) Order 1964(a) (hereinafter referred to as " Order R.B.C. (32) ").

(a) S.I. 1964/1277 (1964 II, p. 2932).

## PART I

## STATUTORY MINIMUM REMUNERATION

### APPLICATION

1. Subject to the provisions of paragraphs 4, 5, 7 and 8, the minimum remuneration payable to workers to whom this Schedule applies shall be the remuneration set out in paragraphs 2 and 3.

Any increase in remuneration payable under the provisions of paragraph 2 or 3 shall become effective on the first day of the first full pay week following the date upon which the increase would otherwise become payable under those provisions.

### WORKERS OTHER THAN TRANSPORT WORKERS

2. Subject to the provisions of paragraph 1, the minimum remuneration payable to male or female workers of the classes specified in Column 1 of the next following Table employed in the London Area, Provincial A Area or Provincial B Area, as the case may be, shall be the appropriate amount set out in Column 2.

| Column 1 | Column 2 | | | | | |
|---|---|---|---|---|---|---|
| | LONDON AREA | | PROVINCIAL A AREA | | PROVINCIAL B AREA | |
| | Per week | | Per week | | Per week | |
| | Male | Female | Male | Female | Male | Female |
| | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. |
| (1) Shop managers, shop manageresses ... | 234 0 | 200 0 | 228 0 | 194 0 | 218 0 | 185 6 |
| (2) All other workers other than transport workers, cleaners, messengers, deliverers or porters— | | | | | | |
| Aged 22 years or over ... ... ... | 202 0 | 154 0 | 194 6 | 147 6 | 182 0 | 138 0 |
| „ 21 and under 22 years ... ... | 183 6 | 136 6 | 174 6 | 130 0 | 162 6 | 120 6 |
| „ 20 „ „ 21 „ ... ... | 151 0 | 117 6 | 143 0 | 111 0 | 132 0 | 102 6 |
| „ 19 „ „ 20 „ ... ... | 139 0 | 110 6 | 131 6 | 104 0 | 120 6 | 95 6 |
| „ 18 „ „ 19 „ ... ... | 125 6 | 103 6 | 119 0 | 96 0 | 109 6 | 88 6 |
| „ 17 „ „ 18 „ ... ... | 102 6 | 89 6 | 96 0 | 81 0 | 87 6 | 74 6 |
| „ 16 „ „ 17 „ ... ... | 95 0 | 81 6 | 88 0 | 74 0 | 80 0 | 67 0 |
| „ under 16 years ... ... ... | 89 6 | 76 6 | 82 6 | 69 0 | 74 6 | 62 6 |
| (3) Cleaners, messengers, deliverers or porters— | | | | | | |
| Aged 22 years or over ... ... ... | 192 0 | 144 0 | 184 6 | 137 6 | 172 0 | 128 0 |
| „ 21 and under 22 years ... ... | 173 6 | 124 6 | 166 6 | 118 0 | 155 0 | 109 6 |
| „ 20 „ „ 21 „ ... ... | 143 0 | 107 6 | 136 0 | 100 0 | 125 6 | 92 6 |
| „ 19 „ „ 20 „ ... ... | 132 6 | 102 6 | 125 6 | 95 0 | 115 0 | 86 6 |
| „ 18 „ „ 19 „ ... ... | 120 0 | 97 6 | 114 0 | 89 0 | 105 0 | 82 6 |
| „ 17 „ „ 18 „ ... ... | 98 0 | 85 6 | 92 0 | 77 6 | 84 0 | 71 6 |
| „ 16 „ „ 17 „ ... ... | 91 0 | 78 0 | 84 6 | 71 0 | 77 0 | 64 6 |
| „ under 16 years ... ... ... | 86 0 | 73 6 | 79 6 | 66 6 | 72 0 | 60 6 |

## TRANSPORT WORKERS

3. Subject to the provisions of paragraph 1, the minimum remuneration payable to transport workers employed in the London Area, Provincial A Area or Provincial B Area, as the case may be, shall be the appropriate amount set out in Column 3 of the next following Table:—

| Column 1 | Column 2 | | Column 3 | | |
|---|---|---|---|---|---|
| | Type of Vehicle | | LONDON AREA | PROVINCIAL | |
| Age of transport worker | Mechanically propelled vehicle with carrying capacity of | Horse drawn vehicle | | A AREA | B AREA |
| | | | Per week | Per week | Per week |
| | | | s. d. | s. d. | s. d. |
| 21 years or over ... | 1 ton or less ... | One-horse | 196 0 | 188 6 | 176 0 |
| 20 and under 21 years | | | 154 0 | 150 0 | 140 6 |
| 19 „ „ 20 „ | | | 145 0 | 141 0 | 131 6 |
| 18 „ „ 19 „ | | | 134 0 | 131 0 | 122 0 |
| under 18 years ... | | | 113 0 | 110 0 | 102 0 |
| All ages ... ... | Over 1 ton and up to 2 tons ... | Two-horse | 200 0 | 192 6 | 180 0 |
| | Over 2 tons and up to 5 tons ... | — | 204 0 | 196 6 | 184 0 |
| | Over 5 tons ... | — | 208 0 | 200 6 | 188 0 |

## LATE ENTRANTS

4. The minimum remuneration payable during the first six months' employment of a worker to whom this Schedule applies (other than a shop manager, shop manageress, transport worker, cleaner, messenger, deliverer or porter) who enters or has entered the retail bookselling and stationery trades for the first time at or over the age of 20 years shall be the appropriate remuneration specified in Column 2 of the Table in paragraph 2 reduced—

(1) during the first three months of employment, by 10s. 0d. per week; and

(2) during the second three months of employment, by 5s. 0d. per week.

## MINIMUM OVERTIME RATES

5.—(1) Subject to the provisions of this paragraph, overtime shall be payable to all workers at the following minimum rates:—

(*a*) On a Sunday or customary holiday

| | |
|---|---|
| (i) where time worked does not exceed 4½ hours ... ... ... ... | double time for 4½ hours |
| (ii) where time worked exceeds 4½ hours but does not exceed 8 hours | double time for 8 hours |
| (iii) where time worked exceeds 8 hours | double time for all time worked |

Provided that where it is or becomes the practice in a Jewish undertaking for the employer to require attendance on Sunday instead of Saturday, the provisions of this paragraph shall apply as if in such provisions the word "Saturday" were substituted for "Sunday", except where such substitution is unlawful.

(*b*) On the weekly short day (not being a weekly short day to which (*c*) of this paragraph applies)

for all time worked after 1.30 p.m. ... ... time-and-a-half

(*c*) On the weekly short day in any week during which, under subsection (3) of section 40 of the Shops Act 1950(a), the employer is relieved of his obligation to allow the worker a weekly half day

for all time worked after 1.30 p.m. ... ... double time

(*d*) In any week, exclusive of any time in respect of which a minimum overtime rate is payable under the foregoing provisions of this paragraph,

for all time worked in excess of *42 hours* ... time-and-a-half

Provided that in any week which includes one customary holiday "*35 hours*" shall be substituted for "*42 hours*", and in any week which includes two customary holidays "28 hours" shall be substituted for the said "*42 hours*".

(2) Overtime rates in accordance with this paragraph shall be payable to a shop manager or a shop manageress only if the overtime worked is specifically authorised in writing by the employer or his representative.

## WAITING TIME

6. A worker shall be entitled to payment of the minimum remuneration specified in this Schedule for all the time during which he is present on the premises of the employer, unless he is present thereon in any of the following circumstances, that is to say—

(1) without the employer's consent, express or implied;

(2) for some purpose unconnected with his work, and other than that of waiting for work to be given to him to perform;

(3) by reason only of the fact that he is resident thereon; or

(4) during normal meal times, and he is not waiting for work to be given to him to perform.

## GUARANTEED WEEKLY REMUNERATION PAYABLE TO A FULL-TIME WORKER

7.—(1) (*a*) Notwithstanding the other provisions of this Schedule, where in any week the total remuneration (including holiday remuneration but excluding the amount specified in (*b*) of this sub-paragraph) payable under those other provisions to a full-time worker is less than the guaranteed weekly remuneration provided under this paragraph, the minimum remuneration payable to that worker for that week shall be that guaranteed weekly remuneration with the addition of any amount excluded as aforesaid.

(*b*) The amount to be excluded from the total remuneration referred to in (*a*) of this sub-paragraph is the whole of the remuneration payable in respect of overtime (as specified in paragraph 5).

(2) The guaranteed weekly remuneration is the remuneration to which the worker would be entitled under paragraph 2, 3 or 4 for *42 hours*' work in his normal occupation:

(a) 14 Geo. 6. c. 28.

Provided that—

(*a*) where the worker normally works for the employer on work to which this Schedule applies for less than *42 hours* in the 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 the employer in writing that he does not so hold himself out, the guaranteed weekly remuneration shall be the remuneration to which the worker would be entitled (calculated as in paragraph 8) for the number of hours in the week normally worked by the worker for the employer on work to which this Schedule applies;

(*b*) where in any week a worker at his request and with the written consent of his employer is absent from work during any part of his normal working hours on any day (other than a holiday allowed under Part II of this Schedule or a holiday allowed to all persons in the undertaking or branch of an undertaking in which the worker is employed), the guaranteed weekly remuneration payable in respect of that week shall be reduced in respect of each day on which he is absent as aforesaid by one-sixth where the worker's normal working week is six days or by one-fifth where his normal working week is five days.

(3) Guaranteed weekly 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 or during which he is absent from work in accordance with proviso (*b*) to sub-paragraph (2) of this paragraph) 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.

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

(5) 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 weekly 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 every day in the week prior to the expiry of the notice.

## HOURS ON WHICH REMUNERATION IS BASED

8.—(1) Subject to the provisions of paragraph 7, the minimum remuneration specified in this Part of this Schedule relates to a week of *42 hours* exclusive of overtime and is subject to a proportionate reduction according as the number of hours worked is less than *42*.

(2) In calculating the remuneration for the purpose of this Schedule recognised breaks for meal times shall, subject to the provisions of paragraph 6, be excluded.

## PART II

## HOLIDAYS AND HOLIDAY REMUNERATION

### CUSTOMARY HOLIDAYS

9.—(1) An employer shall allow to every worker to whom this Schedule applies a holiday (in this Schedule referred to as a " customary holiday ") in each year on each of the days specified in the next following sub-paragraph, provided that the worker (unless excused by the employer or absent by reason of the proved illness of, or accident to, the worker) has worked for the employer throughout the last working day on which work was available to him immediately prior to the customary holiday.

(2) 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 next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday, August Bank Holiday, and any day proclaimed as a public holiday throughout England and Wales;

(ii) In Scotland—

New Year's Day (or, if New Year's Day falls on a Sunday, the following Monday);

the local Spring holiday;

the local Autumn holiday;

Christmas Day (or, if Christmas Day falls on a Sunday, the following Monday);

two other days, observed by local custom as holidays, to be fixed by the employer and notified to the worker not less than three weeks before the holiday, and any day proclaimed as a public holiday throughout Scotland;

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 by the employer therefor, being a day recognised by local custom as a day of holiday in substitution for the said day.

(3) Notwithstanding the preceding provisions of this paragraph, 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 such holiday on which he so works, the worker shall be allowed a day's holiday (hereinafter referred to as a " holiday in lieu of a customary holiday ") on a week day on which he would normally work within the period of 28 days immediately following the customary holiday.

(4) A worker who is required to work on a customary holiday shall be paid:—

(*a*) for all time worked thereon, in accordance with paragraph 5; and

(*b*) in respect of the holiday in lieu of the customary holiday, holiday remuneration in accordance with paragraph 13.

### ANNUAL HOLIDAY

10.—(1) In addition to the holidays specified in paragraph 9 and subject to the provisions of sub-paragraph (2) of this paragraph, an employer shall, between the date on which this Schedule becomes effective and 31st October 1965,

and in each succeeding year between 1st April and 31st October, allow a holiday (hereinafter 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 1st April in that year for any one of the periods of employment (calculated in accordance with the provisions of paragraph 17) set out in the first column of the table below and the duration of the annual holiday shall in the case of each such worker be related to that period as follows:—

| Period of employment | Duration of annual holiday | |
|---|---|---|
| | Where the worker's normal working week is six days | Where the worker's normal working week is five days or less |
| 12 months ... ... ... ... ... ... ... | 12 days | 10 days |
| Not less than 11 months but less than 12 months ... ... | 11 „ | 9 „ |
| „ „ „ 10 „ „ „ „ 11 „ ... ... | 10 „ | 8 „ |
| „ „ „ 9 „ „ „ „ 10 „ ... ... | 9 „ | 7 „ |
| „ „ „ 8 „ „ „ „ 9 „ ... ... | 8 „ | 6 „ |
| „ „ „ 7 „ „ „ „ 8 „ ... ... | 7 „ | 5 „ |
| „ „ „ 6 „ „ „ „ 7 „ ... ... | 6 „ | 5 „ |
| „ „ „ 5 „ „ „ „ 6 „ ... ... | 5 „ | 4 „ |
| „ „ „ 4 „ „ „ „ 5 „ ... ... | 4 „ | 3 „ |
| „ „ „ 3 „ „ „ „ 4 „ ... ... | 3 „ | 2 „ |
| „ „ „ 2 „ „ „ „ 3 „ ... ... | 2 „ | 1 day |
| „ „ „ 1 month „ „ „ 2 „ ... ... | 1 day | 1 „ |

(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 number of days constituting the worker's normal working week;

(*b*) where a worker does not wish to take his annual holiday or part thereof during the holiday season in any year, and, before the expiration of such holiday season, enters into an agreement in writing with his employer that the annual holiday or part thereof shall be allowed, at a date or dates to be specified in that agreement, after the expiration of the holiday season but before the commencement of the next following holiday season then any day or days of annual holiday so allowed shall be treated as having been allowed during the holiday season;

(*c*) where a worker has, on 1st August in any year, been in the employment of the employer for not less than six months, the duration of his annual holiday in that year shall be not less than the number of days constituting his normal working week;

(*d*) the duration of the worker's annual holiday during the holiday season ending on 31st October 1965, shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of Order R.B.C. (32) between 1st April 1965 and the date on which the provisions of this Schedule become effective.

(3) In this Schedule the expression "holiday season" means, in relation to an annual holiday during the year 1965, the period commencing on 1st April and ending on 31st October 1965, and, in relation to each subsequent year, the period commencing on 1st April and ending on 31st October in that year.

11.—(1) Subject to the provisions of this paragraph, an annual holiday shall be allowed on consecutive working days, being days on which the worker is normally called upon to work for the employer.

(2) Where the number of days of annual holiday for which a worker has qualified exceeds the number of days constituting his normal working week, the holiday may be allowed in two periods of consecutive working days; so, however, that when a holiday is so allowed, one of the periods shall consist of a number of such days not less than the number of days constituting the worker's normal working week.

(3) For the purposes of this paragraph, days of annual holiday shall be treated as consecutive notwithstanding that a holiday allowed to a worker under paragraph 9 or a day on which he does not normally work for the employer intervenes.

(4) Where a day of holiday allowed to a worker under paragraph 9 immediately precedes a period of annual holiday or occurs during such a period and the total number of days of annual holiday required to be allowed in the period under the foregoing provisions of this paragraph, together with any such holiday, exceeds the numbers of days constituting the worker's normal working week, then, notwithstanding the foregoing provisions of this paragraph, the duration of that period of annual holiday may be reduced by one day and in such a case that day of annual holiday may be allowed on a day on which the worker normally works for the employer (not being the worker's weekly short day) in the holiday season or after the holiday season in the circumstances specified in sub-paragraph (2)(*b*) of paragraph 10.

(5) A 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 :

Provided that where the total number of days of annual holiday allowed to a worker is less than the number of days in his normal working week, the annual holiday allowed under this Schedule shall be in addition to the said day of holiday or the said half-holiday.

12. An employer shall give to a worker reasonable notice of the commencing date or dates and of the duration 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.

## REMUNERATION FOR CUSTOMARY HOLIDAYS

13.—(1) Subject to the provisions of this paragraph, for each day of holiday to which a worker is entitled under paragraph 9 he shall be paid by the employer holiday remuneration equal to the appropriate statutory minimum remuneration to which he would have been entitled if the day had not been a day of holiday and he had been employed on work for which statutory minimum remuneration is payable for the time usually worked by him on that day of the week :

Provided that payment of the said holiday remuneration is subject to the condition that the worker (unless excused by the employer or absent by reason of the proved illness of, or accident to, the worker) presents himself for employment at the usual starting hour on the first working day following the holiday.

(2) The holiday remuneration in respect of any customary holiday shall be paid by the employer to the worker on the day on which the wages for the first working day following the holiday are paid.

(3) The holiday remuneration in respect of any holiday in lieu of a customary holiday shall be paid on the day on which the wages are paid for the first working day following the holiday in lieu : Provided that the said payment shall be made immediately upon the termination of the worker's employment in the case where he ceases to be employed before being allowed a holiday in lieu of a customary holiday to which he is entitled, and in that case the condition specified in sub-paragraph (1) of this paragraph shall not apply.

## REMUNERATION FOR ANNUAL HOLIDAY

14.—(1) Subject to the provisions of paragraph 15, a worker qualified to be allowed an annual holiday under this Schedule shall be paid by his employer on the last pay day preceding such holiday, one day's holiday pay in respect of each day thereof.

(2) Where an annual holiday is taken in more than one period the holiday remuneration shall be apportioned accordingly.

15. Where any accrued holiday remuneration has been paid by the employer to the worker (in accordance with paragraph 16 of this Schedule, or with Order R.B.C. (32)) in respect of employment during a period referred to in paragraph 16, 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 R.B.C. (32).

## ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

16. 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 (hereinafter called " the termination date "), pay to the worker as accrued holiday remuneration:—

(1) in respect of employment occurring in the 12 months up to 1st April immediately preceding the termination date, 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 1st April immediately preceding the termination date, 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*) no worker shall be entitled to the payment by his employer of accrued holiday remuneration if he is dismissed on the grounds of misconduct and is so informed by the employer at the time of dismissal ;

(*b*) where, during the period or periods in respect of which the said accrued holiday remuneration is payable, the worker—

(i) has at his written request been allowed any day or days of holiday for which he had not qualified under the provisions of this Schedule, any accrued holiday remuneration payable as aforesaid may be reduced by the amount of any sum paid by the employer to the worker in respect of such day or days of holiday ; or

(ii) has been allowed an annual holiday under (*c*) of sub-paragraph (2) of paragraph 10 of this Schedule or Order R.B.C. (32), any accrued holiday remuneration payable as aforesaid may be reduced by one day's holiday pay in respect of each day by which the said holiday exceeded the number of days of annual holiday to which he would have been entitled under the provisions of sub-paragraph (1) of the said paragraph 10 or Order R.B.C. (32) ;

(*c*) where a worker is employed under a contract of service under which he is required to give not less than one week's notice before terminating his employment and the worker without the consent of his employer terminates his employment without having given such notice or before one week has

expired from the beginning of such notice, the amount of accrued holiday remuneration payable to the worker shall be the amount payable under the foregoing provisions of this paragraph less an amount—

(i) in the case of a worker who leaves without giving notice, equal to the statutory minimum remuneration which would be payable to him at the termination date for one week's work if working his normal working week and the normal number of daily hours worked by him ;

(ii) in the case of a worker who leaves without working the full period of his week's notice, equal to one day's holiday pay for each day during the said period on which he failed to work.

### CALCULATION OF EMPLOYMENT

17. For the purpose of calculating any period of employment qualifying a worker for an annual holiday or for any accrued holiday remuneration, the worker shall be treated as if he were employed for a month in respect of any month throughout which he has been in the employment of the employer.

## PART III

## GENERAL

### DEFINITIONS

18. For the purposes of this Schedule—

"CARRYING CAPACITY" means the weight of the maximum load normally carried by the vehicle, and such carrying capacity when so established shall not be affected either by variations in the weight of the load resulting from collections or deliveries or emptying of containers during the course of the journey, or by the fact that on any particular journey a load greater or less than the established carrying capacity is carried.

"CLEANER", "MESSENGER", "DELIVERER" or "PORTER" means a worker (not being a worker wholly or mainly engaged in the purchase and collection of books from wholesalers or publishers and not being a transport worker) who is wholly or mainly employed on one or more of the following duties:—

Cleaning premises, furniture or fittings ; taking messages ; collecting or delivering post ; portering goods or supplies ; collecting or delivering goods or supplies ; attending to fires or boilers ; caretaking ; lift attending.

"FULL-TIME WORKER" means a worker who normally works for the employer for at least 36 hours in the week on work to which this Schedule applies.

"LONDON AREA", "PROVINCIAL A AREA", "PROVINCIAL B AREA" have the meanings respectively assigned to them in paragraph 19.

"MONTH" means the period commencing on a date of any number in one month and ending on the day before the date of the same number in the next month, or if the commencing date is the 29th, 30th or 31st day of a month and there is no date of the same number in the next month, then on the last day of that month.

"NORMAL WORKING WEEK" means the number of days on which it has been usual for the worker to work in a week while in the employment of the employer during the 12 months immediately preceding the commencement of the holiday season, or, where accrued holiday remuneration is payable under (2) of paragraph 16 on the termination of the employment, during the 12 months immediately preceding the termination date :

Provided that—

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

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

" ONE DAY'S HOLIDAY PAY " means the appropriate proportion of the remuneration which the worker would be entitled to receive from his employer at the date of the annual holiday (or where the annual holiday is taken in more than one period at the date of the first period) or at the termination date, as the case may be, for one week's work, if working his normal working week and the number of daily hours normally worked by him (exclusive of overtime), and if paid at the appropriate rate of statutory minimum remuneration for work for which statutory minimum remuneration is payable and at the same rate for any work for the same employer for which such remuneration is not payable, and in this definition " appropriate proportion " means :—

| | |
|---|---|
| where the worker's normal working week is six days .. | one-sixth |
| " " " " " " five " .. | one-fifth |
| " " " " " " four " .. | one-quarter |
| " " " " " " three " .. | one-third |
| " " " " " " two " .. | one-half |
| " " " " " " one day .. | the whole. |

" SHOP MANAGER ", " SHOP MANAGERESS " means a worker who is in charge of an undertaking or branch of an undertaking (but not of a department of an undertaking or branch) and who is responsible to the employer for the custody of cash and stock, for the control of staff and for the conduct of the business of the undertaking or branch.

" TIME-AND-A-HALF " and " DOUBLE TIME " mean, respectively, one and a half times and twice the hourly rate obtained by dividing by *42* the minimum weekly remuneration to which the worker is entitled under the provisions of paragraph 2, 3 or 4.

" TRANSPORT WORKER " means a male worker (other than a van salesman) engaged wholly or mainly in driving a mechanically propelled or horse drawn road vehicle for the transport of goods and on work in connection with the vehicle and its load (if any) while on the road.

" WATCHMAN " means a worker wholly or mainly engaged in guarding the employer's premises for the prevention of theft, fire, damage or trespass.

" WEEK " means pay week.

" WEEKLY SHORT DAY " means :—

(1) that day in any week on which the worker is, in accordance with the provisions of section 17 of the Shops Act 1950, required not to be employed about the business of a shop after half past one o'clock in the afternoon, or,

(2) where there is no such day, or where the day falls on a customary holiday, a working day in the week not being a customary holiday, fixed by the employer and notified to the worker not later than the Saturday preceding the week during which it is to have effect ; or, failing such notification, the last working day in the week which is not a customary holiday :

Provided that where the day specified in (1) of this definition falls on Christmas Day or Boxing Day in England and Wales or Christmas Day or New Year's Day in Scotland the employer may fix as the weekly short day for that week a working day in the following week not being either a customary holiday or the weekly short day for that following week.

## AREAS

19. In this Schedule:—

(1) "*LONDON AREA*" *means the Metropolitan Police District, as defined on 1st April 1965 the City of London, the Inner Temple and the Middle Temple.*

(2) "PROVINCIAL A AREA" means

(*a*) in Scotland,

(i) the following burghs:—

ABERDEEN COUNTY
Aberdeen (including part in Kincardine County)
Fraserburgh
Peterhead

ANGUS COUNTY
Arbroath
Brechin
Dundee
Forfar
Montrose

ARGYLL COUNTY
Dunoon

AYR COUNTY
Ardrossan
Ayr
Irvine
Kilmarnock
Largs
Prestwick
Saltcoats
*Stevenston*
Troon

BANFF COUNTY
Buckie

BUTE COUNTY
Rothesay

CLACKMANNAN COUNTY
Alloa

DUMFRIES COUNTY
Dumfries

DUNBARTON COUNTY
*Bearsden*
Clydebank
Dumbarton
Helensburgh
Kirkintilloch
Milngavie

EAST LOTHIAN COUNTY
North Berwick

FIFE COUNTY
Buckhaven and Methill
Burntisland
Cowdenbeath
Dunfermline
Kirkcaldy
Leven
Lochgelly
St. Andrews

INVERNESS COUNTY
Inverness

KINCARDINE COUNTY
Stonehaven

LANARK COUNTY
Airdrie
Coatbridge
Glasgow
Hamilton
Lanark
Motherwell and Wishaw
Rutherglen

MIDLOTHIAN COUNTY
Dalkeith
Edinburgh
Musselburgh

MORAY COUNTY
Elgin

ORKNEY COUNTY
Kirkwall

PERTH COUNTY
Perth

RENFREW COUNTY
Barrhead
Gourock
Greenock
Johnstone
Paisley
Port Glasgow
Renfrew

ROSS AND CROMARTY COUNTY
Stornoway

ROXBURGH COUNTY
Hawick

SELKIRK COUNTY
Galashiels

STIRLING COUNTY
Denny and Dunipace
Falkirk
Grangemouth
Kilsyth
Stirling

WEST LOTHIAN COUNTY
Armadale
Bathgate
Bo'ness

WIGTOWN COUNTY
Stranraer

ZETLAND COUNTY
Lerwick

(ii) the following Special Lighting Districts, the boundaries of which have been defined, namely:—Vale of Leven and Renton in the County of Dunbarton; and Larbert *and Airth* in the County of Stirling; and

(iii) the following areas the boundaries of which were defined as Special Lighting Districts prior to 10th March 1943, namely:—Bellshill and Mossend, Blantyre, Cambuslang, Larkhall and Holytown, New Stevenston and Carfin, all in the County of Lanark.

(*b*) In England and Wales, the areas administered by County Borough, Municipal Borough or Urban District Councils, except where they are included in the London area or are listed in (3) (*b*) of this paragraph.

(3) " PROVINCIAL B AREA" means

(*a*) In Scotland, all areas other than those listed in (2) (*a*) of this paragraph;

(*b*) In England and Wales, all areas not included in the London area administered by Rural District Councils, and the areas administered by the following Municipal Borough and Urban District Councils:—

ENGLAND (excluding Monmouthshire)

BEDFORDSHIRE
Ampthill
Sandy

BERKSHIRE
Wallingford
Wantage

BUCKINGHAMSHIRE
Buckingham
Linslade
Marlow
Newport Pagnell

CHESHIRE
Alsager
Longdendale

CORNWALL
Bodmin
Bude Stratton
Fowey
Helston
Launceston
Liskeard
Looe
Lostwithiel
Padstow
Penryn
St. Just
Torpoint

DERBYSHIRE
Bakewell
Whaley Bridge
Wirksworth

DEVON
Ashburton
Buckfastleigh
Budleigh Salterton
Crediton
Dartmouth
Great Torrington
Holsworthy
Honiton
Kingsbridge
Lynton
Northam
Okehampton

DEVON—contd.
Ottery St. Mary
Salcombe
Seaton
South Molton
Tavistock
Totnes

DORSET
Blandford Forum
Lyme Regis
Shaftesbury
Sherborne
Wareham
Wimborne Minster

DURHAM
Barnard Castle
Tow Law

ELY, ISLE OF
Chatteris

ESSEX
Brightlingsea
Burnham-on-Crouch
Saffron Walden
West Mersea
Wivenhoe

GLOUCESTERSHIRE
Nailsworth
Tewkesbury

HEREFORDSHIRE
Bromyard
Kington
Ledbury

HERTFORDSHIRE
Baldock
Chorleywood
Royston
Sawbridgeworth

HUNTINGDONSHIRE
Huntingdon and Godmanchester
Ramsey
St. Ives
St. Neots

KENT
Lydd
New Romney
Queenborough
Sandwich
Tenterden

LANCASHIRE
Carnforth
Grange

LINCOLNSHIRE
Alford
Barton-upon-Humber
Bourne
Brigg
Horncastle
Mablethorpe and Sutton
Market Rasen
Woodhall Spa

NORFOLK
Cromer
Diss
Downham Market
Hunstanton
North Walsham
Sheringham
Swaffham
Thetford
Wells-next-the-Sea
Wymondham

NORTHAMPTONSHIRE
Brackley
Burton Latimer
Higham Ferrers
Oundle

NORTHUMBERLAND
Alnwick
Amble

OXFORDSHIRE
Bicester
Chipping Norton
Thame
Woodstock

ENGLAND (excluding Monmouthshire)—contd.

RUTLAND
Oakham

SHROPSHIRE
Bishop's Castle
Church Stretton
Ellesmere
Market Drayton
Newport
Wem

SOMERSET
Chard
Crewkerne
Glastonbury
Ilminster
Portishead
Shepton Mallet
Street
Watchet
Wellington

SUFFOLK
Aldeburgh
Beccles
Bungay
Eye
Hadleigh
Halesworth
Haverhill
Leiston-cum-Sizewell
Saxmundham
Southwold
Sudbury
Stowmarket
Woodbridge

SUSSEX
Arundel
Rye

WESTMORLAND
Appleby
Lakes

WILTSHIRE
Bradford-on-Avon
Calne
Malmesbury
Marlborough
Melksham
Westbury
Wilton

WORCESTERSHIRE
Bewdley
Droitwich

YORKSHIRE
Hedon
Hornsea
Malton
Norton
Pickering
Richmond
Tickhill
Withernsea

WALES AND MONMOUTHSHIRE

ANGLESEY
Amlwch
Beaumaris
Llangefni
Menai Bridge

BRECONSHIRE
Builth Wells
Hay
Llanwrtyd Wells

CAERNARVONSHIRE
Bethesda
Betws-y-Coed
Criccieth
Llanfairfechan
Penmaenmawr
Portmadoc
Pwllheli

CARDIGANSHIRE
Aberayron
Cardigan
Lampeter
New Quay

CARMARTHENSHIRE
Cwmamman
Kidwelly
Llandeilo
Llandovery
Newcastle Emlyn

DENBIGHSHIRE
Llangollen
Llanrwst
Ruthin

FLINTSHIRE
Buckley
Mold

GLAMORGAN
Cowbridge

MERIONETHSHIRE
Bala
Barmouth
Dolgellau
Towyn

MONMOUTHSHIRE
Caerleon
Chepstow
Usk

MONTGOMERYSHIRE
Llanfyllin
Llanidloes
Machynlleth
Montgomery
Newtown and
Llanllwchaiarn
Welshpool

PEMBROKESHIRE
Fishguard and
Goodwick
Narberth
Neyland
Tenby

RADNORSHIRE
Knighton
Llandrindod Wells
Presteigne

(4) Any reference to a local government area shall be construed as a reference to that area as it was on *23rd April 1961, unless otherwise stated.*

## WORKERS TO WHOM THIS SCHEDULE APPLIES

20.—(1) (i) Subject to the provisions of sub-paragraph (2) of this paragraph the workers to whom this Schedule applies are all workers employed in Great Britain in any undertaking or any branch or department of an undertaking, being an undertaking, branch or department engaged—

(*a*) wholly or mainly in the retail bookselling and stationery trades; or

(*b*) wholly or mainly in those trades and one or more of the groups of retail distributive trades set out in the Appendix hereto and to a greater extent in the retail bookselling and stationery trades than in any one of those groups:

Provided that if a branch or department of an undertaking is not so engaged this Schedule shall not apply to workers employed in that branch or department (notwithstanding that the undertaking as a whole is so engaged), except in the case of workers as respects their employment in a department of that branch if that department is so engaged.

(ii) For the purpose of this sub-paragraph:—

(*a*) in determining the extent to which an undertaking or branch or department of an undertaking is engaged in a group of trades regard shall be had to the time spent in the undertaking, branch or department on work in that group of trades;

(*b*) an undertaking or branch or department of an undertaking which is engaged in any operation in a group of trades shall be treated as engaged in that group of trades.

(2) 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:—

(i) workers in relation to whom any Wages Council (which was immediately before 30th May 1959 a Wages Board established under the Catering Wages Act 1943(a)) operates in respect of any employment which is for the time being within the field of operation of that Wages Council;

(ii) workers in relation to whom the Road Haulage Wages Council operates in respect of any employment which is within the field of operation of that Wages Council;

(iii) workers employed on post office business;

(iv) workers employed on the maintenance or repair of buildings, plant, equipment or vehicles (but not including workers employed as cleaners);

(v) workers employed on book-binding, printing, die-sinking or engraving;

(vi) workers employed as watchmen;

(vii) workers wholly or mainly engaged in delivering newspapers, magazines or other periodicals and employed for not more than two hours per day and for not more than twelve hours per week.

(3) For the purpose of this Schedule the retail bookselling and stationery trades consist of:—

(i) the sale by retail of the following articles:—

(*a*) books (excluding printed music and periodicals);

(*b*) all kinds of stationery including printed forms, note books, diaries and similar articles, and books of kinds used in an office or business for the purpose of record;

(*c*) pens, pencils, ink, blotting paper and similar articles;

(*d*) maps and charts;

(*e*) wrapping and adhesive paper, string, paste and similar articles;

(ii) operations in or about the shop or other place where any of the articles specified in (i) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale;

(iii) operations in connection with the warehousing or storing of any of the articles specified in (i) above for the purpose of the sale thereof by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail;

(a) 6 & 7 Geo. 6. c. 24.

(iv) operations in connection with the transport of any of the articles specified in (i) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (iii) above; and

(v) clerical or other office work carried on in conjunction with the sale by retail of any of the articles specified in (i) above and relating to such sale or to any of the operations specified in (ii) to (iv) above.

## APPENDIX TO PARAGRAPH 20

## GROUPS OF RETAIL DISTRIBUTIVE TRADES

Group 1. The Retail Food Trades, that is to say, the sale by retail of food or drink for human consumption and operations connected therewith including:—

(i) operations in or about the shop or other place where the food or drink aforesaid is sold, being operations carried on for the purpose of such sale or otherwise in connection with such sale;

(ii) operations in connection with the warehousing or storing of such food or drink for the purpose of sale by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where such food or drink is sold by retail;

(iii) operations in connection with the transport of such food or drink when carried on in conjunction with its sale by retail or with the warehousing or storing operations specified in (ii) above; and

(iv) clerical or other office work carried on in conjunction with the sale by retail aforesaid and relating to such sale or to any of the operations in (i) to (iii) above;

but excluding

the sale by retail of bread, pastry or flour confectionery (other than biscuits or meat pastries) or the sale by retail of meat (other than bacon, ham, pressed beef, sausages, or meat so treated as to be fit for human consumption without further preparation or cooking) or the sale by retail of milk (other than dried or condensed milk) or the sale by retail of ice-cream, aerated waters, chocolate confectionery or sugar confectionery, or the sale of food or drink for immediate consumption.

For the purpose of this definition " sale by retail " includes any sale of food or drink to a person for use in connection with a catering business carried on by him, when such sale takes place at or in connection with a shop engaged in the retail sale of food or drink to the general public.

Group 2. The Retail Furnishing and Allied Trades, that is to say:—

(1) the sale by retail of the following articles:—

(*a*) household and office furniture, including garden furniture, mattresses, floor coverings and mirrors, but excluding billiard tables, clocks, pianos, gramophones and pictures;

(*b*) ironmongery, turnery and hardware, of kinds commonly used for household purposes, including gardening implements;

(*c*) hand tools;

(*d*) woodware, basketware, glassware, potteryware, chinaware, brassware, plasticware and ceramic goods being articles or goods of kinds commonly used for household purposes or as household ornaments;

(*e*) electrical and gas appliances and apparatus, of kinds commonly used for household purposes (excluding clocks), and accessories and component parts thereof;

(*f*) heating, lighting and cooking appliances and apparatus, of kinds commonly used for household purposes, and accessories and component parts thereof;

(*g*) radio and television sets and their accessories and component parts;

(*h*) pedal cycles and their accessories and component parts;

(*i*) perambulators, push chairs and invalid carriages;

(*j*) toys, indoor games, requisites for outdoor games, gymnastics and athletics, but excluding billiard tables and sports clothing;

(*k*) saddlery, leather goods (other than articles of wearing apparel and ladies' handbags) and travel goods;

(*l*) paint, distemper and wallpaper, and oils of kinds commonly used for household purposes (excluding petrol and lubricating oils);

(*m*) brushes, mops and brooms, used for household purposes, and similar articles;

(*n*) disinfectants, chemicals, candles, soaps and polishes, of kinds commonly used for household purposes;

(2) operations in or about the shop or other place where any of the articles specified in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale;

(3) operations in connection with the warehousing or storing of any of the articles specified in (1) above for the purpose of the sale thereof by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail;

(4) operations in connection with the transport of any of the articles specified in (1) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) above; and

(5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles specified in (1) above and relating to such sale or to any of the operations specified in (2) to (4) above;

and for the purpose of this definition the sale by retail of any of the articles specified in (1) above does not include sale by auction (except where the auctioneer sells articles by retail which are his property or the property of his master) but includes the sale of any of the articles therein specified to a person for use in connection with a trade or business carried on by him if such sale takes place at or in connection with a shop engaged in the retail sale to the general public of any of the said articles.

Group 3. The Retail Drapery, Outfitting and Footwear Trades, that is to say:—

(1) the sale by retail of the following articles:—

(*a*) wearing apparel of all kinds (including footwear, headwear and handwear) and accessories, trimmings and adornments for wearing apparel (excluding jewellery and imitation jewellery);

(*b*) haberdashery;

(*c*) textile fabrics in the piece, leather cloth, plastic cloth and oil cloth (but not including carpets, linoleum and other kinds of floor coverings);

(*d*) knitting, rug, embroidery, crochet and similar wools or yarns;

(*e*) made-up household textiles (but excluding mattresses and floor coverings);

(*f*) umbrellas, sunshades, walking sticks, canes and similar articles;

(*g*) ladies' handbags;

(2) operations in or about the shop or other place where any of the articles included in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale;

(3) operations in connection with the warehousing or storing of any of the articles included in (1) above for the purpose of the sale thereof by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail;

(4) operations in connection with the transport of any of the articles included in (1) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) above; and

(5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles included in (1) above and relating to such sale or to any of the operations specified in (2) to (4) above;

and for the purpose of this definition the sale by retail of any of the articles in (1) above includes the sale of that article to a person for use in connection with a trade or business carried on by him if such sale takes place at or in connection with a shop engaged in the retail sale to the general public of any of the articles included in (1) above.

Group 4. The Retail Newsagency, Tobacco and Confectionery Trades, that is to say:—

(1) the sale by retail of the following articles:—

(*a*) newspapers, magazines and other periodicals;

(*b*) tobacco, cigars, cigarettes, snuff and smokers' requisites;

(*c*) articles of sugar confectionery and chocolate confectionery, and ice-cream;

(2) operations in or about the shop or other place where any of the articles specified in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale;

(3) operations in connection with the warehousing or storing of any of the articles specified in (1) above for the purpose of the sale thereof by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail;

(4) operations in connection with the transport of any of the articles specified in (1) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) above; and

(5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles specified in (1) above and relating to such sale or to any of the operations specified in (2) to (4) above.

## EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order, which has effect from 21st June 1965, sets out the statutory minimum remuneration payable and the holidays to be allowed to workers in substitution for the statutory minimum remuneration and the holidays set out in the Wages Regulation (Retail Bookselling and Stationery) Order 1964 (Order R.B.C. (32)) which is revoked.

New provisions are printed in italics.