STATUTORY INSTRUMENTS

# 1964 No. 1446

# WAGES COUNCILS

## The Wages Regulation (Rope, Twine and Net) (Holidays) Order 1964

*Made* - - - - 8*th September* 1964
*Coming into Operation* 28*th September* 1964

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Rope, Twine and Net 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 (Rope, Twine and Net) (Holidays) Order 1964.

**2.**—(1) In this Order the expression "the specified date" means the 28th September 1964, 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 (Rope, Twine and Net) (Holidays) Order 1961(c), shall cease to have effect.

Signed by order of the Minister of Labour 8th September 1964.

*W. S. I. Whitelaw,*
Parliamentary Secretary,
Ministry of Labour.

### 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 Wages Regulation (Rope, Twine and Net) (Holidays) Order 1961(c) (hereafter in this Order referred to as "Order R. (130)") as amended by Schedule 2 to the Wages Regulation (Rope, Twine and Net) Order 1964(d) (Order R. (139)).

(a) 7 & 8 Eliz. 2. c. 69.
(b) 52 & 53 Vict. c. 63.
(c) S.I. 1961/1637 (1961 II, p. 3301).
(d) S.I. 1964/667 (1964 II, p. 1254).

## PART I

## APPLICATION

1. This Schedule applies to every worker (other than a home-worker) for whom statutory minimum remuneration has been fixed.

## PART II

## CUSTOMARY HOLIDAYS

2.—(1) An employer shall allow to every worker in his employment to whom this Schedule applies a holiday (hereinafter referred to as a "customary holiday") in each year on the days specified in the following sub-paragraph, provided that the worker was in his employment for a period of not less than four weeks during the six months immediately preceding the customary holiday and (unless excused by the employer or absent by reason of the proved illness of the worker) worked for the employer 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:—

Good Friday, Easter Monday, Whit Monday, August Bank Holiday (or in the case of August Bank Holiday such day, other than a weekly short day, as may be substituted therefor by the employer, being a day which is by local custom recognised as a day of holiday and which falls within three months of the day for which it is substituted), Christmas Day (or, if Christmas Day falls on a Sunday, such weekday as may be appointed by national proclamation, or, if none is so appointed, the next following Tuesday) and Boxing Day;

(ii) In Scotland:—

the New Year's holidays (2 days);

the local Spring holiday (1 day);

the local Autumn holiday (1 day); and

two other weekdays (being days upon which the worker normally attends for work) in the course of a calendar year, to be fixed by the employer and notified to the workers not less than three weeks before the holiday;

or (*b*) in the case of each of the said days, such weekday falling within the holiday season as may be substituted therefor by agreement between the employer and the workers.

(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 customary holiday on which he so works, the employer shall allow to the worker a day's holiday (hereinafter referred to as a "holiday in lieu of a customary holiday") on a weekday on which he would normally work for the employer within the period of four weeks next ensuing.

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

(*a*) for all time worked thereon at the minimum rate then appropriate to the worker for work on a customary holiday; and

(*b*) in respect of the holiday in lieu of the customary holiday, holiday remuneration in accordance with paragraph 6.

## PART III

## ANNUAL HOLIDAY

3.—(1) Subject to the provisions of paragraph 4, 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 30th September 1964, and in each succeeding year between 1st April and 30th September 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 the commencement of the holiday season for any of the periods set out in the 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 12 months as follows:—

| Workers with a normal working week of six days | | Workers with a normal working week of five days | |
|---|---|---|---|
| Period of employment | Duration of annual holiday | Period of employment | Duration of annual holiday |
| Column 1 | Column 2 | Column 3 | Column 4 |
| At least 48 weeks ... ... | 12 days | At least 48 weeks ... ... | 10 days |
| „ 44 „ ... ... | 11 „ | „ 43 „ ... ... | 9 „ |
| „ 40 „ ... ... | 10 „ | „ 38 „ ... ... | 8 „ |
| „ 36 „ ... ... | 9 „ | „ 33 „ ... ... | 7 „ |
| „ 32 „ ... ... | 8 „ | „ 28 „ ... ... | 6 „ |
| „ 28 „ ... ... | 7 „ | „ 24 „ ... ... | 5 „ |
| „ 24 „ ... ... | 6 „ | „ 19 „ ... ... | 4 „ |
| „ 20 „ ... ... | 5 „ | „ 14 „ ... ... | 3 „ |
| „ 16 „ ... ... | 4 „ | „ 9 „ ... ... | 2 „ |
| „ 12 „ ... ... | 3 „ | „ 4 „ ... ... | 1 day |
| „ 8 „ ... ... | 2 „ | | |
| „ 4 „ ... ... | 1 day | | |

| Workers with a normal working week of four days | | Workers with a normal working week of three days or less | |
|---|---|---|---|
| Period of employment | Duration of annual holiday | Period of employment | Duration of annual holiday |
| Column 5 | Column 6 | Column 7 | Column 8 |
| At least 48 weeks ... ... | 8 days | At least 48 weeks ... ... | 6 days |
| „ 42 „ ... ... | 7 „ | „ 40 „ ... ... | 5 „ |
| „ 36 „ ... ... | 6 „ | „ 32 „ ... ... | 4 „ |
| „ 30 „ ... ... | 5 „ | „ 24 „ ... ... | 3 „ |
| „ 24 „ ... ... | 4 „ | „ 16 „ ... ... | 2 „ |
| „ 18 „ ... ... | 3 „ | „ 8 „ ... ... | 1 day |
| „ 12 „ ... ... | 2 „ | | |
| „ 6 „ ... ... | 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 number of days constituting the worker's normal working week;

(*b*) where before 17th September in any holiday season a worker (or his representative) and his employer (or his representative) enter into an agreement in writing that the worker shall be allowed after the end of the holiday season and before 1st November next following, the annual holiday, or any part thereof, for which he has qualified under this paragraph, any such days of annual holiday may, subject to the provisions of paragraph 4, be allowed in accordance with the agreement, and if so allowed shall be treated for the purposes of this Schedule as having been allowed during the holiday season ;

(*c*) the duration of the worker's annual holiday during the holiday season ending on 30th September 1964, shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of Order R. (130), as amended by Order R. (139) between 1st April 1964 and the date on which the provisions of this Schedule become effective.

(3) In this Schedule the expression "holiday season" means in relation to the year 1964 the period commencing on 1st April 1964 and ending on 30th September 1964 and, in each succeeding year, the period commencing on 1st April and ending on 30th September of the same year.

4.—(1) Except as hereinafter in this paragraph otherwise provided, 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 day of holiday allowed to a worker under Part II of this Schedule or a day upon which he does not normally work for the employer intervenes.

(4) Where a day of holiday allowed to a worker under Part II of this Schedule immediately precedes or follows 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 day of holiday allowed under Part II of this Schedule, exceeds the number 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 one day of annual holiday may be allowed on any working day (not being the worker's weekly short day) in the holiday season or before the commencement of the next holiday season.

(5) 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 1959.

5. An employer shall give to a worker notice of the commencing date or dates and duration of the period or periods of his annual holiday. Such notice shall be given at least 21 days before the first day of the holiday or, where, under the provisions of paragraph 4, an annual holiday is allowed in more than one period, before each period, and 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) Subject to the provisions of this paragraph, for each day of holiday to which a worker is entitled under Part II of this Schedule he shall be paid by the employer 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 (excluding overtime) usually worked by him on that day of the week:

Provided that—

(*a*) where the customary holiday falls on a Saturday—

(i) in the case of a worker who normally works on six days of the week, in addition to any amount to which he is entitled under the other provisions of this Schedule, he shall be paid an amount equal to the statutory minimum remuneration (excluding overtime) to which he would be entitled if he were employed as a time worker for four and a half hours on work for which statutory minimum remuneration is payable ;

(ii) in the case of a worker who normally attends on five days only in the week, he shall be paid an amount equal to the appropriate statutory minimum remuneration (excluding overtime) to which he would have been entitled as a time worker if the day had not been a day of customary holiday and he had worked on that day for one-fifth of the number of hours he normally works in a week on work for which statutory minimum remuneration is payable.

(*b*) payment of the said holiday remuneration is subject to the condition that the worker presents himself for employment at the usual starting hour on and works the first working day following the holiday or, if he fails to do so, such failure is by reason of the proved illness of the worker or with the consent of the employer.

(2) The holiday remuneration in respect of any customary holiday shall be paid by the employer to the worker not later than the pay day on which the wages for the pay week including the first working day following the customary holiday are paid.

(3) The holiday remuneration in respect of any holiday in lieu of a customary holiday shall be paid not later than the pay day on which the wages for the pay week including the first working day following the holiday in lieu of a customary holiday are paid:

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 proviso (*b*) to sub-paragraph (1) of this paragraph shall not apply.

### B—ANNUAL HOLIDAY

7.—(1) Subject to the provisions of paragraph 8, 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

| Column 1<br>Period of holiday | Column 2<br>Holiday remuneration for workers with a normal working week of:— | | | | Column 3 |
|---|---|---|---|---|---|
| | Six days | Five days | Four days | Three days or less | |
| 12 days ... | Twice the amount in Column 3. | — | — | — | The amount which the worker would be entitled to receive from his employer, at the beginning of the holiday or the first period of the holiday, as the case may be, 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, for work to which that rate applies and at the same rate for work (if any) to which that rate does not apply. |
| 11 days ... | One and five-sixths times the amount in Column 3. | — | — | — | |
| 10 days ... | One and two-thirds times the amount in Column 3. | Twice the amount in Column 3. | — | — | |
| 9 days ... | One and one-half times the amount in Column 3. | One and four-fifths times the amount in Column 3. | — | — | |
| 8 days ... | One and one-third times the amount in Column 3. | One and three-fifths times the amount in Column 3. | Twice the amount in Column 3. | — | |
| 7 days ... | One and one-sixth times the amount in Column 3. | One and two-fifths times the amount in Column 3. | One and three-quarters times the amount in Column 3. | — | |
| 6 days ... | The amount in Column 3. | One and one-fifth times the amount in Column 3. | One and one-half times the amount in Column 3. | Twice the amount in Column 3. | |

| | | | | |
|---|---|---|---|---|
| 5 days ... | Five-sixths of the amount in Column 3. | The amount in Column 3. | One and one-quarter times the amount in Column 3. | One and two-thirds times the amount in Column 3. |
| 4 days ... | Two-thirds of the amount in Column 3. | Four-fifths of the amount in Column 3. | The amount in Column 3. | One and one-third times the amount in Column 3. |
| 3 days ... | One-half of the amount in Column 3. | Three-fifths of the amount in Column 3. | Three-quarters of the amount in Column 3. | The amount in Column 3. |
| 2 days ... | One-third of the amount in Column 3. | Two-fifths of the amount in Column 3. | One-half of the amount in Column 3. | Two-thirds of the amount in Column 3. |
| 1 day ... | One-sixth of the amount in Column 3. | One-fifth of the amount in Column 3. | One-quarter of the amount in Column 3. | One-third of the amount in Column 3. |

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

(3) Where under the provisions of paragraph 4 an annual holiday is allowed 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 or in accordance with the provisions of Order R. (130), as amended by Order R. (139), 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 R. (130) as amended by Order R. (139).

## 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 12 months up to the 31st day of the preceding March, 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 at the time of leaving the employment; and

(2) in respect of any employment since the 31st day of the preceding March, 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 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—

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

(*a*) in the case of a worker other than a part-time worker, he has worked for the employer for not less than 34 hours and has performed some work for which statutory minimum remuneration is payable;

(*b*) in the case of a part-time worker, he has worked for the employer and has performed some work for which statutory minimum remuneration is payable; or

(*c*) in the case of any worker, *he has worked for the employer for less than 34 hours by reason of proved incapacity due to sickness or injury or for a like reason he has been absent throughout the week or has been suspended throughout the week owing to shortage*

*of work: Provided that the number of weeks which may be so treated as weeks of employment shall not exceed:—*

*(i) 26 weeks in the case of proved incapacity in respect of which the worker is entitled to injury benefit under the National Insurance (Industrial Injuries) Acts 1946 to 1963; and*

*(ii) six weeks in the case of any other proved incapacity or of suspension owing to shortage of work;*

(2) as if he were employed on any day of holiday allowed under the provisions of this Schedule or of Order R. (130), as amended by Order R. (139), and, for the purposes of the provisions of sub-paragraph (1) 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 for the number of hours (excluding overtime) ordinarily worked by him on that day of the week.

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

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

"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 during the twelve months immediately preceding the commencement of the holiday season or, where under paragraph 9 accrued holiday remuneration is payable on the termination of the employment, during the twelve 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.

"part-time worker" means a worker who normally works for the employer for less than 42½ hours 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.

"statutory minimum remuneration" means remuneration (other than holiday remuneration) fixed by a wages regulation order made by the Minister to give effect to proposals submitted to him by the Rope, Twine and Net Wages Council (Great Britain).

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

"weekly short day" means Saturday or any other day (not being Sunday) which may be substituted therefor by agreement between an employer and a worker.

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 28th September 1964, 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 set out in the Wages Regulation (Rope, Twine and Net) (Holidays) Order 1961 (Order R. (130)) which is revoked.

New provisions are printed in italics.