STATUTORY INSTRUMENTS

1966 No. 721

WAGES COUNCILS

The Wages Regulation (Rubber Proofed Garment) (Amendment) Order 1966

Made - - -	*15th June* 1966
Coming into Operation	*4th July* 1966

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Rubber Proofed Garment Making Industry Wages Council the wages regulation proposals set out in Schedules 1 and 2 hereof;

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 (Rubber Proofed Garment) (Amendment) Order 1966.

2.—(1) In this Order the expression "the specified date" means the 4th July 1966, 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.

3. The wages regulation proposals set out in Schedules 1 and 2 hereof shall have effect as from the specified date.

Signed by order of the Minister of Labour.

15th June 1966.

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

SCHEDULE 1

STATUTORY MINIMUM REMUNERATION

The Wages Regulation (Rubber Proofed Garment) Order 1965(c) (Order R.P.G. (17)) shall have effect as if in the Schedule thereto:—

(a) 1959 c. 69.
(b) 1889 c. 63.
(c) S.I. 1965/1250 (1965 II, p. 3538).

1. for paragraphs 6 and 7 there were substituted the following paragraphs:—

" NORMAL NUMBER OF HOURS

6. Subject to the provisions of this Part of this Schedule, the minimum overtime rates set out in paragraph 7 are payable to a worker in respect of any time worked—

(1) in excess of the hours following, that is to say,
(a) in any week .. .. *40 hours*
(b) on any day other than a Saturday, Sunday or customary holiday—
where the normal working hours exceed *8* .. .. *8½ hours*
or where the normal working hours are not more than *8* *8 hours*
(2) on a Saturday, Sunday or customary holiday.

MINIMUM OVERTIME RATES

7.—(1) Minimum overtime rates are payable to any worker (other than a homeworker) as follows:—

(a) on any day other than a Saturday, Sunday or customary holiday—
(i) for the first 2 hours of overtime worked .. time-and-a-quarter
(ii) for the next 2 hours .. .. time-and-a-half
(iii) thereafter .. .. double time

(b) on a Saturday, not being a customary holiday—
(i) for the first 4 hours worked .. .. .. time-and-a-half
(ii) thereafter .. .. double time

(c) on a Sunday or customary holiday—
for all time worked .. .. double time

(d) in any week, exclusive of any time in respect of which any minimum overtime rate is payable under the foregoing provisions of this sub-paragraph—
for all time worked in excess of *40 hours* .. time-and-a-quarter

(2) Where the employer normally requires the worker's attendance on Sunday and not on Saturday, for the purposes of this Part of this Schedule (except where in the case of a woman or young person such attendance on Sunday is unlawful) Saturday shall be treated as a Sunday and, subject to the provisions of sub-paragraph (3) of this paragraph, Sunday shall be treated as a Saturday.

(3) Where another week-day is substituted for Saturday, or, in a case where the provisions of sub-paragraph (2) of this paragraph apply, for Sunday, as the worker's weekly short day, for the purposes of this Part of this Schedule (except where in the case of a woman or young person such substitution is unlawful) that other week-day shall be treated as a Saturday, and Saturday or Sunday, as the case may be, shall be treated as a week-day other than the worker's weekly short day."

2. in paragraph 11 for the definitions "Hourly General Minimum Time Rate" and " Hourly Piece Work Basis Time Rate " there were substituted the following:—

" ' HOURLY GENERAL MINIMUM TIME RATE ' means the general minimum time rate applicable to the worker under Part II, III or IV of this Schedule divided by *40*.

' HOURLY PIECE WORK BASIS TIME RATE ' means the piece work basis time rate applicable to the worker under Part II or III of this Schedule divided by *40*."

SCHEDULE 2
HOLIDAYS AND HOLIDAY REMUNERATION

The Wages Regulation (Rubber Proofed Garment) (Holidays) Order 1965(a) (Order R.P.G. (18)), shall have effect as if in the Schedule thereto:—

1. for paragraph 3 there were substituted the following paragraph:—

"ANNUAL HOLIDAY

3.—(1) In addition to the holidays specified in Part II of this Schedule, and subject to the provisions of sub-paragraph (2) of this paragraph and of paragraph 4, an employer shall between the date on which this Schedule becomes effective and 31st October 1966, and in each succeeding year between 1st May 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 ending on 5th April immediately preceding the commencement of the holiday season for any one of the periods of employment (calculated in accordance with the provisions of paragraph 10) 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 that period as follows:—

Workers with a normal working week of 6 days

Period of employment	Duration of annual holiday
Not less than 48 weeks	*15 days*
" " " 45 " but less than 48 weeks	13 days
" " " 42 " " " " 45 "	12 "
" " " 39 " " " " 42 "	11 "
" " " 36 " " " " 39 "	10 "
" " " 33 " " " " 36 "	9 "
" " " 30 " " " " 33 "	8 "
" " " 27 " " " " 30 "	7 "
" " " 24 " " " " 27 "	6 "
" " " 20 " " " " 24 "	5 "
" " " 16 " " " " 20 "	4 "
" " " 12 " " " " 16 "	3 "
" " " 8 " " " " 12 "	2 "
" " " 4 " " " " 8 "	1 day

Workers with a normal working week of 5 days or less

Period of employment	Duration of annual holiday
Not less than 48 weeks	*13 days*
" " " 44 " but less than 48 weeks	11 days
" " " 40 " " " " 44 "	10 "
" " " 36 " " " " 40 "	9 "
" " " 32 " " " " 36 "	8 "
" " " 28 " " " " 32 "	7 "
" " " 24 " " " " 28 "	6 "
" " " 20 " " " " 24 "	5 "
" " " 16 " " " " 20 "	4 "
" " " 12 " " " " 16 "	3 "
" " " 8 " " " " 12 "	2 "
" " " 4 " " " " 8 "	1 day

(a) S.I. 1965/1321 (1965 II, p. 3738).

(2) Notwithstanding the provisions of the last foregoing sub-paragraph, 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, plus *three days.*

(3) In this Schedule the expression 'holiday season' means in relation to the year 1966 the period commencing on 1st May 1966 and ending on 31st October 1966, and, in each succeeding year, the period commencing on 1st May and ending on 31st October of the same year.

(4) The duration of the worker's annual holiday in the holiday season in 1966 shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of Order R.P.G. (18) between 1st May 1966 and the date on which the provisions of this Schedule become effective."

2. for sub-paragraph (1) of paragraph 6, which relates to remuneration for customary holidays, there were substituted the following:—

" 6.—(1) For each day of holiday (including a holiday falling on a Saturday) to which a worker is entitled under Part II of this Schedule he shall be paid by the employer as holiday remuneration whichever of the following amounts is the greater:—

(a) one-fifth of the average weekly earnings of the worker during the 12 months ended on 5th April immediately preceding the holiday, such average weekly earnings to be determined by dividing, by the number of weeks of employment with the employer during the said period, the total remuneration (including holiday remuneration) paid to him by the employer during that period:

Provided that when Good Friday or Easter Monday in England and Wales or the local Spring holiday in Scotland (or days substituted therefor under the provisions of sub-paragraph (2)*(b)* of paragraph 2 or holidays in lieu of such customary holidays) fall after 5th April in any year, the holiday remuneration for any such holiday under this sub-paragraph shall be one-fifth of the average weekly earnings of the worker (calculated as aforesaid) during the 12 months ended on 5th April in the preceding calendar year;

or *(b)* in the case of a worker normally employed for more than 24 hours a week one-fifth, or in the case of any other worker one-tenth, of the amount of statutory minimum remuneration which would be payable to him at the date of the holiday if he were paid for *40 hours'* work at the hourly general minimum time rate applicable to him or, in the case of a piece worker, which would be applicable to him if he were a time worker."

3. for paragraph 7 there were substituted the following paragraph:—

" 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 as holiday remuneration by his employer in respect thereof, on the last pay-day preceding such annual holiday, an amount equal to *5 per cent.* of the total remuneration (including holiday remuneration) paid by the employer to the worker during the 12 months ended on 5th April immediately preceding the commencement of the holiday season.

(2) Where, under the provisions of paragraph 4, an annual holiday is allowed in more than one period the holiday remuneration shall be apportioned accordingly."

4. for paragraph 9 there were substituted the following paragraph:—

" 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 and including the 5th 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; and

(2) in respect of any employment since the said 5th April, a sum equal to *5 per cent.* of the total remuneration (including holiday remuneration) paid by the employer to the worker since that date."

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order has effect from 4th July 1966. Schedule 1 amends the Wages Regulation (Rubber Proofed Garment) Order 1965 (Order R.P.G. (17)), by reducing the number of hours to be worked before overtime is payable.

Schedule 2 amends the Wages Regulation (Rubber Proofed Garment) (Holidays) Order 1965 (Order R.P.G. (18)), by increasing the maximum number of days of annual holiday for which a worker can qualify and by adjusting holiday remuneration accordingly.

New provisions are printed in italics.