1958 No. 2050

The Wages Regulation (Rubber Proofed Garment) (Holidays) Order, 1958

Made - - - - *4th December,* 1958
Coming into Operation *2nd January,* 1959

Whereas the Minister of Labour and National Service (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 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 (Rubber Proofed Garment) (Holidays) Order, 1958.

2.—(1) In this Order the expression " the specified date " means the 2nd day of January, 1959, 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.

Signed by order of the Minister of Labour and National Service this 4th day of December, 1958.

Guildhaume Myrddin-Evans,
Deputy Secretary,
Ministry of Labour and National Service.

(a) 8 & 9 Geo. 6. c. 17. (b) 52 & 53 Vict. c. 63.

SCHEDULE

PART I

APPLICATION

1. This Schedule applies to every worker (other than a homeworker) 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 (hereafter in this Schedule referred to as a "customary holiday") in each year on the days specified in the 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 preceding 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 and August Bank Holiday;

(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; and

three other days (being days on which the worker normally works for the employer) in the course of a calendar year to be fixed by the employer and notified to the worker not less than three weeks before the holiday;

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

(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 for the employer, the worker shall be allowed a day's holiday (hereafter in this Schedule referred to as a "holiday in lieu of a customary holiday") on a week-day, being a day upon which he would normally work, 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 of this Schedule.

PART III

ANNUAL HOLIDAYS

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 of this Schedule, an employer shall between the 1st day of May, 1959, and the 31st day of October, 1959, and in each succeeding year between the 1st day of May and the 31st day of October (hereafter in this Schedule referred to as the "holiday season"), 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 twelve months ending on the 5th day of 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 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 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	12 days
„ „ „ 44 „ but less than 48 weeks	11 „
„ „ „ 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

Workers with a normal working week of 5 days or less

Period of employment	Duration of annual holiday
Not less than 48 weeks	10 days
„ „ „ 43 „ but less than 48 weeks	9 „
„ „ „ 38 „ „ „ „ 43 „	8 „
„ „ „ 33 „ „ „ „ 38 „	7 „
„ „ „ 28 „ „ „ „ 33 „	6 „
„ „ „ 24 „ „ „ „ 28 „	5 „
„ „ „ 19 „ „ „ „ 24 „	4 „
„ „ „ 14 „ „ „ „ 19 „	3 „
„ „ „ 9 „ „ „ „ 14 „	2 „
„ „ „ 4 „ „ „ „ 9 „	1 day

(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.

4.—(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 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 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 in the holiday season.

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

CUSTOMARY HOLIDAYS AND HOLIDAYS IN LIEU OF CUSTOMARY HOLIDAYS

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 twelve months ended on the 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 of this Schedule 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 twelve months ended on the 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 44 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.

(2) Notwithstanding the provisions of sub-paragraph (1) of this paragraph, 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:

Provided that when two customary holidays occur on successive days (or so that no working day intervenes) the said condition shall apply only to the second customary holiday.

(3) Where a worker normally works in the week on every week-day except Saturday, he shall be paid in respect of any Saturday on which he would have been entitled to a holiday under Part II of this Schedule if it had been a day on which he normally worked, a sum equivalent to the holiday remuneration he would have been entitled to receive had he been allowed a holiday on that day.

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

(5) Holiday remuneration in respect of any holiday in lieu of a customary holiday shall be paid on the day on which wages are paid for the first working day following the holiday in lieu of a customary holiday:

Provided that the said payment shall be made immediately upon the termination of the worker's employment if he ceases to be employed before being allowed such holiday in lieu of a customary holiday and in that case sub-paragraph (2) of this paragraph shall not apply.

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

(2) Where, under the provisions of paragraph 4 of this Schedule, 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 of this Schedule in respect of employment during either of the periods referred to in that paragraph, 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.

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 :—

(*a*) in respect of employment in the twelve 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

(*b*) in respect of any employment since the said 5th day of April, a sum equal to one twenty-sixth of the total remuneration (including holiday remuneration) paid by the employer to the worker since that date.

PART V

GENERAL

10. For the purpose of calculating any period of employment qualifying a worker for an annual holiday 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*) he has worked for the employer for not less than 24 hours and has performed some work for which statutory minimum remuneration is payable;

(*b*) he has worked for the employer for less than 24 hours by reason of the proved illness of, or accident to, the worker or for a like reason has been absent throughout the week: Provided that the number of weeks which may be treated as weeks of employment for such reason shall not exceed eight in the aggregate in any such period; or

(*c*) he has been suspended throughout the week owing to shortage of work: Provided that the number of weeks which may be treated as weeks of employment for such reason shall not exceed six in the aggregate in any such period;

(2) as if he were employed on any day of holiday allowed under the provisions of this Schedule 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 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:—

"HOMEWORKER" means a worker who works in his own home or in some 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 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.

"STATUTORY MINIMUM REMUNERATION" means minimum 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 Rubber Proofed Garment Making Industry Wages Council.

"WEEK" 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 2nd January, 1959, sets out the holidays to be allowed and the holiday remuneration payable to workers (other than homeworkers) in relation to whom the Rubber Proofed Garment Making Industry Wages Council operates.

1958 No. 2045

The Wages Regulation (Sack and Bag) (Amendment) Order, 1958

Made - - - - *3rd December,* 1958
Coming into Operation *17th December,* 1958

Whereas the Minister of Labour and National Service (hereafter in this Order referred to as " the Minister ") has received from the Sack and Bag 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 (Sack and Bag) (Amendment) Order, 1958.

2.—(1) In this Order the expression " the specified date " means the 17th day of December, 1958, 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.

Signed by order of the Minister of Labour and National Service this 3rd day of December, 1958.

Guildhaume Myrddin-Evans,
Deputy Secretary,
Ministry of Labour and National Service.

SCHEDULE

STATUTORY MINIMUM REMUNERATION

The Wages Regulation (Sack and Bag) Order, 1957(c) (Order S.B. (47)), shall have effect as if in the Schedule thereto for Parts II and III there were substituted the following Parts:—

(a) 8 & 9 Geo. 6. c. 17. (b) 52 & 53 Vict. c. 63. (c) S.I. 1957/732 (1957 II, p. 3002).