EXPLANATORY NOTE

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

This Order, which has effect from 8th August, 1958, amends the Wages Regulation (Tin Box) Order, 1957 (Order X. (50)), by increasing the statutory minimum remuneration fixed by that Order.

New rates are printed in italics.

1958 No. 343

The Wages Regulation (Toy Manufacturing) (Holidays) Order, 1958

Made - - - -	*4th March*, 1958
Coming into Operation	*24th March*, 1958

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

2.—(1) In this Order the expression "the specified date" means the 24th day of March, 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 and as from that date the Toy Manufacturing Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1952(c) shall cease to have effect.

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

Harold Emmerson,
Secretary,
Ministry of Labour and National Service.

(a) 8 & 9 Geo. 6. c. 17. (b) 52 & 53 Vict. c. 63. (c) S.I. 1952/877 (1952 III, p. 3941).

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 Toy Manufacturing Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1952 (hereafter in this Schedule referred to as " Order Y.(47) ").

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 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 has worked for the employer throughout the last working day on which work was available to him prior to the holiday (unless excused by the employer or absent by reason of the proved illness of, or accident to, the worker).

(2) The said customary holidays are:—

(a) (i) In England and Wales—

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), 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 (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 customary holiday on which he so works, the employer shall allow to the worker a day's holiday (hereafter in this Schedule 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 of this Schedule.

PART III

ANNUAL HOLIDAYS

3.—(1) Subject to the provisions of paragraph 4 of this Schedule, in addition to the holidays specified in Part II of this Schedule an employer shall between the 1st day of April and the 31st day of October, 1958, and in each succeeding year between the 1st day of April 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 12 months immediately preceding the commencement of the holiday season for any of the periods of employment (calculated in accordance with paragraph 10 of this Schedule) 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 twelve months as follows:—

Period of employment	Duration of annual holiday for workers with a normal working week of—			
	Six days	Five days	Four days	Three days or less
Column 1	Column 2	Column 3	Column 4	Column 5
At least 48 weeks	12 days	10 days	8 days	6 days
„ „ 44 „	11 „	9 „	7 „	5 „
„ „ 40 „	10 „	8 „	6 „	5 „
„ „ 36 „	9 „	7 „	6 „	4 „
„ „ 32 „	8 „	6 „	5 „	4 „
„ „ 28 „	7 „	5 „	4 „	3 „
„ „ 24 „	6 „	5 „	4 „	3 „
„ „ 20 „	5 „	4 „	3 „	2 „
„ „ 16 „	4 „	3 „	2 „	2 „
„ „ 12 „	3 „	2 „	2 „	1 day
„ „ 8 „	2 „	1 day	1 day	1 „
„ „ 4 „	1 day	1 „	—	—

(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 Sunday 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 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.

(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, 1945.

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

PART IV

HOLIDAY REMUNERATION

A.—CUSTOMARY HOLIDAYS AND HOLIDAYS IN LIEU OF CUSTOMARY HOLIDAYS

6.—(1) Subject to the provisions of this paragraph, for each day of holiday which a worker is allowed under Part II of this Schedule he shall be paid by the employer holiday remuneration equal to the appropriate 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 been employed on work entitling him to statutory minimum remuneration for the time normally 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 presents himself for employment on the first working day following the holiday or, if he fails to do so, failure is by reason of the proved illness of, or accident to, the worker or with the consent of the employer.

(2) Holiday remuneration in respect of any holiday allowed under Part II of this Schedule shall be paid to the worker not later than on the pay day on which the wages for the pay week including the first working day following the 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 to sub-paragraph (1) of this paragraph shall not apply.

B.—ANNUAL HOLIDAYS

7.—(1) Subject to the provisions of paragraph 8 of this Schedule, a worker qualified to be allowed an annual holiday under this Schedule shall be paid by his employer in respect thereof, on the last pay day preceding such annual holiday, remuneration in accordance with the following table:—

TABLE OF HOLIDAY REMUNERATION

Column 1 Period of holiday	Column 2 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 of Col. 3	—	—	—	The amount which the worker would be entitled to receive from his employer for a week's work immediately prior to the holiday if working his normal working week and the number of daily hours usually worked by him (exclusive of overtime) and if he were paid:— (*a*) where the worker is employed as a time worker, the amount which the worker would be entitled to receive from the employer *under the arrangement current* immediately prior to the holiday; (*b*) where the worker is employed as a piece worker, a time rate equal to the hourly piece work basis time rate (being statutory minimum remuneration) then applicable to the worker.
11 days	One and five-sixths of the amount in Col. 3	—	—	—	
10 days	One and two-thirds of the amount in Col. 3	Twice the amount in Col. 3	—	—	
9 days	One and one-half of the amount in Col. 3	One and four-fifths of the amount in Col. 3	—	—	
8 days	One and one-third of the amount in Col. 3	One and three-fifths of the amount in Col. 3	Twice the amount in Col. 3	—	
7 days	One and one-sixth of the amount in Col. 3	One and two-fifths of the amount in Col. 3	One and three-quarters of the amount in Col. 3	—	
6 days	The amount in Col. 3	One and one-fifth of the amount in Col. 3	One and one-half of the amount in Col. 3	Twice the amount in Col. 3	
5 days	Five-sixths of the amount in Col. 3	The amount in Col. 3	One and one-quarter of the amount in Col. 3	One and two-thirds of the amount in Col. 3	
4 days	Two-thirds of the amount in Col. 3	Four-fifths of the amount in Col. 3	The amount in Col. 3	One and one-third of the amount in Col. 3	
3 days	One-half of the amount in Col. 3	Three-fifths of the amount in Col. 3	Three-quarters of the amount in Col. 3	The amount in Col. 3	
2 days	One-third of the amount in Col. 3	Two-fifths of the amount in Col. 3	One-half of the amount in Col. 3	Two-thirds of the amount in Col. 3	
1 day	One-sixth of the amount in Col. 3	One-fifth of the amount in Col. 3	One-quarter of the amount in Col. 3	One-third of the amount in Col. 3	

(2) 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 or under Order Y. (47)) 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.

ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

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

(1) in respect of employment in the twelve months up to and including the 31st day of the preceding March, 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 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) he has worked for the employer for not less than twenty hours and has performed some work for which statutory minimum remuneration is payable; or

(b) (i) he has been absent throughout the week, or

(ii) he has worked for the employer for less than twenty hours

solely by reason of the proved illness of, or accident to, the worker:

Provided that the number of weeks which may be treated as weeks of employment for such reasons shall not exceed six in the aggregate in the period of twelve months immediately preceding the commencement of the holiday season; or

(c) he is absent from work owing to suspension due to shortage of work:

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 as aforesaid; and

(2) as if he were employed on any day of holiday allowed under the provisions of this Schedule, or of Order Y. (47), 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 for the number of hours ordinarily worked by him on that day of the week on work for which statutory minimum remuneration is payable.

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

"home worker" means a worker who works in his or her own home or 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 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 statutory 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 Toy Manufacturing Wages Council (Great Britain).

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

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

EXPLANATORY NOTE

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

This Order, which has effect from 24th March, 1958, sets out the holidays which an employer is required to allow to workers and the remuneration payable for those holidays in substitution for the holidays and holiday remuneration fixed by the Toy Manufacturing Wages Council (Great Britain) Wages Regulation (Holidays) Order, 1952 (Order Y. (47)), which is revoked.

New provisions are contained in Column 3 of sub-paragraph (1) of Paragraph 7 and are printed in italics.