the Unlicensed Place of Refreshment Wages Board operates, in substitution for the statutory minimum remuneration fixed by the First Schedule to the Wages Regulation (Unlicensed Place of Refreshment) Order, 1949 (Order U.P.R. (6)).

The provisions of the Schedule to this Order, which differ from those in the First Schedule to Order U.P.R. (6), are set out in italics.

The Wages Regulation (Unlicensed Place of Refreshment) (Holidays) Order, 1951

1951 No. 747

Made - - - - 27*th April*, 1951
Coming into Operation 21*st May*, 1951

U.P.R. (10)

Whereas the Minister of Labour and National Service (hereinafter in this Order referred to as "the Minister") has received from the Unlicensed Place of Refreshment Wages Board (hereinafter in this Order referred to as "the Wages Board") the wages regulation proposals set out in the Schedule hereto, being proposals for requiring workers in relation to whom the Wages Board operates to be allowed holidays by their employers and for fixing holiday remuneration to be paid by their employers to the said workers:

Now, therefore, the Minister, by virtue of the powers conferred on him by section 8 of the Catering Wages Act, 1943(**a**), and of all other powers in that behalf, hereby makes the following Order:—

Short title commencement interpretation and revocation

1.—(1) This Order may be cited as the Wages Regulation (Unlicensed Place of Refreshment) (Holidays) Order, 1951, and shall come into operation on the 21st day of May, 1951.

(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 (Unlicensed Place of Refreshment) (Holidays) Order, 1947(**c**) (hereinafter in this Order referred to as "Order U.P.R. (4)") and the Wages Regulation (Unlicensed Place of Refreshment) Order, 1949(**d**), (hereinafter in this Order referred to as "Order U.P.R. (6)") are hereby revoked.

Provisions as to holidays and holiday remuneration

2.—(1) Effect is hereby given to the said wages regulation proposals set out in the Schedule hereto.

(2) The provisions of the Schedule hereto shall have effect as from the 21st day of May, 1951.

Signed by order of the Minister of Labour and National Service this 27th day of April, 1951.

H. H. Wiles,
Deputy Secretary,
Ministry of Labour and National Service.

(**a**) 6 & 7 Geo. 6. c. 24.
(**b**) 52 & 53 Vict. c. 63.
(**c**) S.R. & O. 1947 (No. 1376) I, p. 196.
(**d**) S.I. 1949 (No. 433) I, p. 595.

SCHEDULE

PART I

APPLICATION

Paragraph 1

This Schedule applies to every worker, other than an occasional worker, for whom statutory minimum remuneration has been fixed.

PART II

ANNUAL HOLIDAYS

DURATION OF ANNUAL HOLIDAYS

Paragraph 2

(1) Subject to the provisions of sub-paragraphs (2) and (3) of this paragraph, and paragraphs 3, 4 and 5 of this Schedule, an employer shall, between the 21st day of May, 1951 and the 31st day of October, 1951 and in each succeeding year between the 1st day of April and the 31st day of October allow a holiday (hereinafter referred to as an " annual holiday ") to every worker in his employment to whom this Schedule applies who was employed by him during the twelve months immediately preceding the commencement of the holiday season (hereinafter referred to as the " qualifying period ") for any of the periods specified below, and the duration of the annual holiday shall be related to the period of the worker's employment during the qualifying period as follows:—

Period of employment during the qualifying period	*Duration of annual holiday for a worker who is normally employed on—*				
	6 days a week	*5 days a week*	*4 days a week*	*3 days a week*	*2 days a week*
(1)	(2)	(3)	(4)	(5)	(6)
At least 4 weeks	*1 day*	*1 day*	—	—	—
" " 8 "	*2 days*	*1* "	*1 day*	*1 day*	—
" " 12 "	*3* "	*2 days*	*2 days*	*1* "	*1 day*
" " 16 "	*4* "	*3* "	*2* "	*2 days*	*1* "
" " 20 "	*5* "	*4* "	*3* "	*2* "	*1* "
" " 24 "	*6* "	*5* "	*4* "	*3* "	*2 days*
" " 28 "	*7* "	*6* "	*4* "	*3* "	*2* "
" " 32 "	*8* "	*6* "	*5* "	*4* "	*2* "
" " 36 "	*9* "	*7* "	*5* "	*4* "	*3* "
" " 40 "	*10* "	*8* "	*6* "	*5* "	*3* "
" " 44 "	*11* "	*9* "	*7* "	*5* "	*3* "
" " 48 "	*12* "	*10* "	*8* "	*6* "	*4* "

(2) Notwithstanding the provisions of the last foregoing sub-paragraph:—

(a) Where a worker who is normally employed on not less than four days a week and who has not been in the continuous employment of his employer during the four years immediately preceding the commencement of the holiday season has qualified under sub-paragraph (1) of this paragraph for more days of annual holiday than the number of days on which it is normal for the worker to work in a week, the employer may require that worker to take part of his annual holiday after the end of the holiday season and before the 31st March next following.

The number of days which an employer may so require a worker to take shall be related to the period of the worker's employment during the four years immediately preceding the commencement of the holiday season in accordance with the following table and shall not exceed the number of days specified in column 2, 3 or 4 of that table appropriate to the worker:—

Period of continuous employment during the four years immediately preceding the commencement of the holiday season	*Number of days of annual holiday which the employer may require the worker to take after the end of the holiday season for a worker who is normally employed on—*		
	6 days a week	*5 days a week*	*4 days a week*
(1)	(2)	(3)	(4)
At least 28 weeks	*1 day*	*1 day*	—
,, ,, *32* ,, ...	*2 days*	*1* ,,	*1 day*
,, ,, *36* ,, ...	*3* ,,	*2 days*	*1* ,,
,, ,, *40* ,, ...	*4* ,,	*3* ,,	*2 days*
,, ,, *44* ,, ...	*5* ,,	*4* ,,	*3* ,,
,, ,, *48* ,, ...	*6* ,,	*5* ,,	*4* ,,
,, ,, *18 months*	*5* ,,	*5* ,,	*4* ,,
,, ,, *24* ,, ...	*4* ,,	*4* ,,	*3* ,,
,, ,, *30* ,, ...	*3* ,,	*3* ,,	*2* ,,
,, ,, *36* ,, ...	*2* ,,	*2* ,,	*2* ,,
,, ,, *42* ,, ...	*1 day*	*1 day*	*1 day*
,, ,, *48* ,, ...	*nil*	*nil*	*nil*

Any days of annual holiday allowed to a worker after the end of a holiday season under the provisions of this sub-paragraph shall be treated for the purposes of this Schedule as having been allowed during such holiday season.

(*b*) the number of days of annual holiday to which a worker is entitled in any *period of 12 months commencing on the 1st day of April* shall not exceed in the aggregate twice the number of days on which it is normal for the worker to work in a week.

(*c*) *the worker's annual holiday during the holiday season ending on the 31st day of October, 1951, shall be reduced by any days of annual holiday allowed to him by the employer under the provisions of Order U.P.R. (4) (as amended by Order U.P.R. (6)) between the 1st day of April, 1951, and the 21st day of May, 1951.*

(3) For the purposes of this paragraph where a worker is employed on a system of work under which the number of days of work alternate week by week between a long week and a short week (in that the days of work in one week are more than the days of work in the next week) and the worker normally works in respect of each successive period of two consecutive weeks, the same total number of days (hereinafter referred to as "an alternating worker")

(*a*) the worker shall be treated, subject to (*b*) of this sub-paragraph, as a worker who is normally employed on the number of days which constitute the long week;

(*b*) the number of days of annual holiday to which the worker is entitled in any *period of 12 months commencing on the 1st day of April* shall not exceed the number of days on which that worker normally works in a period of two consecutive weeks.

(4) *In this Schedule the expression "holiday season" means in relation to an annua holiday during the year 1951 the period commencing on the 1st day of April, 1951, and ending on the 31st day of October, 1951, and in relation to each subsequent year the period commencing on the 1st day of April and ending on the 31st day of October in that year.*

AGREEMENT TO TAKE ANNUAL HOLIDAY OUTSIDE THE HOLIDAY SEASON

Paragraph 3

Notwithstanding the provisions of paragraph 2 of this Schedule, where a worker elects to take his annual holiday, or part thereof, outside the holiday season and in pursuance of an agreement in writing with his employer that the employer will allow such holiday at a given date after the end of the holiday season and before the commencement of the next following holiday season, the days of holiday so allowed shall for the purposes of this Schedule be treated as having been allowed during the preceding holiday season.

APPLICATIONS TO VARY THE HOLIDAY SEASON

Paragraph 4

Notwithstanding the provisions of paragraph 2 of this Schedule, the Wages Board may vary the holiday season as there set out in respect of any establishment if they receive an application for that purpose from an employer and are satisfied that it is reasonable to do so to meet special circumstances. Such variation may provide for the commencement of the holiday season earlier than 1st April or its extension beyond 31st October. An application relating to the commencement of the holiday season shall be made to the Board not later than 6 weeks before the proposed operative date and an application to extend the duration of the holiday season, before 15th July. Any such alteration in the holiday season shall not become effective until notice of the decision of the Board has been communicated to the employer concerned.

In the case of any variation of the commencement of the holiday season granted by the Board under this provision the duration of the holiday of the worker or workers concerned shall be related to the period immediately preceding the commencement of the holiday season as varied.

SPELLS OF ANNUAL HOLIDAY

Paragraph 5

Subject to the provisions of *paragraphs* 2 (2) (*a*) *and* 3 of this Schedule annual holidays shall be allowed on consecutive working days other than days of customary holiday and days of holiday shall be treated as consecutive notwithstanding that a day of rest or a day of customary holiday or day in lieu of a customary holiday intervenes.

Provided that where the duration of an annual holiday to which a worker is entitled *and which he is to be allowed during the period between the 21st day of May, 1951, and the 31st day of October, 1951, or in any succeeding year between the 1st day of April and the 31st day of October,* exceeds the number of days on which the worker normally works in a week the holiday may be given in two periods consisting in respect of each period of consecutive working days and in such a case one of those periods shall consist of days not less in number than the number of days normally worked by the worker in the week in which that period of holiday is allowed.

GENERAL

Paragraph 6

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.

Paragraph 7

Where any day of annual holiday allowed to any worker under this Schedule falls upon a day of holiday or half holiday to which the worker may be entitled under any enactment other than the Catering Wages Act, 1943, that holiday or half holiday may be treated as part of the annual holiday allowed under this Schedule

except that holidays required to be allowed under the Shops Act, 1950(a), shall be treated as follows:—

(1) in the case of establishments in which section 17 of the Shops Act, 1950, applies;

(*a*) where a worker's total annual holiday under this Schedule does not exceed the number of days customarily worked by him in a week not more than one of the half holidays allowed under the said section of the Act may be treated as part of the worker's annual holiday;

(*b*) where a worker's total annual holiday exceeds the number of days customarily worked by him in a week not more than two of the half holidays allowed under the said section of the Act may be treated as part of the worker's annual holiday;

(2) in the case of establishments in which section 21 of the Shops Act, 1950, applies;

(*a*) any of the 6 consecutive days of holiday on full pay allowed under the said section of the Act may be treated as a day of annual holiday; and

(*b*) other holidays or half holidays allowed under the said section of the Act may be treated as part of the worker's annual holiday to the following extent:—

(i) where a worker's total annual holiday does not exceed the number of days customarily worked by him in a week—not more than one half holiday allowed under the said section of the Act;

(ii) where a worker's total annual holiday exceeds the number of days customarily worked by him in a week—not more than two half holidays or one whole holiday on a week day allowed under the said section of the Act.

Part III

REMUNERATION FOR ANNUAL HOLIDAYS

Paragraph 8

(*1*) *Subject to the provisions of paragraph 9 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, one day's holiday pay (as defined in paragraph 12 of this Schedule) in respect of each day thereof.*

(*2*) *Where under the provisions of paragraph 2 (2) (a), 3 or 5 of this Schedule an annual holiday is taken in more than one period the holiday remuneration shall be apportioned accordingly.*

Paragraph 9

Where under the provisions of paragraph 10 of this Schedule or the provisions of Order U.P.R. (4) (as amended by Order U.P.R. (6)) accrued holiday remuneration has been paid by the employer to the worker, in respect of any period of employment in the twelve months immediately preceding the holiday season within which an annual holiday is allowed by the employer to the worker in accordance with the provisions of this Schedule, the amount of holiday remuneration payable by the employer, in respect of the said annual holiday under the provisions of paragraph 8 of this Schedule, shall be reduced by the amount of the said accrued holiday remuneration.

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

ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

Paragraph 10

Subject to the provisions of this paragraph, 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 accrued holiday remuneration, that is to say:—

(i) *in respect of any period of employment occurring before the 1st day of April immediately preceding the termination date, an amount equal to the holiday remuneration to which the worker would have been entitled under the provisions of sub-paragraph (1) of paragraph 8 of this Schedule if he had been allowed an annual holiday in respect of that period of employment at the termination date LESS any holiday remuneration already paid for any day or days of annual holiday allowed on or subsequent to the 1st day of April aforesaid in respect of that period of employment, and*

(ii) *in respect of any period of employment since the last day of March immediately preceding the termination date, an amount equal to one day's holiday pay (as defined in paragraph 12 of this Schedule) for each day of annual holiday to which the worker would have been entitled under the provisions of paragraph 2 of this Schedule if by virtue of such period of employment he could have taken an annual holiday at the termination date, LESS any accrued holiday remuneration already paid by the employer to the worker in respect of that period.*

Provided that—

(*a*) accrued holiday remuneration is not payable in respect of any period of employment for which the worker has been allowed or become entitled to be allowed an annual holiday under this Schedule;

(*b*) accrued holiday remuneration shall not be payable to a worker if he is dismissed on the grounds of dishonesty and is so informed by the employer at the time of dismissal;

(*c*) *where a worker is employed under a written contract of service and terminates his employment without having given to his employer the notice of that termination required under that contract, any accrued holiday remuneration payable by the employer to the worker shall be an amount equal to that payable under the foregoing provisions of this paragraph reduced by an amount equal to one day's holiday pay multiplied by the number of days of notice required under the written contract.*

PART IV

GENERAL

Paragraph 11

For the purposes of calculating any period of employment entitling a worker to an annual holiday or to any accrued holiday remuneration under this Schedule the worker shall be treated as having been employed—

(1) for a week in respect of any week in which the worker has worked for the employer *on not less than two days* and—

(i) in the case of a worker other than a worker to whom (ii) or (iii) of this sub-paragraph applies, for not less than 36 hours *or, where the number of hours normally worked by him for the employer in a week is less than 36, that number of hours,* or

(ii) in the case of an alternating worker to whom sub-paragraph (3) of paragraph 2 of this Schedule applies, for not less than an average of 36 hours per week in that week and the week that immediately precedes or follows it *or, where the average number of hours normally worked by him for the employer in two consecutive weeks is less than 36 per week, that number of hours;* or

(iii) in the case of a fluctuating worker, for not less than an average of 36 hours per week in the four weeks immediately preceding that week *or, where the average number of hours normally worked by him for the employer in four consecutive weeks is less than 36 per week, that number of hours,* and has performed some work which entitled him to statutory minimum remuneration.

(2) when absent from work in any of the following circumstances:—

(*a*) annual holidays allowed under this Schedule; days of customary holiday, and days in lieu of customary holiday;

(*b*) proved sickness of or accident to the worker up to and not exceeding a maximum of 12 weeks in the aggregate during:

(i) the period of 12 months immediately preceding the commencement of the holiday season; and,

(ii) any period commencing on the 1st day of April preceding the termination date and ending on the termination date.

Provided that for the purposes of paragraph 2 (2) (*a*) of this Schedule all absences through proved sickness of or accident to the worker while in the employment of the employer, prior to the period of 12 months specified in sub-paragraph (*b*) (i) above, shall count as employment.

(*c*) by leave of the employer.

Paragraph 12

In this Schedule the following expressions have the meanings hereby respectively assigned to them that is to say—

" DAY OF CUSTOMARY HOLIDAY " means—

(*a*) In England and Wales—Christmas Day (or, if Christmas Day falls on a Sunday, such weekday as may be prescribed by national proclamation or, if no such day is prescribed, the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday, August Bank holiday and any day proclaimed as an additional Bank Holiday or a general holiday.

(*b*) In Scotland—

(i) New Year's Day (or the following day if New Year's Day falls on a Sunday), the local Spring holiday, the local Autumn holiday, and any day proclaimed as an additional Bank Holiday or a general holiday throughout Scotland;

(ii) three other week days 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 any other day or days falling within the same calendar year which may be substituted for such day or days by agreement between the employer and the worker or his representative; or

(*c*) where in any establishment it is not the custom or practice to observe such days as are specified in (*a*) or (*b*) (i) above as holidays, other days not fewer in number as may be substituted for such days by agreement between the employer and the worker or his representative.

" FLUCTUATING WORKER " means a worker whose weekly hours of duty, exclusive of overtime, vary from week to week but do not alternate in the manner described in paragraph 2 (3) of this Schedule.

" OCCASIONAL WORKER " means a worker who undertakes engagements on either an hourly or a day to day basis.

" *ONE DAY'S HOLIDAY PAY* " *means*—

(*i*) *in the case of a worker (other than a worker to whom sub-paragraph (ii) applies) who is normally employed on six, five, four, three or two days a week, one sixth, one fifth, one fourth, one third or one half respectively of*

the amount the worker would be entitled to receive from his employer for a week's work at the date of the annual holiday or at the termination date, as the case may be

(a) if working his normal working hours for the week (exclusive of overtime), or

(b) in the case of a fluctuating worker, if working the number of hours which constitutes the weekly average of hours worked in the four weeks immediately preceding the annual holiday or the termination date, as the case may be (exclusive of overtime), or

(ii) in the case of an alternating worker to whom sub-paragraph (3) of paragraph 2 of this Schedule applies who is normally employed on eleven, ten, nine, eight, seven, six, five or four days in two successive weeks—one eleventh, one tenth, one ninth, one eighth, one seventh, one sixth, one fifth or one quarter respectively of the amount the worker would be entitled to receive from his employer for two weeks' work at the date of the annual holiday or at the termination date as the case may be, if working his normal working hours for two successive weeks (exclusive of overtime)

and if paid the appropriate statutory minimum remuneration and at the same rate for any work for which such remuneration is not payable.

" STATUTORY MINIMUM REMUNERATION " means the minimum remuneration (other than holiday remuneration) fixed by the current wages regulation order made by the Minister to give effect to proposals submitted to him by the Wages Board; and

" APPROPRIATE STATUTORY MINIMUM REMUNERATION " means the statutory minimum remuneration to which a worker would be entitled at the date of the annual holiday or at the termination date as the case may be if employed in the circumstances that he is *not provided by his employer with meals whilst on duty, full board or lodging*, but excluding any part of such remuneration payable solely by reason of the fact that laundering or cleaning of overalls or uniform are not provided by the employer.

" WEEK " means pay week.

EXPLANATORY NOTE

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

The Schedule to this Order, which has effect from the 21st May, 1951, sets out the annual holidays which an employer is required to allow and the holiday remuneration which he is required to pay to workers in relation to whom the Unlicensed Place of Refreshment Wages Board operates. It supersedes the Schedule to Order U.P.R. (4) (as amended).

New provisions are printed in italics.