

specified in paragraphs (1) and (2) of the Appendix to the Trade Boards (Made-up Textiles) Order, 1920 (a), or any other processes or operations which are specifically mentioned in such Appendix.

SECOND SCHEDULE

HOLIDAYS AND HOLIDAY REMUNERATION

The Rope, Twine and Net Wages Council (Northern Ireland) Wages Regulation (Holidays) Order, 1948 (Order N.I.R. (50)) shall be amended as follows :—

Sub-paragraph (1) of paragraph 6 of the Schedule to the said Order shall be deleted and the following new sub-paragraph substituted therefor :—

“ PARAGRAPH 6.

(1) Subject to the provisions of this paragraph, for each day of customary 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 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 worked the number of hours ordinarily worked by him on that day of the week for the employer on his normal work to which statutory minimum remuneration applies.

Provided that payment of the above-mentioned remuneration shall be subject to the conditions (a) that the worker has worked the last working day on which work was available to him preceding the holiday and (b) that he presents himself for employment at the usual starting time on, and works, the first working day on which work is available to him following the holiday unless excused by the employer or absent by reason of accident or proved illness.”

Shirtmaking Wages Council

THE SHIRTMAKING WAGES COUNCIL (NORTHERN IRELAND) WAGES REGULATION (HOLIDAYS) ORDER, 1952, DATED 2ND MAY, 1952, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER SECTION 10 OF THE WAGES COUNCILS ACT (NORTHERN IRELAND), 1945 (9 & 10 GEO. 6, CH. 21).

1952. No. 83

WHEREAS the Ministry of Labour and National Insurance (hereinafter referred to as “ the Ministry ”) has received from the Shirtmaking Wages Council (Northern Ireland) wages regulation proposals for requiring workers in relation to whom the Council operates to be allowed by their employers the holidays set out in the Schedule to this Order and for fixing the holiday remuneration specified therein in substitution for the holidays provided and holiday remuneration fixed for these workers by the Shirtmaking Wages Council (Northern Ireland) Wages Regulation (Holidays) Order, 1949 (b) dated the 22nd day of June, 1949 (hereinafter in this Order referred to as “ Order N.I.S. (40) ”);

NOW, THEREFORE, the Ministry by virtue of section 10 of the Wages Councils Act (Northern Ireland), 1945, and of every other power in that behalf hereby makes the following Order :—

(a) S. R. & O. 1920, No. 1901.

(b) S. R. & O. 1949, No. 150.

Holidays and
holiday re-
muneration.

1. As from the specified date the workers to whom the Schedule to this Order applies shall be entitled to be allowed the holidays and paid the holiday remuneration specified therein.

Commence-
ment.

2. In this Order the expression "the specified date" means the 14th day of May, 1952. 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.

Short title,
interpre-
tation and
revocation.

3.—(1) This Order may be cited as the Shirtmaking Wages Council (Northern Ireland) Wages Regulation (Holidays) Order, 1952.

52 & 53 Vict.
Ch. 63.

(2) The Interpretation Act, 1889, applies to the interpretation of this Order as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

(3) As from the specified date Order N.I.S. (40) is hereby revoked.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this second day of May, nineteen hundred and fifty-two in the presence of

(L.S.)

R. W. Steele,

Assistant Secretary to the Ministry of Labour
and National Insurance for Northern Ireland.

SCHEDULE

HOLIDAYS AND HOLIDAY REMUNERATION

PART I

APPLICATION

PARAGRAPH 1.

- (1) This Schedule applies to every worker (other than an out-worker) for whom statutory minimum remuneration has been fixed.
- (2) For the purpose of this Schedule an out-worker is a worker who works in his own home or in any other place not under the control or management of the employer.

PART II

CUSTOMARY HOLIDAYS

PARAGRAPH 2.

- (1) An employer shall allow to every worker 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 has been in his employment for a period of not less than eight weeks immediately preceding the customary holiday and has worked for the employer during the whole or part of that period and is in his employment on the day of the customary holiday.
- (2) The said customary holidays are :—
 - (a) Christmas Day (or, if Christmas Day falls on a Sunday, such other weekday as may be appointed by national proclamation, or, if none is so appointed,

the next following Tuesday), Boxing Day, Easter Monday, Easter Tuesday and two other days (being days on which the worker normally works) 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) a day substituted by the employer for any one of the said days, 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 a 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 worker shall be entitled to be allowed a day's holiday (hereinafter referred to as a "holiday in lieu of a customary holiday") on a weekday 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, in accordance with paragraph 6 of this Schedule.

PART III

ANNUAL HOLIDAYS

PARAGRAPH 3.

- (1) In addition to the customary holidays specified in Part II of this Schedule, an employer shall, between 6th April and 30th September, 1952, and in each succeeding year, between 6th April and 30th September (in this Schedule referred to as "the holiday season"), 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 12 months immediately preceding the commencement of the holiday season for any one of the periods of employment specified below, and the duration of the annual holiday shall be related to the period of employment during those 12 months as follows :

| Where the worker's normal working week is one of 6 days | | Where the worker's normal working week is one of 5 days or less | |
|---|---------------------|---|---------------------|
| Period of employment | Duration of holiday | Period of employment | Duration of holiday |
| 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 | | |

- (2) (a) Notwithstanding the provisions of the last foregoing sub-paragraph the number of days of annual holiday to which a worker shall be entitled in any holiday season shall not exceed in the aggregate twice the period constituting the worker's normal working week.
- (b) *the duration of the worker's annual holiday during the holiday season ending on 30th September, 1952, shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of Order N.I.S. (40) between 1st May, 1952, and the date upon which the provisions of this Schedule become effective.*

PARAGRAPH 4.

Annual holidays under this Schedule shall be allowed on consecutive working days, being days on which the worker is normally required to work, and days of annual holiday shall be treated as consecutive notwithstanding that a customary holiday on which the worker is not required to work or a holiday in lieu of a customary holiday intervenes.

Provided that, where the duration of an annual holiday to which a worker is entitled exceeds the period constituting the worker's normal working week, the said annual holiday may be allowed in two separate periods of such consecutive working days if one of such periods is not less than the number of days constituting the worker's normal working week.

PARAGRAPH 5.

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.

PART IV

HOLIDAY REMUNERATION

A — CUSTOMARY HOLIDAYS

PARAGRAPH 6.

- (1) For each day of customary holiday (including a customary 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 :

- (a) *in the case of a worker who normally works for the employer on six days in the week : one-sixth of two per cent., and*
 (b) *in the case of a worker who normally works for the employer on five days in the week : one-fifth of two per cent.*

of the total remuneration (including holiday remuneration) paid by him to the worker during the twelve months ended on 5th April immediately preceding the customary holiday ;

Provided that when Easter Monday or Easter Tuesday (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) falls after 5th April in any year, the holiday remuneration for any such holiday under this paragraph shall be one-sixth or one-fifth (as the case may be) of two per cent. of the total remuneration (including holiday remuneration) paid by the employer to the worker during the twelve months ended on 5th April in the preceding calendar year.

- (2) *Notwithstanding the provisions of sub-paragraph (1) of this paragraph payment of the said holiday remuneration shall be subject to the condition that the worker presents himself for employment at the usual starting hour on the first working day following the customary holiday or, if he fails to do so, such failure is by reason of proved illness of the worker or with the consent of the employer.*

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 weekday except Saturday, he shall be paid a sum equivalent to the holiday remuneration in respect of any Saturday in respect of which he would have been entitled to a customary holiday under Part II of this Schedule if it had been a day on which he normally worked.
- (4) Holiday remuneration in respect of any customary holiday shall be paid by the employer to the worker on the pay day on which the wages for the pay week which includes the customary holiday are paid.
- (5) Holiday remuneration in respect of any holiday in lieu of a customary holiday shall be paid on the pay day on which the wages for the week which includes that holiday in lieu 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 such holiday in lieu and in that case the condition specified in sub-paragraph (2) of this paragraph shall not apply.

B — ANNUAL HOLIDAYS

PARAGRAPH 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, as holiday remuneration *an amount equal to two-fiftieths 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 annual holiday.*
- (2) Where under the provisions of paragraph 4 of this Schedule an annual holiday is allowed in two separate periods, the holiday remuneration shall be apportioned accordingly.

PARAGRAPH 8.

Where, in accordance with paragraph 9 of this Schedule or under the provisions of Order N.I.S. (40), any accrued holiday remuneration has been paid by the employer to the worker in respect of employment during any of the periods referred to in that paragraph or that Order, 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 periods 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.

PARAGRAPH 9.

- (1) If a worker ceases to be employed by an employer after the provisions of this Schedule become effective and before being allowed or entitled to be allowed an annual holiday, the employer shall immediately on the termination of the employment pay to the worker accrued holiday remuneration in accordance with the provisions of the next following paragraph.

Provided that where a worker ceases to be employed after being allowed a part of the annual holiday for which he has qualified under this Schedule, but before being allowed the rest of that annual holiday, the accrued holiday remuneration payable to him on termination of his employment shall be reduced by the amount of holiday remuneration received by him in respect of the part of the annual holiday he has been allowed.

- (2) Holiday remuneration shall accrue to a worker during the period of twelve months commencing on *6th April, 1951*, and thereafter in each successive period of twelve months commencing on *6th April* and such accrued holiday remuneration shall be calculated as follows :
 - (a) *in respect of any period of twelve months ended on 5th April immediately preceding the termination of his employment,*
an amount equal to two-fiftieths of the total remuneration (including holiday remuneration) paid by the employer to the worker during that period ; and
 - (b) *in respect of any period of employment between such 5th April and the date of termination of his employment,*
an amount equal to two-fiftieths of the total remuneration (including holiday remuneration) paid by the employer to the worker during that period.
- (3) Any accrued holiday remuneration payable under the provisions of this paragraph shall be reduced by the amount of accrued holiday remuneration already paid by the employer to the worker in pursuance of this Order or Order N.I.S. (40) in respect of the same period of employment or part thereof.

PART V

GENERAL

PARAGRAPH 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 —

- (a) as if he were employed for a week in respect of any week in which —
 - (i) he has worked for the employer for not less than *twenty* hours and has performed some work to which statutory minimum remuneration applies ; or

- (ii) he has been absent throughout the week by reason of proved illness or accident (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 the period of twelve months immediately preceding the commencement of the holiday season) ; or
- (iii) 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 the period of twelve months last mentioned) ;
- (b) 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 (a) of this paragraph, a worker who is absent on such a holiday shall be treated as having worked the number of hours ordinarily worked by him on that day of the week for the employer on work to which statutory minimum remuneration applies.

PARAGRAPH 11.

Where any day of 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 Wages Councils Act (Northern Ireland), 1945, that holiday or half-holiday shall be treated as part of the holiday allowed under this Schedule.

PARAGRAPH 12.

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

“ 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.

“ week ” means “ pay week.”

PARAGRAPH 13.

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.

Sugar Confectionery and Food Preserving Wages Council

THE SUGAR CONFECTIONERY AND FOOD PRESERVING WAGES COUNCIL
(NORTHERN IRELAND) WAGES REGULATION ORDER, 1952, DATED 25TH
SEPTEMBER, 1952, MADE BY THE MINISTRY OF LABOUR AND
NATIONAL INSURANCE UNDER SECTION 10 OF THE WAGES COUNCILS
ACT (NORTHERN IRELAND), 1945 (9 & 10 GEO. 6, CH. 21).

1952. No. 200

WHEREAS the Ministry of Labour and National Insurance (hereinafter referred to as “ the Ministry ”) has received from the Sugar Confectionery and Food Preserving Wages Council (Northern Ireland) wages regulation proposals for fixing the minimum remuneration to be paid to the workers in relation to whom the Council operates in