

EXPLANATORY NOTE

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

Under this Order subsidies to local authorities, the Northern Ireland Housing Trust and housing associations are revised (upwards) in respect of houses for which tenders are submitted to the Ministry for approval, or accepted by the Trust or housing associations, after 15th December 1966.

1966. No. 300

[NC]

WAGES COUNCILS

Wages Regulation (Baking)

ORDER, DATED 14TH DECEMBER 1966, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE WAGES COUNCILS ACT (NORTHERN IRELAND) 1945.

The Ministry of Health and Social Services, in exercise of the powers conferred on it by Section 10 of the Wages Councils Act (Northern Ireland) 1945(a), hereby makes the following Order to give effect to wages regulation proposals received from the Baking Wages Council (Northern Ireland):—

Citation

1. This Order may be cited as the Baking Wages Regulation (Holidays) Order (Northern Ireland) 1966.

Commencement

2. The wages regulation proposals set out in the Schedule shall come into operation on the specified date and on the day immediately preceding that date the Baking Wages Regulation (Holidays) Order (Northern Ireland) 1965(b) shall cease to have effect.

Interpretation

3. In this Order the expression "the specified date" means the 2nd day of January 1967, 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.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 14th day of December 1966.

(L.S.)

W. Slinger,
Assistant Secretary.

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 Baking Wages Regulation (Holidays) Order (Northern Ireland) 1965 (Order N.I.Bk. (331)) :—

Holidays and Holiday Remuneration

PART I

APPLICATION

Paragraph 1.

This Schedule applies to every worker for whom statutory minimum remuneration has been fixed.

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 four weeks immediately preceding the 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 holiday.

(2) The said customary holidays are:—

(a) in the case of a worker employed in the County Borough of the City of Belfast and in districts situate within a radius of 15 statute miles therefrom—

Christmas Day, Easter Monday, 12th July, and one other day immediately preceding or immediately following each of the aforesaid days, being a day which is, by custom in the establishment, recognised as a day of holiday in addition to each of the said days;

(b) in the case of a worker employed in an area other than that specified in (a)—

Christmas Day, Easter Monday, August Bank Holiday, and one other day immediately preceding or immediately following each of the aforesaid days, being a day which is, by custom in the establishment, recognised as a day of holiday in addition to each of the said days.

Provided that, in the case of August Bank Holiday and the day immediately preceding or the day immediately following that day, as the case may be, two other days may be substituted therefor, being days recognised by local custom, or by custom in the establishment, as days of holiday.

Provided that—

(i) where Christmas Day or 12th July falls on a day of the week on which the worker does not normally work, the customary holiday shall be allowed by the employer to the worker on the working day immediately preceding or immediately following that day,

(ii) in the case of a night worker, the day immediately preceding or the day immediately following each of the days Christmas Day, Easter Monday, 12th July and August Bank Holiday (or the day substituted for any of those days under the provisions of sub-paragraph (b)) shall be deemed to include the spell of duty prior to or next following that which would ordinarily end on Christmas Day, Easter Monday, 12th July, or August Bank Holiday (or the day substituted for any of these days as aforesaid) as the case may be, had each of those days been a day on which the worker would normally have worked,

(3) Notwithstanding the foregoing 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 (hereafter referred to as a "holiday in lieu") on a week-day within the period of four weeks next ensuing.

Provided that—

in the case of a worker who is so required to work on a customary holiday—

- (i) if, in respect of such work, the worker is paid by the employer the statutory minimum remuneration appropriate to work on a customary holiday, a holiday in lieu need not be allowed by the employer to that worker,
- (ii) if, in respect of such work on a customary holiday other than Christmas Day, Easter Monday, 12th July, or August Bank Holiday (or the day substituted therefor), the worker is paid by the employer the statutory minimum remuneration appropriate to work on a week-day other than a customary holiday, a holiday in lieu shall be allowed to that worker in accordance with the provisions of this sub-paragraph and the worker shall be paid, in respect of that holiday in lieu holiday remuneration in accordance with the provisions of paragraph 8.

Paragraph 3.

An employer shall give to a worker reasonable notice of the days on which the customary holidays will be allowed to him, such notice may be given individually to the worker or by the posting of a notice in the place where he is employed.

PART III

ANNUAL HOLIDAYS AND ADDITIONAL ANNUAL HOLIDAYS

Paragraph 4.

(1) In addition to the customary holidays specified in Part II an employer shall, between 1st April and 31st October 1967, and in each succeeding year between 1st April and 31st October (hereafter referred to as the "holiday season") allow a 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 of the periods specified below, and the duration of the holiday shall be related to his period of employment during that 12 months as follows:—

Period of employment	Duration of annual holiday
At least 48 weeks	10 days
" 43 " " " " " "	9 "
" 38 " " " " " "	8 "
" 33 " " " " " "	7 "
" 28 " " " " " "	6 "
" 24 " " " " " "	5 "
" 19 " " " " " "	4 "
" 14 " " " " " "	3 "
" 9 " " " " " "	2 "
" 4 " " " " " "	1 day

- (2) Notwithstanding the provisions of sub-paragraph (1) *and subject to the provisions of paragraph 6* the number of days of annual holiday to which a worker is entitled in any holiday season shall not exceed in the aggregate twice the period constituting the worker's normal working week.

Paragraph 5.

Annual holidays shall be allowed on consecutive working days, being days on which the worker is normally required to work, and days of holiday shall be treated as consecutive notwithstanding that a customary holiday or a holiday in lieu intervenes.

ADDITIONAL ANNUAL HOLIDAYS

Paragraph 6.

A worker who, at 31st December in any year, has completed 5 years' continuous employment with the same employer shall be entitled to 3 days of additional annual holidays during the calendar year next following that date and during each subsequent calendar year and, on completion of 10 years' continuous employment with the same employer at 31st December in any year, to a further 2 days of additional annual holidays during the calendar year next following the latter date and during each subsequent calendar year. Such days of additional annual holidays shall be allowed by the employer to the worker during the months January, February, March, October and November at a time to be determined following consultation with the worker or his representative.

Provided that the number of days of additional annual holiday shall not exceed in the aggregate the period constituting the worker's normal working week.

Paragraph 7.

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

PART IV

HOLIDAY REMUNERATION

CUSTOMARY HOLIDAYS

Paragraph 8.

- (1) For each day of customary holiday to which a worker is entitled under the provisions of Part II he shall be paid by the employer *one day's holiday pay* (as defined in paragraph 14).

Provided that payment of the aforesaid holiday remuneration shall be subject to the conditions that (a) the worker has worked the last working day on which work was available to him preceding the holiday and (b) the first working day following the holiday or, if in either case he fails to do so, failure is by reason of the proved illness of the worker or with the consent of his employer.

- (2) Holiday remuneration in respect of a customary holiday shall be paid by the employer to the worker on the pay day on which the wages for the pay week including the customary holiday are paid.
- (3) Holiday remuneration in respect of a holiday in lieu shall be paid on the pay day on which the wages for the pay week including 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 condition (b) in sub-paragraph (1) shall not apply.

ANNUAL HOLIDAYS

Paragraph 9.

Subject to the provisions of paragraph 10—

- (1) a worker entitled to be allowed an annual holiday under Part III shall be paid by his employer, on the last pay day preceding such annual holiday, one day's holiday pay (as defined in paragraph 14) in respect of each day thereof.
- (2) *a worker entitled to be allowed additional annual holidays under Part III shall be paid by his employer, on the pay day on which the wages for the pay week including the additional annual holidays are paid, one day's holiday pay (as defined in paragraph 14) in respect of each day thereof.*

Paragraph 10.

Where accrued holiday remuneration has been paid by the employer to the worker (in accordance with paragraph 11(1) *or in accordance with the provisions of Order N.I.Bk. (331)*) 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 any of 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.

ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION
OF EMPLOYMENT

Paragraph 11.

- (1) If a worker ceases to be employed before being allowed or entitled to be allowed an annual holiday the employer shall, immediately on the termination of the employment (hereafter called "the termination date"), pay to the worker as accrued holiday remuneration:—
 - (a) in respect of any period of employment occurring before the *1st 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 paragraph 9 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 subsequently to the *1st April* aforesaid in respect of that period of employment and,
 - (b) in respect of any period of employment since the *1st April* immediately preceding the termination date, an amount equal to one day's holiday pay (as defined in paragraph 14) multiplied by the number of days of annual holiday to which the worker would have been entitled under the provisions of paragraph 4 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.
- (2) *If a worker ceases to be employed in any calendar year before being allowed the additional annual holidays for which he has qualified under the provisions of Part III the employer shall, on the termination date, pay to the worker one day's holiday pay (as defined in paragraph 14) for each of the 3 or 5 such days as the case may be for which he has so qualified LESS any holiday remuneration already paid for any day or days of additional annual holiday allowed between 1st January immediately preceding the termination date and that date.*

PART V

GENERAL

Paragraph 12.

For the purpose of calculating any period of employment entitling a worker to an annual holiday or to any accrued holiday remuneration *and for the purpose of calculating the period of the continuous employment specified in paragraph 6* 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 16 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 12 in the aggregate in each period of 12 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 12 in the aggregate in each period of 12 months last mentioned);
- or (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) 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 for the employer on work to which statutory minimum remuneration applies.

Paragraph 13.

Where a day of annual holiday allowed to a worker 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 14.

In this Schedule 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 while in the employment of the employer during the 12 months immediately preceding the commencement of the holiday season or where, under paragraph 11, accrued holiday remuneration is payable on the termination of the employment, during the 12 months immediately preceding the termination date,

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.

“ONE DAY’S HOLIDAY PAY” means the appropriate proportion of the worker’s weekly remuneration, that is to say,

where the worker’s normal working week is five days	one-fifth
where the worker’s normal working week is four days	one-quarter
where the worker’s normal working week is three days	one-third
where the worker’s normal working week is two days	one-half
where the worker’s normal working week is one day	the whole,

and in this definition, “weekly remuneration” means the remuneration which the worker would be entitled to receive from the employer at the date of the holiday or, where accrued holiday remuneration is payable, at the termination date, for one week’s work—

- (a) if working his normal working week and the daily number of hours normally worked by him excluding overtime; and

- (b) if paid at the appropriate rate of statutory minimum remuneration for work to which statutory minimum remuneration applies and at the same rate for any work for the same employer to which such remuneration does not apply.

“STATUTORY MINIMUM REMUNERATION” means minimum remuneration (other than holiday remuneration) fixed by a Wages Regulation Order made by the Ministry to give effect to proposals submitted to it by the Baking Wages Council (Northern Ireland).

“WEEK” means “pay week.”

EXPLANATORY NOTE

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

This Order, which comes into operation on 2nd January 1967, 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 Baking Wages Regulation (Holidays) Order (Northern Ireland) 1965 (Order N.I.Bk. (331)).

Order N.I.Bk. (331) is revoked.

New provisions in the Schedule are printed in italics.

1966. No. 301

[NC]

FACTORIES

The Abstract of Special Regulations (Aerated Water) Order (Northern Ireland) 1966.

ORDER, DATED 14TH DECEMBER 1966, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER SECTION 139 OF THE FACTORIES ACT (NORTHERN IRELAND) 1965.

The Ministry of Health and Social Services for Northern Ireland in exercise of the powers conferred by Section 139(1) of the Factories Act (Northern Ireland) 1965(a) and of all other powers in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Abstract of Special Regulations (Aerated Water) Order (Northern Ireland) 1966, and shall come into operation on the 14th day of December 1966.

2. The Abstract of the Aerated Water Regulations 1921 for posting in pursuance of Section 139(1) of the Factories Act (Northern Ireland) 1965 in any factory in which those Regulations are for the time being in force shall be in the form set out in the Schedule to this Order.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 14th day of December 1966.

(L.S.)

W. Slinger,

Assistant Secretary.