



Holidays with Pay Act 1938

1938 CHAPTER 70

An Act to enable wage regulating authorities to make provision for holidays and holiday remuneration for workers whose wages they regulate, and to enable the Minister of Labour to assist voluntary schemes for securing holidays with pay for workers in any industry. [29th July 1938]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1 Holidays.

- (1) Subject to the provisions of this Act, a wage regulating authority may direct that any workers for whom a minimum rate of wages or statutory remuneration is being or has been fixed by them shall be entitled to be allowed holidays of such duration as may be directed by the authority.
- (2) Any direction given under this section shall provide for the duration of any holiday which an employer is thereby required to allow to a worker being related to the duration of the period for which the worker shall have been employed or engaged to be employed by him, and, subject as aforesaid, any such direction may make provision as to the times at which or the periods within which, and the circumstances in which, any such holiday shall be allowed:

Provided that no such direction shall provide for a worker whose rates of wages are fixed under the Trade Boards Acts, 1909 and 1918, the Agricultural Wages (Regulation) Act, 1924, or the Agricultural Wages (Regulation) (Scotland) Act, 1937, being entitled to be allowed holidays for periods exceeding in the aggregate one week in any period of twelve months, or, in the case of a worker whose rates of wages are fixed under the said Act of 1924 or the said Act of 1937, to be allowed holidays of continuous periods exceeding three consecutive days.

- (3) For the purposes of the last foregoing subsection, the expression " week " means, in relation to any worker whose rates of wages are fixed under the said Act of 1924 or the

said Act of 1937 a period of seven days, and in relation to any other worker such period as may be determined by the wage regulating authority to be his normal working week.

- (4) The holidays which a worker is entitled to be allowed in pursuance of any direction given under this section shall, unless the direction otherwise provides, be in addition to any holidays or half-holidays to which he may be entitled under any other enactment.
- (5) If any employer who is required in pursuance of a direction given under this section to allow to a worker a holiday of any duration fails to allow to him a holiday of that duration, the employer shall be liable on summary conviction in respect of each offence to a fine not exceeding twenty pounds.
- (6) All fines imposed under this section in respect of contraventions of a direction given by the Road Haulage Central Wages Board shall be dealt with in like manner as fines imposed in respect of offences under the Road Haulage Wages Act, 1938.

2 Holiday remuneration.

- (1) Where a wage regulating authority in exercise of the powers conferred by this Act direct that any workers shall be entitled to be allowed holidays, the authority shall make provision for securing that the workers shall receive pay in respect of the period of the holiday, and, without prejudice to any other power of a wage regulating authority in that behalf, the power of any Trade Board or Agricultural Wages Committee to fix minimum rates of wages for any workers shall include power to fix separate minimum rates of wages to be paid to those workers by way of pay in respect of such holidays and, subject to the provisions of any regulations made under this Act, references in the Trade Boards Acts, 1909 and 1918, the Agricultural Wages (Regulation) Act, 1924, and the Agricultural Wages (Regulation) (Scotland) Act, 1937, respectively, to minimum rates of wages shall be construed accordingly.
- (2) Any holiday remuneration (whether fixed as aforesaid or fixed by the Road Haulage Central Wages Board) shall accrue, and shall become payable, respectively, at such times and subject to such conditions as may be directed by the wage regulating authority, and, notwithstanding the provisions of this Act requiring that holiday remuneration shall be payable in respect of the period of the holiday which a worker is entitled to be allowed thereunder, such directions may make provision for securing that any holiday remuneration which has accrued due to a worker during his employment by any employer shall, in the event of his ceasing to be employed by that employer before he becomes entitled to be allowed a holiday by him, nevertheless become payable by the employer to the worker.

3 Application of certain enactments and power to make regulations in connection therewith.

- (1) The following provisions, that is to say:—
 - (a) the provisions of the Trade Boards Acts, 1909 and 1918, relating to the procedure for fixing, cancelling and varying minimum rates and for making orders confirming such rates and the cancellation and variation thereof;
 - (b) the provisions of the Agricultural Wages (Regulation) Act, 1924, and the Agricultural Wages (Regulation) (Scotland) Act, 1937, as the case may be, relating to the procedure for fixing, cancelling and varying minimum rates and for making orders giving effect to such rates and the cancellation and variation thereof; and

- (c) the provisions of the Road Haulage Wages Act, 1938, relating to the procedure for the submission of proposals for fixing remuneration and for the amendment and cancellation of road haulage wages orders and the making of such orders,

shall, subject to any modifications prescribed by regulations made by the appropriate Minister, apply in relation to the giving, cancellation, variation and amendment of directions under this Act; and the provisions mentioned in paragraphs (a) and (b) of this subsection shall, subject to any such modifications as aforesaid, apply in relation to the fixing, cancellation, and variation of holiday remuneration by a Trade Board, and an Agricultural Wages Committee, respectively, and to the making of orders confirming or giving effect to such rates and the cancellation and variation thereof.

- (2) The appropriate Minister may make regulations for giving effect to the purposes of this Act, and, in particular, for modifying any provisions of the Acts aforesaid in their application for the purposes of this Act and for applying, with or without modifications, for the purposes of this Act any such provisions in addition to those expressly made applicable thereby.
- (3) All regulations made under this section shall be laid as soon as may be before Parliament, and, if either House within the next twenty-eight days on which that House has sat after any such regulation has been laid before it resolves that the regulation be annulled, it shall thenceforth be void, but without prejudice to the validity of anything done in the meantime thereunder or to the making of a new regulation.

4 Power of Minister to assist schemes for securing holidays with pay.

- (1) Where a scheme for securing holidays with pay for any workers in an industry or in a branch of an industry is, on the joint application of an organisation representing employers and an organisation representing workers in the industry or branch, approved by the Minister of Labour, the Minister may in accordance with arrangements made by him with the consent of the Treasury assist the administration of the scheme by attaching officers of the Ministry of Labour to help in the administration thereof and by such other means as he thinks fit.
- (2) The Minister of Labour may, in accordance with such arrangements as aforesaid, issue on behalf of employers to workers to whom any such scheme applies sums by way of holiday payments, but any arrangement making provision for the issue of any such sums shall also make provision for paying to the Minister any sums to be so issued by him and any expenses incurred by him which are attributable to the scheme.
- (3) Any expenses incurred by the Minister of Labour in connection with any such scheme as aforesaid shall be defrayed out of moneys provided by Parliament.

5 Definitions.

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

" Appropriate Minister " means in relation to the Trade Boards Acts, 1909 and 1918, and in relation to the Road Haulage Wages Act, 1938, the Minister of Labour, in relation to the Agricultural Wages (Regulation) Act, 1924, the Minister of Agriculture and Fisheries, and in relation to the Agricultural Wages (Regulation) (Scotland) Act, 1937, the Department of Agriculture for Scotland;

Status: This is the original version (as it was originally enacted).

" Holiday remuneration " means remuneration in accordance with a separate minimum rate of wages fixed under subsection (1) of section two of this Act or holiday remuneration fixed under the Road Haulage Wages Act, 1938, as the case may be;

" Wage regulating authority " means a Trade Board, an Agricultural Wages Committee or the Road Haulage Central Wages Board, as the case may be.

6 Short title and extent.

- (1) This Act may be cited as the Holidays with Pay Act, 1938.
- (2) This Act shall not extend to Northern Ireland.