

STATUTORY INSTRUMENTS

1973 No. 1243

WAGES COUNCILS

**The Wages Regulation (Licensed Residential Establishment
and Licensed Restaurant) (Amendment) Order 1973***Made* - - - 17th July 1973*Coming into Operation* 10th September 1973

Whereas the Secretary of State has received from the Licensed Residential Establishment and Licensed Restaurant Wages Council the wages regulation proposals set out in the Schedule hereto;

Now, therefore, the Secretary of State in exercise of powers conferred by section 11 of the Wages Councils Act 1959(a), as modified by Article 2 of the Counter-Inflation (Modification of Wages Councils Act 1959) Order 1973(b), and now vested in him(c), 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 (Licensed Residential Establishment and Licensed Restaurant) (Amendment) Order 1973.

2.—(1) In this Order the expression “the specified date” means the 10th September 1973, 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(d) shall apply 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.

Signed by order of the Secretary of State.

17th July 1973.

W. H. Marsh,
Assistant Secretary,
Department of Employment.

(a) 1959 c. 69.

(b) S.I. 1973/661 (1973 I, p. 2141).

(c) S.I. 1959/1769, 1968/729 (1959 I, p. 1795; 1968 II, p. 2108).

(d) 1889 c. 63.

Article 3

SCHEDULE

The Wages Regulation (Licensed Residential Establishment and Licensed Restaurant) Order 1972(a) (Order L.R. (44)) shall have effect as if in the Schedule thereto:—

1. for paragraph 13 there were substituted the following paragraph:—

“PAYMENT FOR SPREADOVER OF HOURS OF WORK

13.—(1) Subject to the provisions of sub-paragraphs (2) and (3) of this paragraph, where the hours of duty on any day of a worker, other than an extra waiter, extra waitress or extra head waiter, are spread over more than 12 hours calculated from the time at which the worker first commences duty on that day, he shall be paid, in addition to the minimum remuneration to which he is entitled under the other provisions of this Part of this Schedule, remuneration in accordance with the following Table:—

<i>Where the hours of duty are spread over—</i>		
<i>more than 12 hours and not more than 14 hours</i>	<i>more than 14 hours and not more than 15 hours</i>	<i>more than 15 hours</i>
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>25p per day</i>	<i>50p per day</i>	<i>75p per day</i>

(2) Where the worker works for less than eight hours on any day and his hours of duty are spread over more than 13 hours, he shall be paid the minimum remuneration to which he would be entitled under the other provisions of this Part of this Schedule if he had worked for eight hours, and in addition the appropriate remuneration set out in Column 1, 2 or 3 of the foregoing Table:

Provided that, in calculating the remuneration to which the worker would be entitled if he had worked for eight hours, overtime rates shall apply only to overtime worked.

- (3) The foregoing provisions of this paragraph shall not apply—

- (a) during the off-season to a worker employed in a seasonal establishment; and
(b) to a worker on any day on which his hours of duty are spread over not more than 14 hours who is employed either in a seasonal establishment or in a licensed residential establishment which contains not more than 35 rooms ordinarily available as sleeping accommodation for guests or lodgers.

- (4) For the purposes of this paragraph—

- (a) where a worker commences a turn of duty on any day before midnight and that turn of duty continues beyond midnight, the hours of duty after midnight shall be treated as hours of duty performed on the day upon which the turn of duty commenced; and

(a) S.I. 1972/757 (1972 II, p. 2379).

(b) emergency duty (as defined in paragraph 34) shall not be taken into consideration when calculating the hours over which the hours of duty have been spread.

(5) In this paragraph the following expressions have the meanings hereby respectively assigned to them, that is to say:—

‘Seasonal establishment’ means a licensed residential establishment at which there is posted up a current certificate signed by a qualified auditor certifying that in his opinion more than 50 per cent. of the annual takings at the establishment in respect of the sale of food and drink (other than intoxicating liquor) and the provision of living accommodation is ordinarily earned during the months of June, July, August and September; and for the purposes of this definition—

(a) a certificate shall be treated as current for a period of 12 months from the date thereof; and

(b) ‘qualified auditor’ means a member of one or more of the following bodies:—

The Institute of Chartered Accountants in England and Wales;

The Institute of Chartered Accountants of Scotland;

The Association of Certified and Corporate Accountants;

The Institute of Chartered Accountants in Ireland;

any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of paragraphs (a) and (b) of sub-section (1) of section 161 of the Companies Act 1948(a) by the Board of Trade;

‘Off-season’ means the months of a calendar year except the months June, July, August and September.”

2. for the definition of “Customary Holiday” in paragraph 34 there were substituted the following definition:—

“ ‘CUSTOMARY HOLIDAY’ means

(1) In England and Wales—

(a) Christmas Day; *26th December if it be not a Sunday; 27th December in a year when 25th or 26th December is a Sunday*; Good Friday; Easter Monday; *the last Monday in May; the last Monday in August; or, where a day is substituted for any of the above days by national proclamation, that day*; and any day proclaimed as an additional bank holiday or a general holiday; or

(b) in the case of each of the said days, 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.

(2) In Scotland—

(a) 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; and

(b) 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.”

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which has effect from 10th September 1973, amends the provisions of the Wages Regulation (Licensed Residential Establishment and Licensed Restaurant) Order 1972 (Order L.R. (44)) relating to payment for spreadover of hours of work.

It also amends the provisions relating to customary holidays contained in Order L.R. (44) so as to take account of recent changes in the law and practice relating to public holidays.

New provisions are printed in italics.

SI 1973/1243
ISBN 0-11-031243-0

