

- (e) drivers of and attendants on vehicles owned by farmers and used for the carriage or haulage of agricultural produce, or goods used, or to be used, for agricultural purposes ;
- (f) drivers of and attendants on vehicles used for the carriage of livestock, except when the vehicles are used for hire or reward by persons other than farmers ;
- (g) milk roundsmen and milk roundswomen and workers who accompany or assist them on their rounds ;
- (h) workers engaged in the distribution of mineral or aerated waters ;
- (i) workers employed on operations included in the Schedule to the Trade Boards (Baking Trade, Northern Ireland) (Constitution, Proceedings and Meetings) Regulations, 1938, dated 17th June, 1938 (a), as operations in the Baking Trade.

PARAGRAPH 10.

The statutory minimum remuneration set out in this Schedule is without prejudice to workers earning higher rates of wages or to agreements made, or that may be made, between employers and workers or their representatives, for the payment of remuneration in excess of the statutory minimum.

THE ROAD HAULAGE WAGES COUNCIL (NORTHERN IRELAND) WAGES REGULATION (HOLIDAYS) ORDER, 1952, DATED 30TH OCTOBER, 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. 208

WHEREAS the Ministry of Labour and National Insurance (hereinafter referred to as "the Ministry") has received from the Road Haulage 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 ;

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 :—

Holidays and holiday remuneration 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 13th day of November, 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 and interpretation 3.—(1) This Order may be cited as the Road Haulage Wages Council (Northern Ireland) Wages Regulation (Holidays) Order, 1952.

(a) S. R. & O. 1938, No. 77.

(2) The Interpretation Act, 1889, applies to the interpretation 52 & 53, of this Order as it applies to the interpretation of an Act of the Parliament of Northern Ireland. Vict., Ch. 63.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this thirtieth day of October, 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.

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 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 holiday.
- (2) The said customary holidays are :—
 

Christmas Day (or, if Christmas Day falls on a Sunday, such other day as may be appointed by national proclamation or, if none is so appointed, either (a) the following Monday or (b) in the case where Boxing Day is allowed by the employer as a customary holiday, the following Tuesday), Easter Monday, and four other days (being days on which the worker would normally work) in the course of a calendar year, to be fixed by agreement between the employer and the worker or his representative.
- (3) Notwithstanding the previous provisions of this paragraph an employer may (except where in the case of a young person such a requirement would be unlawful) require a worker who is otherwise entitled to a customary holiday under the foregoing provisions of this Schedule to work thereon and a worker who is so required to work on a customary holiday shall be paid in respect thereof an amount calculated on the basis of the wages due to him for the number of hours (excluding overtime) ordinarily worked by the worker on that day of the week at the time rate normally applicable to the worker and, in addition, one day's holiday pay (as defined in paragraph 12 of this Schedule).

#### PART III

#### ANNUAL HOLIDAYS

##### PARAGRAPH 3.

In addition to the holidays specified in Part II of this Schedule, an employer shall, between 1st April and 31st October, 1953, and in each succeeding year between 1st April and 31st October (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 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 :—

where the worker's normal working week is one of			
6 days		5 days or less	
Period of employment	Duration of holiday	Period of employment	Duration of holiday
At least 48 weeks	6 days	At least 45 weeks	5 days
" 40 "	5 "	" 36 "	4 "
" 32 "	4 "	" 27 "	3 "
" 24 "	3 "	" 18 "	2 "
" 16 "	2 "	" 9 "	1 day
" 8 "	1 day		

provided that the number of days of annual holiday to which a worker shall be entitled in any holiday season shall not exceed in the aggregate the period constituting his normal working week.

PARAGRAPH 4.

Annual holidays under this Schedule shall be allowed on consecutive working days and days of holiday shall be treated as consecutive notwithstanding that a Sunday or a customary holiday or a holiday in lieu of a customary holiday intervenes.

PARAGRAPH 5.

An employer shall give to a worker at least 28 days' notice of the commencing date and duration of his annual holiday. Such notice may be given individually to a 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 holiday (including a holiday falling on a Saturday) 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 holiday and he had 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,

provided that 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 working day immediately preceding the holiday and on the first working day following the holiday and works for his employer for the normal number of hours during which work is available to him on each of those days or, if he fails to do so, failure is due to absence with the consent of his employer or to proved illness.

- (2) Where a worker normally works in the week on every weekday except Saturday, he shall be paid, in respect of any Saturday on 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, a sum equivalent to the holiday remuneration he would have been entitled to receive had he been allowed a holiday on that day.
- (3) 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 including the customary holiday are paid.

B — ANNUAL HOLIDAYS

PARAGRAPH 7.

Subject to the provisions of paragraph 8 of this Schedule, a worker entitled to be allowed an annual holiday under Part III of this Schedule shall be paid by his employer, 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.

## PARAGRAPH 8.

Where any accrued holiday remuneration has been paid by the employer to the worker (in accordance with paragraph 9 of this Schedule) in respect of employment during any of the periods referred to in that paragraph, 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 9.

Subject to the provisions of this paragraph, 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 (hereinafter called "the termination date"), pay to the worker as accrued holiday remuneration:—

- (1) in respect of any period of employment occurring during the 12 months ending on the 31st day of March 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 7 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 subsequently to the 1st day of April aforesaid in respect of that period of employment and,
- (2) in respect of any period of employment since the 31st 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) multiplied by the number of days of annual holiday to which the worker would have been entitled under the provisions of paragraph 3 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.

## PART V

## GENERAL

## PARAGRAPH 10.

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—

- (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 the 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 the 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) of this paragraph, 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 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 while in the employment of the employer during 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, during the twelve 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 six days	... one-sixth
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 (exclusive of 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 statutory minimum remuneration (other than holiday remuneration) which has been fixed by a Wages Regulation Order made by the Ministry to give effect to proposals submitted to it by the Road Haulage Wages Council (Northern Ireland).

“week” means “pay week.”

## PARAGRAPH 13.

The provisions of this Schedule are without prejudice to agreements made or that may be made, for payment of higher rates of holiday remuneration or for the allowance of holidays in addition to those herein provided.

### Rope, Twine and Net Wages Council

THE ROPE, TWINE AND NET WAGES COUNCIL (NORTHERN IRELAND)  
WAGES REGULATION ORDER, 1952, DATED 27TH FEBRUARY, 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. 31

WHEREAS the Ministry of Labour and National Insurance (hereinafter referred to as “the Ministry”) has received from the Rope, Twine and Net 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 substitution for the minimum remuneration fixed by the First Schedule to the Rope, Twine and Net