



# Holidays with Pay Act 1938

## 1938 CHAPTER 70

### 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.

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**Status:** This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

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- (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.