

## 1970 No. 1301

## WAGES COUNCILS

**The Wages Regulation (Retail Bread and Flour Confectionery)  
(England and Wales) (Amendment) Order 1970**

*Made - - - - 2nd September 1970*

*Coming into Operation 5th October 1970*

Whereas the Secretary of State has received from the Retail Bread and Flour Confectionery Trade Wages Council (England and Wales) the wages regulation proposals set out in the Schedule hereto;

Now, therefore, the Secretary of State in exercise of his powers under section 11 of the Wages Councils Act 1959(a), 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 (Retail Bread and Flour Confectionery) (England and Wales) (Amendment) Order 1970.

2.—(1) In this Order the expression “the specified date” means the 5th October 1970, 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(b) 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,

2nd September 1970.

*R. R. D. McIntosh,*

Deputy Under Secretary of State,  
Department of Employment and Productivity.

(a) 1959 c. 69.

(b) 1889 c. 63.

## SCHEDULE

## STATUTORY MINIMUM REMUNERATION

The Wages Regulation (Retail Bread and Flour Confectionery) (England and Wales) Order 1970(a) (Order B.F.C. (28)) shall have effect as if in the Schedule thereto:—

1. for paragraphs 13 and 14 there were substituted the following paragraphs:—

**“WORKERS WHO ARE REQUIRED TO WORK ON A CUSTOMARY  
HOLIDAY**

13.—(1) *Subject to the provisions of sub-paragraph (2) of this paragraph* where a worker is required to work on a customary holiday he shall be paid not less than the amount to which he would have been entitled under the other provisions of this Schedule had the day not been a customary holiday and had he worked the number of hours ordinarily worked by him on that day of the week and, in addition thereto—

(a) where time worked does not exceed 4½ hours...      time-and-a-half for 4½ hours

(b) where time worked exceeds 4½ hours but does not exceed 8 hours...      time-and-a-half for 8 hours

(c) where time worked exceeds 8 hours—  
for all time worked      time-and-a-half

(2) *Where the customary holiday on which a worker is required to work is a day fixed by the employer, being a day on which the worker would normally work during the period commencing on 24th December and ending on the next following 15th January, the worker shall not be entitled to the additional payment under this paragraph unless—*

(a) *he normally works for the employer for more than nine hours in a week; and*

(b) *he has been in the employment of the employer throughout the period of four weeks ending on 23rd December immediately preceding the customary holiday.*

**WORKERS WHO ARE NOT REQUIRED TO WORK ON A CUSTOMARY  
HOLIDAY**

14.—(1) *Subject to the provisions of sub-paragraph (2) and sub-paragraph (3) of this paragraph, a worker who is not required to work on a customary holiday shall be paid for that holiday the amount to which he would have been entitled under the foregoing provisions of this Schedule had the day not been a customary holiday and had he worked the number of hours ordinarily worked by him on that day of the week:*

*Provided that where, in the case of a worker who normally works for the employer on six days in the week, a customary holiday falls on his weekly short day, the worker shall be paid, in addition to any amount to which he is entitled under this paragraph, an amount equal to the statutory minimum remuneration to which he would be entitled for 4 hours' work, unless he has not been employed after 1.30 p.m. on another week day in the week in which the customary holiday occurs or in the week next following that week on a day other than his weekly short day being in neither case a day of customary holiday or a day of annual holiday.*

---

(a) S.I. 1970/573 (1970 I, p. 1820).

(2) A worker shall not be entitled to any payment under this paragraph unless he—

(a) works for the employer throughout the last working day on which work was available for him preceding the holiday; and

(b) presents himself for employment at the usual starting time on the first working day after the holiday:

Provided that (a) or (b), as the case may be, of this sub-paragraph shall be deemed to be complied with where the worker is excused by his employer or is prevented by his proved illness or injury from working or presenting himself for employment as aforesaid.

(3) *A worker shall not be entitled to any payment under this paragraph in respect of a customary holiday which is a day fixed by the employer, being a day on which the worker would normally work during the period commencing on 24th December and ending on the next following 15th January unless—*

(a) *he is a worker who normally works for the employer for more than nine hours in a week; and*

(b) *he has been in the employment of the employer throughout the period of four weeks ending on 23rd December immediately preceding the customary holiday.”*

2. for the definition of “Customary Holiday” in paragraph 24 there were substituted the following definition—

“ ‘CUSTOMARY HOLIDAY’ means

(1) Christmas Day (or, if Christmas Day falls on a Sunday, such week day as may be appointed by national proclamation, or if none is so appointed, the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday (or where another day is substituted therefor by national proclamation, that day), August Bank Holiday and any day proclaimed as an additional Bank Holiday or a general holiday; or, in the case of each of the said days, such week day (other than a weekly short day) as may be substituted therefor, being a day—

(a) on which the worker normally works for the employer, and

(b) which is by local custom recognised as a day of holiday; and

(2) *one other day, being a day on which the worker would normally work during the period commencing on 24th December and ending on the next following 15th January, to be fixed by the employer and notified to the worker not less than three weeks before the holiday.”*

---

#### EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order, which has effect from 5th October 1970, amends the (Retail Bread and Flour Confectionery) (England and Wales) Order 1970 (Order B.F.C. (28)) by providing for an additional day of customary holiday.

New provisions are printed in italics.

SI 1970/1301  
ISBN 0-11-001301-8



780110 013015