1971. No. 323 **[NC]**

WAGES COUNCILS

Wages Regulation (Boot and Shoe Repairing)

ORDER, DATED 15TH OCTOBER 1971, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE WAGES COUNCILS ACT (NORTHERN IRELAND) 1945.

The Ministry of Health and Social Services, in exercise of the powers conferred on it by Section 10 of the Wages Councils Act (Northern Ireland) 1945(a), hereby makes the following Order to give effect to wages regulation proposals received from the Boot and Shoe Repairing Wages Council (Northern Ireland):—

Citation

1. This Order may be cited as the Boot and Shoe Repairing Wages Regulation (Holidays) Order (Northern Ireland) 1971.

Commencement

2. The wages regulation proposals set out in the Schedule shall come into operation on the specified date and on the day immediately preceding that date the Boot and Shoe Repairing Wages Regulation (Holidays) Order (Northern Ireland) 1970(b), shall cease to have effect.

Interpretation

3. In this Order the expression "the specified date" means the 2nd day of November 1971, 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.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 15th day of October 1971.

(L.S.)

W. N. Drummond,
Assistant Secretary.

(a) 1945, c. 21.

(b) S.R. & O. (N.I.) 1970, No. 229.

SCHEDULE

The following provisions as to holidays and holiday remuneration shall be substituted for the provisions as to holidays and holiday remuneration set out in the Boot and Shoe Repairing Wages Regulation (Holidays) Order (Northern Ireland) 1970 (Order N.I.B.S. (111)):—

Holidays and Holiday Remuneration

PART I

APPLICATION

Paragraph 1.

(1) This Schedule applies to every worker (other than an out-worker) for whom statutory minimum remuneration has been fixed.

(2) An out-worker is a worker who works in his own home or in any other place not under the control or management of the employer.

PART II

CUSTOMARY HOLIDAYS

Paragraph 2.

(1) An employer shall allow to every worker in his employment 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 eight 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:—

(a) Christmas Day (or, if Christmas Day falls on a Sunday, such other weekday as may be appointed by national proclamation, or, if none is so appointed, the next following Tuesday), Boxing Day, Easter Monday and Easter Tuesday, and two other days (being days of the week on which the worker normally works) 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

(b) a day substituted by the employer for any one of the said days, being a day recognised by local custom as a day of holiday in substitution for the said day.

(3) Notwithstanding the preceding provisions of this paragraph, an employer may (except where in the case of a woman or a young person such a requirement would be unlawful) require a worker who is otherwise entitled to any customary holiday to work thereon and, in lieu of any holiday on which he so works, the worker shall be entitled to be allowed a day's holiday (hereafter referred to as a "holiday in lieu of a customary holiday") on a weekday, being a day on which he would normally work, within the period of four weeks next ensuing.

(4) A worker who is required to work on a customary holiday shall be paid:—

(a) for all time worked thereon at the minimum rate then appropriate to the worker for work on a customary holiday; and

(b) in respect of the holiday in lieu of the customary holiday, in accordance with paragraph 8.

PART III

ANNUAL HOLIDAYS

Paragraph 3.

In addition to the customary holidays specified in Part II, an employer shall, subject to the provisions of paragraph 4(2)(b)(ii), between 1st April and 30th November 1971, and in each succeeding year between 1st April and 30th November (hereafter referred to as the "holiday season"), allow a holiday (hereafter 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 one of the periods of employment specified below, and the duration of the annual holiday shall be related to his period of employment during that 12 months as follows:—

Period of employment	Duration of annual holiday			
	Where the worker's normal working week is:—			
	Six days	Five days	Four days	Three days or less
At least 48 weeks	15 days	13 days	11 days	9 days
„ 44 „	11 „	9 „	7 „	5 „
„ 40 „	10 „	8 „	6 „	5 „
„ 36 „	9 „	7 „	6 „	4 „
„ 32 „	8 „	6 „	5 „	4 „
„ 28 „	7 „	5 „	4 „	3 „
„ 24 „	6 „	5 „	4 „	3 „
„ 20 „	5 „	4 „	3 „	2 „
„ 16 „	4 „	3 „	2 „	2 „
„ 12 „	3 „	2 „	2 „	1 day
„ 8 „	2 „	2 „	1 day	1 „
„ 4 „	1 day	1 day	1 „	—

Provided that the number of days of annual holiday which an employer is required to allow to a worker in any holiday season shall not exceed in the aggregate twice the number of days constituting the worker's normal working week.

Provided also that the duration of the worker's annual holiday in the holiday season ending on 30th November 1971 shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of Order N.I.B.S. (111) between 1st April 1971 and the date on which the provisions of this Schedule become operative.

Paragraph 4.

(1) Annual holidays shall be allowed on consecutive working days and days of holiday shall be treated as consecutive notwithstanding that a Sunday or some other holiday intervenes.

(2) (a) Where the number of days of annual holiday for which a worker has qualified exceeds the number of days constituting the worker's normal working week but does not exceed twice that number, the said annual holiday may be allowed in two or three separate periods of such consecutive working days, provided that one of the periods is of not less duration than the number of days constituting the worker's normal working week and that the remaining days of annual holiday are allowed on whole days upon which the worker is normally employed by the employer.

(b) Where the number of days of annual holiday for which a worker has qualified exceed twice the number of days constituting the worker's normal working week the annual holiday may be allowed as follows:—

(i) as to the period comprising twice the number of days constituting the worker's normal working week, in accordance with sub-paragraph (a); and

(ii) as to any additional days, on working days which need not be consecutive, to be fixed by agreement between the employer and the worker or his representative, either during the holiday season or during the period 1st December and 31st March next following that holiday season.

ADDITIONAL ANNUAL HOLIDAY

Paragraph 5.

(1) Subject to the provisions of this paragraph, in addition to the holidays specified in pararaphs 2 and 3 an employer shall in year commencing 1st April 1971 and in each succeeding year commencing 1st April allow a holiday (hereinafter referred to as an "additional annual holiday") to every worker in his employment to whom this Schedule applies who has been employed by him at 1st April aforesaid for a continuous period of 3 years or more (calculated in accordance with paragraph 13) and the duration of the additional annual holiday shall be—

where the workers normal working week is 6 days	*.. 3 days*
" " " " " " " 5 "	*.. 2 days*
" " " " " " " 4 "	*.. 1 day*

(2) Notwithstanding the provisions of paragraph 3 and of the last foregoing sub-paragraph the number of days of annual holiday and additional annual holiday which an employer is required to allow to any worker in any period of 12 months commencing on 1st April shall not exceed in the aggregate three times the number of days constituting the workers' normal working week.

Paragraph 6.

Where a worker becomes entitled to any days of additional annual holiday in accordance with the provisions of paragraph 5 those days of additional annual holiday shall be allowed by the employer—

either on working days which need not be consecutive, to be fixed by agreement between the employer and the worker, during the period, 1st December and 31st March immediately following 1st April upon which the worker becomes entitled as aforesaid; or
where the employer so decides, on working days which need not be consecutive, during the holiday season.

Paragraph 7.

An employer shall give to a worker notice of the commencing date or dates and duration of his annual holiday and, where the worker has qualified for an additional annual holiday in accordance with the provisions of paragraph 5, of the commencing date or dates of his additional annual holiday.

Such notice shall be given at least 28 days before the first day of the holiday or, where under the provisions of paragraph 4 or paragraph 6, a holiday is allowed in more than one period, before each separate period.