1971. No. 273 **[NC]**

WAGES COUNCILS

Wages Regulation (Aerated Waters)

ORDER, DATED 20TH AUGUST 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 Aerated Waters Wages Council (Northern Ireland):—

Citation

1. This Order may be cited as the Aerated Waters 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 Aerated Waters Wages Council (Northern Ireland) Wages Regulation (Holidays) Order 1949(b) and the Second Schedule to the Aerated Waters Wages Regulation Order (Northern Ireland) 1965(c) shall cease to have effect.

Interpretation

3. In this Order the expression "the specified date" means the 7th day of September 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 20th day of August 1971.

(L.S.)

W. G. H. Quigley,
Deputy Secretary.

(a) 1945, c. 21
(b) S.R. & O. (N.I.) 1949, No. 160
(c) S.R. & O. (N.I.) 1965, No. 237

SCHEDULE

Holidays and Holiday Remuneration

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 Aerated Waters Wages Council (Northern Ireland) Wages Regulation (Holidays) Order 1949 (Order N.I.A.(32)) as amended by the Second Schedule to the Aerated Waters Wages Regulation Order (Northern Ireland) 1965 (Order N.I.A.(66)).

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 eight weeks immediately preceding the 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 three other days (being days 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 under the foregoing provisions of this Schedule 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 (hereinafter referred to as a "holiday in lieu of a customary holiday") on a weekday 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 7 of this Schedule.

PART III

ANNUAL HOLIDAYS

Paragraph 3.

(1) In addition to the holidays specified in Part II of this Schedule, an employer shall, between 1st May and 31st October *1972*, and in each succeeding year between 1st May 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:—

Period of employment	Duration of annual holidays
At least 48 weeks	*10 days*
„ 44 „	*9* „
„ 40 „	*8* „
„ 36 „	*7* „
„ 32 „	*6* „
„ 24 „	*5* „
„ 20 „	*4* „
„ 16 „	*3* „
„ 12 „	*2* „
„ 4 „	*1 day*

(2) Notwithstanding the provisions of the last foregoing sub-paragraph—
the number of days of annual holiday to which a worker shall be entitled in any holiday season shall not exceed in the aggregate twice the period constituting the worker's normal working week.

Paragraph 4.

Annual holidays under this Schedule shall be allowed on consecutive working days, being days on which the worker is normally required to work, and days of holiday shall be treated as consecutive notwithstanding that a customary holiday or a holiday in lieu of a customary holiday intervenes.

Provided that, where the duration of an annual holiday to which a worker is entitled exceeds the period constituting the worker's normal working week, the said holiday may be allowed in two separate periods of such consecutive working days and, in that event, notwithstanding the foregoing provisions of this Schedule, the worker shall be allowed the said annual holiday as follows:—

(*a*) as to one period, not being less than the period constituting the worker's normal working week, during the said holiday season, and

(*b*) as to the other period, at any time during the holiday season or within the period ending on the 30th day of April immediately following the holiday season.

ADDITIONAL ANNUAL HOLIDAYS

Paragraph 5.

A worker who, at 1st May 1972 and at 1st May in each succeeding year, has completed 3 years' continuous employment with the same employer shall be entitled to 5 days of additional annual holidays during the calendar year next following that date. Such days of additional annual holiday shall be allowed by the employer to the worker on days on which the worker normally works for the employer, within the period, commencing on the 1st November and ending on the 30th April, immediately following the holiday season.