THE BRUSH AND BROOM WAGES COUNCIL (NORTHERN IRELAND) WAGES REGULATION (HOLIDAYS) ORDER, 1953, DATED 18TH MARCH, 1953, 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).

1953. No. 52

WHEREAS the Ministry of Labour and National Insurance (hereinafter referred to as " the Ministry ") has received from the Brush and Broom 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 in substitution for the holidays provided and holiday remuneration fixed for these workers by the Brush and Broom Wages Council (Northern Ireland) Wages Regulation (Holidays) Order, 1948 (a) dated the 14th day of January, 1948, (hereinafter in this Order referred to as " Order N.I.B.B. (57) ") ;

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.

Commencement.

2. In this Order the expression " the specified date " means the 28th day of March, 1953. 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, interpretation and revocation.

3.—(1) This Order may be cited as the Brush and Broom Wages Council (Northern Ireland) Wages Regulation (Holidays) Order, 1953.

52 & 53 Vict., Ch. 63.

(2) The Interpretation Act, 1889, applies to the interpretation of this Order as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

(3) As from the specified date Order N.I.B.B. (57) is hereby revoked.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this eighteenth day of March, nineteen hundred and fifty-three, in the presence of

(L.S.)

A. E. Goodbody,
Assistant Secretary to the Ministry of Labour and National Insurance for Northern Ireland.

(a) S. R. & O. 1948, No. 16.

SCHEDULE

HOLIDAYS AND HOLIDAY REMUNERATION

PART I

APPLICATION

PARAGRAPH 1.

This Schedule applies to every worker (other than an outworker) 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 was in his employment for a period of not less than two weeks immediately preceding the customary holiday and (unless excused by the employer or absent by reason of the proved illness of the worker) worked for the employer *throughout the last working day on which work was available to him immediately preceding the customary 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, Easter Tuesday and two 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*) in the case of each of the said days a day, substituted therefor *by agreement between the employer and the worker*, 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 employer shall allow to the worker a day's holiday (hereinafter in this Schedule referred to as a " holiday in lieu of a customary holiday ") on a weekday *on which he would normally work for the employer* within the period of *two calendar months* 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 rate of statutory minimum remuneration then appropriate to the worker for work on a customary holiday ; and

(*b*) in respect of the holiday in lieu of the customary holiday, holiday remuneration in accordance with paragraph 6 of this Schedule.

PART III

ANNUAL HOLIDAYS

PARAGRAPH 3.

Subject to the provisions of paragraph 4 of this Schedule, in addition to the customary holidays specified in Part II of this Schedule, an employer shall, between the 1st day of June and the 30th day of September, *1953*, and in each succeeding year between the 1st day of June and the 30th day of September (hereinafter in this Schedule referred to as the " holiday season "), allow a holiday (hereinafter in this Schedule referred to as an " annual holiday ") to every worker in his employment to whom this Schedule applies who has been employed by him during the twelve months immediately preceding the commencement of the holiday season for any of the periods of employment (calculated in accordance with the provisions of paragraph 10 of this Schedule) set out in the table below, and the duration of the annual holiday in the case of each such worker shall be related to his period of employment during that twelve months as follows :—

Period of employment	Duration of annual holiday for workers with a normal working week of—			
	6 days	5 days	4 days	3 days
At least 48 weeks	12 days	10 days	8 days	6 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 „	1 day	1 day	1 „

PARAGRAPH 4.

(1) An annual holiday shall be allowed on consecutive working days, being days upon which the worker is normally called upon to work for the employer, and days of holiday shall be treated as consecutive notwithstanding that a day of holiday allowed to a worker under Part II of this Schedule or a day upon which he does not normally work for the employer intervenes.

(2) *Where the number of days of annual holiday for which a worker has qualified exceeds the number of days constituting his normal working week, the holiday may, by agreement in writing made between the employer and the worker, be allowed in two periods of consecutive working days; so however that when a holiday is so allowed, one of the periods shall consist of a number of such days not less than the number of days constituting the worker's normal working week.*

(3) *Subject to the provisions of sub-paragraph (4) of this paragraph, where a day of holiday allowed to a worker under Part II of this Schedule immediately precedes a period of annual holiday or occurs during such a period and the total number of days of annual holiday required to be allowed in the period under the foregoing provisions of this paragraph, together with any such day of holiday allowed under Part II of this Schedule, exceeds the number of days constituting the worker's normal working week then, notwithstanding the foregoing provisions of this paragraph, the duration of that period of annual holiday may be reduced by one day and in such a case one day of annual holiday may be allowed on any working day in the holiday season.*

(4) Any day of annual holiday under this Schedule may be allowed on a day on which the worker is entitled to a day of holiday or to a half-holiday under any enactment other than the Wages Councils Act (Northern Ireland), 1945, except that a day of annual holiday allowed under sub-paragraph (3) of this paragraph shall not be allowed on the worker's weekly short day.

PARAGRAPH 5.

An employer shall give to a worker notice of the commencing date *or dates* and duration of the period *or periods* of his annual holiday. Such notice shall be given at least 28 days before the first day of the annual holiday *or, where under the provisions of paragraph 4 of this Schedule an annual holiday is allowed in more than one period, before each separate period,* and may be given individually to the 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) Subject to the provisions of this paragraph, for each day of holiday to which a worker is entitled under Part II of this Schedule he shall be paid by the employer holiday remuneration equal to the amount to which he would have been entitled, calculated at the appropriate rate of statutory minimum remuneration, if the day had not been a day of holiday and he had worked on that day.