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Aerated Waters Wages Council (Northern Ireland)

THE AERATED WATERS WAGES COUNCIL (NORTHERN IRELAND) WAGES REGULATION (HOLIDAYS) ORDER, 1949, DATED 29TH JULY, 1949, 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).

1949. No. 160

WHEREAS the Ministry of Labour and National Insurance (hereinafter referred to as " the Ministry ") has received from the Aerated Waters 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 Aerated Waters Wages Council (Northern Ireland) Wages Regulation (Holidays) Order, 1946 (a) dated the 24th day of October, 1946, (hereinafter referred to as " Order N.I.A. (24) ");

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 :—

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. Holidays and holiday remuneration.

2. In this Order the expression " the specified date " means the 8th day of August, 1949. Provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, Commencement.

(a) S. R. & O. 1946, No. 175.

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 Aerated Waters Wages Council (Northern Ireland) Wages Regulation (Holidays) Order, 1949.

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.A. (24) is hereby revoked.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this twenty-ninth day of July, nineteen hundred and forty-nine, in the presence of

(L.S.)

J. W. McConnell,
Assistant Secretary to the Ministry of Labour and National Insurance for Northern Ireland.

SCHEDULE

HOLIDAYS WITH PAY

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 6 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, 1949, 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 holiday.*
At least 48 weeks	*12 days*
,, *44* ,,	*11* ,,
,, *40* ,,	*10* ,,
,, *36* ,,	*9* ,,
,, *32* ,,	*8* ,,
,, *28* ,,	*7* ,,
,, *24* ,,	*6* ,,
,, *20* ,,	*5* ,,
,, *16* ,,	*4* ,,
,, *12* ,,	*3* ,,
,, *8* ,,	*2* ,,
,, *4* ,,	*1 day*

(2) *Notwithstanding the provisions of the last foregoing sub-paragraph—*

(*a*) *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,*

(*b*) *the duration of the worker's annual holiday during the holiday season ending on 31st October, 1949, shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of the Aerated Waters Wages Council (Northern Ireland) Wages Regulation (Holidays) Order, 1946 (Order N.I.A. (24)) between 1st May, 1949, and the date upon which the provisions of this Schedule become effective.*

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.