

Short title
commence-
ment and
citation.

4.—(1) This Order may be cited as the Conditions of Employment and National Arbitration (Amendment) (Northern Ireland) Order, 1942, and shall come into force on the date hereof.

(2) This Order, the principal Order and the Conditions of Employment and National Arbitration (Northern Ireland) Order, 1941, may be cited together as the Conditions of Employment and National Arbitration (Northern Ireland) Orders, 1940 to 1942.

Sealed with the Official Seal of the Ministry of Labour for Northern Ireland this 17th day of July, 1942, in the presence of

(L.S.)

(Signed) *John F. Gordon*,
Minister of Labour for Northern Ireland.

ESSENTIAL WORK.

Merchant Navy.

ORDER, DATED 16TH SEPTEMBER, 1942, MADE BY THE MINISTRY OF LABOUR UNDER REGULATION 58A OF THE DEFENCE (GENERAL) REGULATIONS, 1939.

1942. No. 158.

WHEREAS it appears to the Ministry of Labour for Northern Ireland (hereinafter referred to as "the Ministry") that undertakings which are engaged in the owning, management or operation of British ships are engaged in essential work :

NOW, THEREFORE, the Ministry by virtue of the powers conferred on it by Regulations 58A and 98 of the Defence (General) Regulations, 1939, hereby makes the following Order :—

Short title,
commence-
ment, inter-
pretation
and repeal.

1.—(1) This Order may be cited as the Essential Work (Merchant Navy) (Northern Ireland) Order, 1942, and shall come into force on the 16th September, 1942.

(2) In this Order :—

“ appropriate society ” means, in relation to matters concerning—

(a) navigating officers (including masters) and engineer officers—the Amalgamated Engineering Union, the Marine Engineers' Association, the Mercantile Marine Service Association and the Navigators and Engineer Officers' Union jointly ;

(b) radio officers—the Radio Officers' Union ;

- (c) electrical engineers—the Electrical Trades Union ;
- (d) boilermakers—the Boilermakers and Iron and Steel Ship-builders' Society ;
- (e) plumbers—the Plumbers, Glaziers, and Domestic Engineers' Union ; and
- (f) ratings (other than plumbers)—the National Union of Seamen ; and includes a person authorised by an appropriate society to act on its behalf ;

“ officer or rating of the Merchant Navy ” means a person who is for the time being employed as, or for service as, the master or a member of the crew of any sea-going British ship (not being a fishing boat, salvage vessel, or tug-boat or a vessel engaged exclusively on the work of any Port, Harbour, Pilotage or Local Authority) of 200 gross tons and upwards, who has been engaged in the United Kingdom on an agreement with the crew entered into in accordance with the provisions of the Merchant Shipping Act, 1894 ;

“ shipping services ” means the owning, management or operation of ships.

(3) The Essential Work (Merchant Navy) (Northern Ireland) Order, 1941, is hereby revoked :

Provided that, without prejudice to the provisions of Section 38 of the Interpretation Act, 1889—

- (a) nothing in this revocation shall affect any approval, authority, certificate, consent, direction, instruction, notice, order, permission or refusal given, application, notification, report or request made or thing done under that Order, and every such approval, authority, certificate, consent, direction, instruction, notice, order, permission, refusal, application, notification, report or request shall, if in force at the coming into operation of this Order, continue in force and have effect as if given or made under this Order ; and
- (b) any document referring to that Order or to any provision therein shall be construed as referring to this Order and to the corresponding provision of this Order.

(4) The Merchant Navy Reserve Pool established under this Order shall be deemed to be in continuation of the corresponding Reserve Pool established under the Essential Work (Merchant Navy) (Northern Ireland) Order, 1941.

2.—(1) There shall be established for undertakings engaged in shipping services a reserve (to be called the “ Merchant Navy Reserve Pool ”), consisting of persons qualified to be officers or ratings of the Merchant Navy but for the time being not so employed.

Establishment and membership of Merchant Navy Reserve Pool.

(2) Subject to the approval of the appropriate society in any matter which by this Order is required to be so approved, the Merchant

Navy Reserve Pool shall be under the management and control of the Shipping Federation Limited (hereinafter referred to as "the Federation").

(3) The objects of the Merchant Navy Reserve Pool shall be to secure that enough workers are at all times available to meet the manning requirements of undertakings engaged in shipping services, to provide reliefs for officers and ratings on leave, to make provision for training and refresher courses and to make such provision as may be necessary for the protection and maintenance of ships in port as the Federation shall with the approval of the appropriate society from time to time determine.

(4) A person shall be a member of the Merchant Navy Reserve Pool if—

- (a) he has voluntarily become a member ; or
- (b) he has been directed to enter the employment of the Federation as a member of the Merchant Navy Reserve Pool by virtue of a direction issued to him by a National Service Officer ; or
- (c) he has become a member of the Merchant Navy Reserve Pool by virtue of the provisions of paragraphs (5) or (6) of this Article ; or
- (d) he has temporarily ceased to be a member of the Merchant Navy Reserve Pool by virtue of a certificate granted to him by the Federation under paragraph (4) of Article 4 of this Order, and the period for which the certificate was granted has expired.

(5) Every person who at the date of the coming into force of this Order is an officer or rating of the Merchant Navy or who thereafter becomes such an officer or rating shall, at every termination of his employment as such (whether present or future), be a member of the Merchant Navy Reserve Pool unless upon such termination he has been immediately re-engaged by the same employer to become an officer or rating of the Merchant Navy.

(6) Every person who was, at the date of the revocation of the Essential Work (Merchant Navy) (Northern Ireland) Order, 1941, a member of the Merchant Navy Reserve Pool established under that Order, shall be a member of the Merchant Navy Reserve Pool established under this Order.

3.—Every person whilst he is for the time being a member of the Merchant Navy Reserve Pool shall be in the employment of the Federation on the following terms :—

- (a) he shall continue in the employment of the Federation until this Order ceases to have effect unless he is discharged from that employment in the manner hereinafter provided or is for the time being employed as an officer or rating of the Merchant Navy ;

Terms of
Service of
members of
the Reserve
Pool.

- (b) he shall from time to time perform such duties, carry out such instructions and report at such places and at such times as may be required by the Federation with the approval of the appropriate society or by a national service officer, and shall accept any employment or undergo any training which may be notified to him by the Federation with the approval of the appropriate society or by a national service officer ;
- (c) his conditions of service, as regards pay, allowances, leave and other matters, shall be such as the National Maritime Board may from time to time determine.

4.—(1) Subject as hereinafter provided, the following provisions shall apply in relation to the employment by the Federation of members of the Merchant Navy Reserve Pool :—

Provisions
as to em-
ployment of
members of
the Reserve
Pool.

- (a) the Federation shall not terminate the employment of any person who is a member of the Merchant Navy Reserve Pool except with the approval of the appropriate society and (save for serious misconduct, whenever or wherever committed) with the permission in writing of a national service officer ;
- (b) a person who is a member of the Merchant Navy Reserve Pool shall not leave his employment except with such permission as aforesaid ; and
- (c) not less than one week's notice of the termination of the employment of a person who is a member of the Merchant Navy Reserve Pool shall be given by that person or by the Federation as the case may be, so, however, that this provision shall not apply where the member is dismissed for serious misconduct or where he becomes employed as an officer or rating of the Merchant Navy.

(2) An application to a national service officer for such permission as aforesaid shall be in writing and shall state the grounds on which the application is based.

(3) A national service officer shall, so far as is practicable, either grant or refuse his permission within seven days of the receipt of the application by him and, where he grants any permission, he shall communicate the permission in writing to the Federation and to the person by or in respect of whom the application was made .

(4) Notwithstanding the foregoing provisions of this Article, the Federation may at any time with the approval of the appropriate society grant to any member of the Merchant Navy Reserve Pool who is, in the opinion of the Federation, for the time being medically unfit for employment as an officer or rating of the Merchant Navy a certificate releasing him from the obligations imposed upon him by this Order for such period as may be specified in the certificate, and whilst such certificate is in force the person to whom it relates shall be deemed not to be a member of the Merchant Navy Reserve Pool.

Local Appeal
Boards.

5.—(1) If—

- (a) the Federation or any person by or in respect of whom an application to a national service officer has been made is aggrieved by reason of the fact that the national service officer has given or refused the permission asked for ; or
- (b) a person has been dismissed by the Federation from his employment for serious misconduct ;

the Federation or that person, as the case may be, may within seven days of the giving or refusal of such permission or of such dismissal (as the case may be) or within such further period as a national service officer may for good cause in any particular case allow, request the national service officer to submit the matter to a Local Appeal Board.

(2) The national service officer shall, on being so requested, forthwith submit the matter to the Board and the Board shall make such recommendation to the national service officer as it thinks fit so far as is practicable within seven days of the matter being submitted to it.

(3) The national service officer, after considering any such recommendations as aforesaid, may cancel any permission already given, or grant or refuse to grant any permission, or direct any person who has left his employment to return to it, or direct the reinstatement of any person who has been dismissed either under any permission so cancelled as aforesaid or for serious misconduct if the Board is of opinion that the dismissal was not justified on that ground.

(4) Local Appeal Boards shall sit for such districts as the Ministry may determine and shall consist of one member chosen to represent employers, one member chosen to represent workers, and a chairman appointed by the Ministry. Panels of persons chosen to represent employers and workers respectively shall be constituted by the Ministry for the purpose of this Order for such districts as the Ministry thinks fit and the members of a Local Appeal Board chosen to represent employers and workers shall be selected from the panels in such manner as the Ministry may determine. Where, however, in any case it appears to a person appointed by the Ministry to be chairman of any Local Appeal Board (hereinafter referred to as " the Chairman ") that, having regard to all the circumstances of the case, it is expedient in the national interest that the case should be disposed of without delay and that undue delay would be caused by summoning a Local Appeal Board constituted as aforesaid to deal with the matter, the Chairman shall, for the purpose of that case, be deemed to constitute a Local Appeal Board for all the purposes of this Order.

Absenteeism,
persistent
lateness and
refusal to
obey orders.

6.—(1) A person who is a member of the Merchant Navy Reserve Pool shall not—

- (a) absent himself from work unless he has a reasonable excuse ; or
- (b) be persistently late in presenting himself for work ; or

(c) refuse or neglect to obey any lawful orders given to him by or on behalf of the Federation.

(2) Proceedings shall not be taken against any person for an offence against Regulation 58A of the Defence (General) Regulations, 1939, for a contravention of or failure to comply with the provisions of this Article unless—

(a) the matter has been referred to a board in the relevant locality consisting of a person authorised in that behalf by the Federation and of a person so authorised by the appropriate society ; and

(b) the board has given or sent notice to the person concerned so as to give him an opportunity of making such representations to the board, either orally or in writing, as he may desire ; and

(c) the board has made a report to a national service officer.

(3) In this Article the expression " relevant locality " means the locality where the work has to be performed or where the orders either are given or have to be complied with.

7.—(1) Subject as hereinafter provided, the following provisions shall have effect with respect to the engagement of any person as an officer or rating of the Merchant Navy or of any person who is such an officer or rating, that is to say—

Engagement of officers and ratings of the Merchant Navy and members of the Merchant Navy Reserve Pool.

(a) save as provided in sub-paragraph (b) of this paragraph, no person shall seek to engage or engage an officer or rating of the Merchant Navy or any person who is for the time being a member of the Merchant Navy Reserve Pool unless the person to be engaged has previously obtained the consent in writing of the Federation given with the approval of the appropriate society ;

(b) a person carrying on an undertaking engaged in shipping services or in the provision of wireless transmitting apparatus and Radio Officers for ships shall only seek to engage a person for employment as an officer or rating of the Merchant Navy by notifying to the Federation particulars of the vacancy to be filled, and shall only engage for the vacancy a member of the Merchant Navy Reserve Pool submitted to him by the Federation with the approval of the appropriate society or, in the event of there being no suitable person for the time being in that Pool, a person approved by the Federation and the appropriate society ; and

(c) an officer or rating of the Merchant Navy or a person who is a member of the Merchant Navy Reserve Pool shall not, without the consent in writing of the Federation given with the approval of the appropriate society, engage himself otherwise than as an officer or rating of the Merchant Navy or otherwise than by being submitted by the Federation for a

vacancy with an employer carrying on an undertaking engaged in shipping services or in the provision of wireless transmitting apparatus and Radio Officers for ships.

(2) The foregoing provisions of this Article shall not apply to the engagement of any person as an apprentice to the sea service, or the re-engagement of any person by an employer if the re-engagement takes effect immediately on the termination of an existing engagement with the same employer, or to the engagement as navigating officer of any apprentice or cadet who served his time with the employer engaging that navigating officer.

Evidence on prosecutions. 8.—Anything required or authorised by this Order to be done by the Federation may be done by any person duly authorised by the Federation in that behalf, and for the purpose of the prosecution of any person for an offence against Regulation 58A of the Defence (General) Regulations, 1939, for a contravention of or failure to comply with any of the provisions of this Order—

- (a) a certificate purporting to be under the seal of the Federation certifying that the person named in the certificate is so authorised as aforesaid shall be sufficient evidence of that fact unless the contrary is proved ; and
- (b) where in any matter the approval of an appropriate society is required by this Order to be given, that approval shall be presumed to have been given unless the contrary is proved ; and
- (c) a certificate purporting to be signed by a member of the Board referred to in Article 6 that the reference, notice and report therein referred to have been duly made shall be sufficient evidence of the facts stated therein unless the contrary is proved.

Duties as to information, records and inspection. 9.—The Federation and any person carrying on an undertaking that is engaged in shipping services shall—

- (a) keep such records relating to the Merchant Navy Reserve Pool or to the undertaking (as the case may be) as the Ministry may from time to time by notice direct ;
- (b) produce to such persons as may be designated by or on behalf of the Ministry such records relating to the Merchant Navy Reserve Pool or the undertaking and furnish such information relating thereto as may be set out in any notice or direction ; and
- (c) permit any person so designated as aforesaid to enter and inspect with a view to securing compliance with this Order, any premises used for the purposes of the Merchant Navy Reserve Pool or for or in connection with the undertaking.

10.—Nothing in this Order shall affect the powers to give directions which are conferred on the Ministry or a national service officer by any of the Defence (General) Regulations, 1939.

Saving of powers of Ministry and national service officers.

Sealed with the Official Seal of the Ministry of Labour for Northern Ireland this 16th day of September, one thousand nine hundred and forty-two, in the presence of

(L.S.)

R. R. Bowman,
Secretary to the Ministry of Labour
for Northern Ireland.

EXERCISE OF POWERS.

Appropriate Department.

ORDER, DATED THE 18TH DAY OF JUNE, 1942, MADE BY THE GOVERNOR OF NORTHERN IRELAND UNDER THE DEFENCE (GENERAL) REGULATIONS, 1939.

1942. No. 90.

BY THE GOVERNOR OF NORTHERN IRELAND

ABERCORN

WHEREAS under Regulation 84AB of the Defence (General) Regulations, 1939, as modified in its application to Northern Ireland by paragraph (9B) of Regulation 102 of the said Regulations, certain powers conferred upon a Regional Commissioner by the first-mentioned Regulation are, as respects Northern Ireland, exercisable by such department of the Government of Northern Ireland as the Governor of Northern Ireland may by order specify :

NOW, THEREFORE, I, JAMES ALBERT EDWARD, DUKE OF ABERCORN, Knight of the Most Noble Order of the Garter, Knight of the Most Illustrious Order of Saint Patrick, Governor of Northern Ireland, in pursuance of the provisions of the said Regulations, do by this Order specify the Ministry of Public Security as the department of the Government of Northern Ireland by which the powers conferred by the said Regulation 84AB shall be exercised.

Given at Government House, Hillsborough, this 18th day of June, 1942.

William Grant.

By His Grace's Command