

4.—(1) This Order may be cited as the Conditions of Employment and National Arbitration (Amendment) (Northern Ireland) Order, 1945, and shall come into force on the date hereof.

(2) This Order, the principal Order, and the Conditions of Employment and National Arbitration (Amendment) (Northern Ireland) Order, 1941, the Conditions of Employment and National Arbitration (Amendment) (Northern Ireland) Order, 1942, and the Conditions of Employment and National Arbitration (Amendment) Order (Northern Ireland), 1943, may be cited together as the Conditions of Employment and National Arbitration (Northern Ireland) Orders, 1940 to 1945.

Sealed with the Official Seal of the Ministry of Labour for Northern Ireland this sixth day of February, 1945, in the presence of

(L.S.)

*Harry Midgley,*

Minister of Labour for Northern Ireland.

*Explanatory Note.*

Part III of the principal Order requires employers to observe the recognised terms and conditions of employment, or such terms and conditions of employment as are not less favourable than the recognised terms and conditions, in any trade or industry in any district. For this purpose the "recognised terms and conditions" are those which have been settled by machinery of negotiation or arbitration to which the parties are employers' organisations and trade unions representative respectively of substantial proportions of employers and workers engaged in that trade or industry in that district.

This Order amends Part III of the principal Order by providing that—

- (1) questions arising under Part III of the Order must be reported to the Ministry within twelve months of the date on which the question first arose; and
- (2) where the National Arbitration Tribunal (Northern Ireland) is satisfied that the employer was aware of the recognised terms and conditions and also was aware or ought to have been aware that those conditions should have been observed by him, the award of the Tribunal shall be made retrospective to the employer's "date of knowledge".

A drafting amendment is also made to paragraph (1) of Article 5 of the Order in order to remove an ambiguity created by the use of the existing words "in force".

**COAL**

**Retail Coal Prices**

ORDER, DATED 19TH JANUARY, 1945, MADE BY THE MINISTRY OF COMMERCE UNDER REGULATIONS 55 AND 55AA OF THE DEFENCE (GENERAL) REGULATIONS, 1939.

1945. No. 9

The Ministry of Commerce for Northern Ireland (in this Order referred to as "the Ministry") by virtue and in exercise of the powers under Regulations 55 and 55AA of the Defence (General) Regulations,

1939, delegated to it by the Minister of Fuel and Power hereby orders as follows :—

1.—(1) No person shall sell or supply coal retail in any district unless he is a registered merchant.

(2) No registered merchant shall sell or supply retail any grade of coal in any district :—

(a) in respect of which no price is specified in the Schedule of Prices for that district, or

(b) at a price exceeding that specified in the Schedule of Prices for that district in respect thereof ;

so, however, that in a case in which any registered merchant desires to sell or supply retail any grade of coal which is not included in the Schedule for that district and the Divisional Coal Officer is of opinion that owing to the insufficiency of demand for or to casual supplies only being available of that grade of coal or for any other reason, it is unnecessary or inexpedient to include it in the Schedule, the Divisional Coal Officer may in writing and subject to such conditions as he shall deem necessary, permit (which permission may be varied or rescinded by him in writing) that registered coal merchant to sell or supply that grade of coal in that district, at a price and on such terms and conditions as may be specified in such permission.

2.—(1) There shall be a Schedule of Prices for each district which shall be that in force in that district under the provisions of the Retail Coal Prices (Northern Ireland) Order, 1939, (a) immediately before the coming into force on this Order.

(2) The Divisional Coal Officer may publish an explanatory memorandum as an addition to any Schedule of Prices for a district containing such information in relation to all or any of the grades of coal specified in that Schedule for that district as he may think fit.

(3) The Schedule of Prices for a district and any explanatory memorandum thereto may be varied or amended by the Divisional Coal Officer as and when he thinks fit.

(4) The Divisional Coal Officer may direct that the Schedule of Prices for any district in Northern Ireland shall be substituted for that in force in any other district in Northern Ireland at the date of such direction and as from the date of such direction that Schedule of Prices shall be the Schedule of Prices for such other district.

3.—(1) The Divisional Coal Officer shall cause a copy of the Schedule of Prices for the time being in force for a district and of any explanatory memorandum thereto to be :—

(a) exhibited conspicuously in his office ; and

(b) sent to each registered merchant in the district so however that a copy of the Schedule of Prices shall not be sent to any registered merchant who was carrying on the business of selling or supplying coal retail on the date on which this Order comes into force and who has received a copy of the Schedule of Prices and of all amendments thereof under the provisions of Paragraph 4 of the Retail Coal Prices (Northern Ireland) Order, 1939.

(2) The Divisional Coal Officer shall cause a copy of every variation of the Schedule of Prices for a district and of any explanatory memorandum thereto to be sent to every registered merchant in the district or to be published in such manner as he may think best adapted for informing persons affected and every person who is required by the provisions of this Order to exhibit or produce a copy of the Schedule of Prices (or part thereof) for the time being in force for a district shall forthwith, after such receipt or publication (as the case may be) cause every such variation to be incorporated in every copy of the Schedule of Prices (or part thereof) for the district to be exhibited or produced by him.

(3) Every registered merchant shall exhibit conspicuously a legible copy of the Schedule of Prices for the time being in force for the district and any permission granted to him in pursuance of the provisions of sub-paragraph (2) of paragraph 1 of this Order in each office, wharf, depot, and other premises from which he carries on the business of selling or supplying coal retail in that district.

(4) The person in charge of any vehicle upon which coal is being carried for sale or supply retail in any district in quantities of less than two hundredweights shall produce on request a copy of the Schedule of Prices for the time being in force for that district or of such part thereof as relates to the coal being carried to any person to whom coal is sold or supplied from the vehicle or to any Inspector (as mentioned in paragraph (2) of Regulation 55AA of the Defence (General) Regulations, 1939,) and shall furthermore indicate conspicuously in legible characters on the vehicle upon which coal is being carried for sale or supply retail the grade and price per bag determined in accordance with the Schedule of Prices for the time being in force in that district and applicable to the sale or supply retail of that coal.

4. A registered merchant who has on not less than two occasions been found guilty of an offence against Regulations 55 and 55AA of the Defence (General) Regulations, 1939, or any amendments thereto in respect of the contravention or failure to comply with any of the provisions of this Order or of any of the Coal Supply and Records and Information Orders for the time being in force in Northern Ireland shall cease to be a registered merchant if the Divisional Coal Officer shall so direct.

5.—(1) The Divisional Coal Officer shall appoint and keep appointed

an Advisory Committee to advise him upon such matters as he refers to them.

(2) Any Advisory Committee appointed under the provisions of paragraph 1 (2) of the Retail Coal Prices (Northern Ireland) Order, 1939, as constituted immediately before the coming into force of this Order shall be deemed to have been duly appointed under the provisions of this Order as on the day of its coming into force.

6. Any person and his agents and servants in possession of coal shall give on demand to any Inspector (as mentioned in paragraph (2) of Regulation 55AA of the Defence (General) Regulations, 1939), samples thereof for the purpose of enabling such Inspector to ascertain whether or not this Order has been, is being, or is likely to be complied with.

7. Every registered merchant shall at the time of making each sale or supply of coal of more than two hundredweights deliver to the person to whom the same is sold or supplied a delivery note specifying in legible characters the price and description of the grade thereof as contained in the Schedule of Prices for the time being in force in the district and applicable to the sale or supply of that coal.

8. This Order shall not apply to the sale or supply of coal in any district in circumstances arising out of the present emergency to any person by the occupier (not being a registered merchant) of any premises (not being premises from which the business of selling or supplying coal is carried on) on which that coal is situated, the coal on such premises not exceeding five tons in quantity at the time of such sale or supply.

9. Every registered merchant carrying on the business of selling or supplying coal retail shall in relation to coal sold or supplied or acquired in the course of that business keep true records in forms approved by the Divisional Coal Officer.

10.—(1) In this Order unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say :—

“Coal” includes bituminous coal, cannel coal, anthracite, coke and any manufactured fuel of which coal, anthracite or coke, is the principal constituent.

“Divisional Coal Officer” means the Divisional Coal Officer for the time being appointed by the Ministry of Commerce for Northern Ireland.

“Advisory Committee” means the Advisory Committee appointed under paragraph 5.

“Registered Merchant” includes Importers, Merchants and Bellmen registered for the purpose of dealing in coal by way of

retail sale in pursuance of the provisions of the Coal Supply (Northern Ireland) Order, 1942, (b) as originally enacted or subsequently amended.

“ Schedule of Prices for the time being in force ” means the Schedule of Prices subject to any variations thereof for the time being in force made under the provisions of this Order as originally enacted or subsequently amended.

“ District ” means any place named in the schedule of prices issued by the Divisional Coal Officer and any place not so named shall be deemed to be included in the district of the nearest named place.

(2) References in this Order to the selling or supplying of coal retail shall be construed as including references to agreeing or offering to sell or supply.

(3) For the purposes of this Order :—

(a) grades of coal in relation to a schedule shall be determined according to any description indicating the size, quality, production, treatment, marketing, market prices, or transport costs, (or any two or more of them) of the coal.

(b) the sale or supply of coal retail does not include the disposal of coal to a person in pursuance of a sale of a quantity exceeding five tons or of any quantity for resale.

11. The Retail Coal Prices (Northern Ireland) Order, 1939, and the Retail Coal Prices (Northern Ireland) Order, 1943, (c) are hereby revoked.

12. This Order shall come into force on the 19th January, 1945, and may be cited as the Retail Coal Prices (Northern Ireland) Order, 1945.

Sealed with the Official Seal of the Ministry of Commerce for Northern Ireland this nineteenth day of January, 1945, in the presence of

(L.S.)

(Signed) *John I. Cook*,

Assistant Secretary.

### Supply

ORDER, DATED 1ST FEBRUARY, 1945, MADE BY THE MINISTRY OF COMMERCE UNDER REGULATIONS 55 AND 55AA OF THE DEFENCE (GENERAL) REGULATIONS, 1939.

1945. No. 13

The Ministry of Commerce for Northern Ireland (in this Order referred to as “ the Ministry ”) by virtue and in exercise of the powers under Regulations 55 and 55AA of the Defence (General) Regulations,

(b) S. R. & O. (N.I.) 1942 No. 125.

(c) S. R. & O. 1943 No. 848.