



CHAPTER 22.

An Act to make further provision for regulating the employment of dock workers. [14th February 1946].

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Schemes for ensuring more regular employment and supply of workers.

1.—(1) Provision may be made by scheme under this Act for ensuring greater regularity of employment for dock workers and for securing that an adequate number of dock workers is available for the efficient performance of their work.

In this Act, except in section three thereof, the expression "scheme" means a scheme made under this Act.

(2) In particular, a scheme may provide—

(*a*) for the application of the scheme to dock workers and employers as may be specified therein, for prescribing the obligations of dock workers and employers subject to the fulfilment of which the scheme may apply to them and the circumstances in which the scheme shall cease to apply to any dock workers or employers, and for prohibiting or restricting the employment of dock workers to whom the scheme does not apply and the employment of dock workers by employers to whom the scheme does not apply;

(*b*) for regulating the recruitment and entry into the scheme of dock workers and their allocation to employers, and for securing that, in respect of periods during which employment, or full employment, is not available for dock workers to whom the scheme applies who are available for work, such workers will subject to the conditions of the scheme receive not less than such pay as may be thereby provided;

(*c*) for securing that the rates of remuneration and conditions of service for dock workers to whom the scheme applies (including conditions as to holidays and pay in respect thereof) will be in accordance with any national or local agreements for the time being in force;

(*d*) for making satisfactory provision for the training and welfare of dock workers, in so far as such provision does not exist apart from the scheme;

(*e*) for prescribing the manner in which, and the persons by whom, the cost of operating the scheme is to be defrayed;

(*f*) for constituting or prescribing a body of persons to be responsible for the administration of the scheme; and

(*g*) for such incidental and supplementary matters as may be necessary or expedient for the purposes of the scheme.

(3) Any body corporate shall have power, under any enactment, order, charter, memorandum or articles of association or other document regulating the powers and duties of the body corporate, to perform any functions conferred on the body corporate by or under a scheme.

(4) A scheme may declare, as respects any provision of the scheme prohibiting or restricting the employment of dock workers to whom the scheme does not apply, or the employment of dock workers by employers to whom the scheme does not apply, that a contravention of that provision is an offence.

(5) Any person who contravenes any provision in relation to which such a declaration is in force shall be guilty of an offence under this section, and shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine, or to both such imprisonment and a fine:

Provided that in the case of any person not being a body corporate the fine shall not exceed fifty pounds.

(6) A scheme may relate to any port or ports in Great Britain, or to any part of any such port, and, for every port or part of a port to which it relates, either to dock workers generally or to any class or description of such workers.

Making, variation and revocation of schemes.

2.—(1) A scheme may be prepared jointly by bodies of persons appearing to the Minister of Labour and National Service (hereafter in this Act referred to as "the Minister") to be representative respectively of dock workers of the class or description and at the port or ports to which the scheme relates and of their employers, and when prepared shall be submitted to the Minister.

(2) If at any time before the first day of October, nineteen hundred and forty-six, no scheme is in force for any port or in relation to any class or description of dock workers, the Minister

may, on the joint application of such bodies of persons as are mentioned in the last foregoing subsection, prepare a scheme for the port or in relation to the class or description of workers in question.

(3) If at any time on or after the said first day of October no such scheme is in force, the Minister may prepare such a scheme if it appears to him unlikely that a scheme for the port and relating to the class or description of dock workers in question will be prepared under subsection (1) of this section within a reasonable time.

(4) Where immediately before the passing of this Act arrangements for the purposes mentioned in subsection (1) of section one of this Act were in operation at any port under agreements made on behalf of His Majesty, then if at any time no scheme is in force for the port and it appears to the Minister expedient so to do on the grounds that the said agreements have been, or will shortly be, terminated either entirely or to such an extent as to prejudice the efficient operation of the arrangements, he may prepare a scheme for the port.

(5) Any scheme may be varied by a subsequent scheme prepared and submitted to the Minister as mentioned in subsection (1) of this section, or by a subsequent scheme prepared by the Minister.

(6) A scheme shall not take effect until embodied in an order made by the Minister in accordance with the provisions of the Schedule to this Act, and the date on which it takes effect shall be such date not earlier than the making of the order as may be specified in the order.

(7) A scheme may be revoked by order of the Minister made in accordance with the provisions of the Schedule to this Act either on the joint application of such bodies of persons as are mentioned in subsection (1) of this section or otherwise.

(8) An order under this section shall be laid before Parliament as soon as may be after it has been made, and if either House of Parliament within the period of forty days beginning with the day on which any such order is laid before it resolves that the order be annulled, the order shall thereupon become void, without prejudice, however, to the validity of anything previously done thereunder or to the making of a new order.

In reckoning any such period of forty days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

(9) In this section references to a port include references to part of a port.

Continuation of existing schemes.

3.—(1) Any dock labour scheme made under the Emergency Powers (Defence) Acts, 1939 and 1940, and in force immediately before the expiration thereof, and the provisions of any regulation or order made under those Acts and in force as aforesaid (including provisions as to the variation and revocation of such schemes), in so far as the provisions have effect in relation to any such scheme, shall by virtue of this Act continue in force (but in the case of any such scheme subject to variation or revocation under the said provisions) until the first day of July, nineteen hundred and forty-seven, and no longer.

(2) Nothing in the said provisions shall enable criminal proceedings to be brought otherwise than for a contravention of provisions prohibiting or restricting the employment of dock workers except such as may be specified therein, or the employment of dock workers except by such employers as may be so specified, or authorise the imposition for any such contravention of any penalty not authorised by subsection (5) of section one of this Act.

Loans for purposes of schemes.

4. The Minister may with the consent of the Treasury make loans towards the cost of the operation of schemes to such persons and on such terms as he may with the consent of the Treasury determine.

Expenses and receipts.

5. Any expenses incurred by the Minister in pursuance of this Act shall be defrayed out of moneys provided by Parliament; and any receipts of the Minister in respect of loans made under the last foregoing section shall be paid into the Exchequer.

Interpretation.

6. In this Act the following expressions have the meanings hereby assigned to them respectively, that is to say:—

"cargo" includes anything carried or to be carried in a ship or other vessel;

"dock worker" means a person employed or to be employed in, or in the vicinity of, any port on work in connection with the loading, unloading, movement or storage of cargoes, or work in connection with the preparation of ships or other vessels for the receipt or discharge of cargoes or for leaving port;

"employer," in relation to a dock worker, means the person by whom he is employed or to be employed as aforesaid;

"port" includes any place at which ships are loaded or unloaded.

Short title.

7. This Act may be cited as the Dock Workers (Regulation of Employment) Act, 1946.

SCHEDULE.

Section 2.

PROVISIONS AS TO MAKING OF ORDERS.

1.—(1) Where it appears to the Minister that a scheme submitted to him makes satisfactory provision for the purposes mentioned in subsection (1) of section one of this Act, or where the Minister has prepared a scheme, he shall prepare a draft of an order embodying the scheme and give notice of the preparation of the draft and that he proposes to proceed with the making of the order.

(2) Where, whether on an application made to him or otherwise, it appears to the Minister expedient to make an order revoking a scheme, he shall prepare a draft of the order and give notice as aforesaid.

(3) Where it appears to the Minister in the case of any scheme submitted to him that it would not be expedient to give effect to the scheme in the form in which it was submitted to him, he may refer the scheme with his observations thereon to the persons by whom it was submitted to him for their further consideration, and thereupon they shall reconsider the scheme in the light of the Minister's observations and may again submit the scheme to the Minister either with such amendments as they think fit or without amendment.

(4) Before preparing a scheme or determining any question arising under this paragraph, the Minister may cause inquiries to be made.

2. A notice under the foregoing paragraph shall be published—

(*a*) in the London Gazette, the Edinburgh Gazette, or both, according as the scheme relates to ports in England, Scotland or both; and

(*b*) in such local newspapers, and in such other ways (if any), as appear to the Minister best suited for bringing the notice to the attention of persons concerned,

and shall specify a place where the draft of the order may be inspected, and copies thereof obtained at all reasonable hours, and the time (not being less than forty days from the publication of the notice) within which and the manner in which any objections to the draft may be made to the Minister, and the Minister shall consider any objections made within the time and in the manner specified in the notice:

Provided that the Minister shall not be required to consider any objection unless it comprises, or there is submitted therewith, a statement in writing setting out the specific grounds of the objection and particulars of any omission, addition or modification asked for, or any objection which in his opinion is frivolous.

3.—(1) If there are no objections which the Minister is required to consider, or if all such objections are withdrawn, the Minister may make the order either in the terms of the draft or subject to such modifications, if any, as he thinks fit, being modifications which in his opinion do not effect important alterations in the character of the draft as published.

(2) Where any such objections as aforesaid are made and are not withdrawn the Minister shall cause inquiries to be made, and the Minister may after considering the result of the inquiries make the order either in the terms of the draft or subject to such modifications as the Minister thinks fit.

4.—(1) Where the Minister has prepared a scheme under subsection (4) of section two of this Act, he may certify that on account of urgency the scheme should take effect immediately, and if he so certifies he may make an order embodying the scheme without complying with the foregoing provisions of this Schedule:

Provided that a scheme embodied in an order made by virtue of this paragraph shall not continue in force after the thirtieth day of June, nineteen hundred and forty-seven, or, if the order was made less than six months before that date, after the expiration of six months from the making of the order.

(2) The fact that a scheme embodied in an order made by virtue of this paragraph is in force shall, notwithstanding anything in subsection (2) or (3) of section two of this Act, not prevent the Minister making a scheme to take effect on the first-mentioned scheme ceasing to be in force.

5. Any power or duty of the Minister under this Schedule to cause inquiries to be made shall be exercised or performed by causing a person appointed by the Minister for the purpose as being an impartial person to make such inquiries (including, so far as the said person considers necessary, the hearing of oral evidence) as the said person considers necessary, and to report thereon to the Minister.

6. The Minister may with the consent of the Treasury pay to persons appointed to make inquiries for the purposes of this Schedule such fees and allowances, and to persons giving evidence thereat such allowances, as he may with the consent of the Treasury determine.

Printed by Sir NORMAN GIBB SCORGIE, C.V.O., C.B.E.,
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and
King's Printer of Acts of Parliament

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(P. 4067)