STATUTORY INSTRUMENTS

1961 No. 2107

HARBOURS, DOCKS, PIERS AND FERRIES

The Dock Workers (Regulation of Employment) (Amendment) Order, 1961

Made - - - -	1*st November*, 1961
Laid before Parliament	7*th November*, 1961
Coming into Operation	1*st December*, 1961

Whereas the Minister of Labour (hereinafter referred to as "the Minister") has pursuant to subsection (5) of section two of the Dock Workers (Regulation of Employment) Act, 1946(a), prepared the scheme set out in the First Schedule hereto, being a scheme varying the Dock Workers (Regulation of Employment) Scheme, 1947(b), as varied by the Dock Workers (Regulation of Employment) (Amendment) Scheme, 1960(c), which Scheme of 1947 as so varied is hereinafter referred to as "the principal Scheme":

And whereas the Minister gave notice of having prepared a draft Order embodying the Scheme set out in the said First Schedule:

And whereas objections were made to the said draft and the Minister caused inquiries to be made and the result thereof was considered by him in accordance with the provisions of the Schedule to the said Act:

Now, therefore, the Minister by virtue of the powers conferred on him by subsections (5) and (6) of the said section two, and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Dock Workers (Regulation of Employment) (Amendment) Order, 1961, and shall come into operation one month after the date on which it is made.

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

3. Effect is hereby given to the Dock Workers (Regulation of Employment) (Amendment) Scheme, 1961, set out in the First Schedule hereto varying the principal Scheme and accordingly the principal Scheme, as so varied, shall have effect as set out in the Second Schedule hereto.

Dated this 1st day of November, 1961.

John Hare,
Minister of Labour.

(a) 9 & 10 Geo. 6. c. 22. (b) S.R. & O. 1947/1189 (Rev. VI, p. 63: 1947 I, p. 535).
(c) S.I. 1960/2029 (1960 II, p. 1610). (d) 52 & 53 Vict. c. 63.

FIRST SCHEDULE

THE DOCK WORKERS (REGULATION OF EMPLOYMENT) (AMENDMENT) SCHEME, 1961

1. This Scheme shall be called the Dock Workers (Regulation of Employment) (Amendment) Scheme, 1961.

2. The principal Scheme shall be varied in accordance with the succeeding paragraphs of this Schedule.

3. In Clause 1 of the principal Scheme (which sets out the name, objects and application of the Scheme) for paragraph (3) there shall be substituted the following paragraph :—

"(3) The Scheme shall relate to the ports set out in Appendix I hereto and at each such port it shall apply to the same classes or descriptions of dock work and dock workers as, immediately before the coming into operation of the Scheme, were included in any dock labour scheme or port registration scheme then in operation in respect of that port, that is to say—

(*a*) at the Port of Glasgow, the Port of Greenock and the Ports in the Merseyside, Manchester and Preston areas, the Ministry of Transport Schemes for Dock Labour at those Ports ;

(*b*) at each of the other ports, the approved dock labour scheme for that port under the Essential Work (Dock Labour) Orders, 1943 to 1945(a), or, as the case may be, the port registration scheme approved as respects that port under the Dock Labour (Compulsory Registration) Order, 1940(b):

Provided that the Scheme shall not apply to a dock worker at any port unless he is employed or registered for employment in, or in the vicinity of, that 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.".

4. In Clause 2 of the principal Scheme (which relates to interpretations and exclusions) in paragraph (1) :—

(*a*) for the word "having" in the expression "the following expressions having the meanings hereby respectively assigned to them" there shall be substituted the word "have" ;

(*b*) after the definition of "the Act" there shall be inserted the following definition :—

"'appeal tribunal' in relation to any port means the appeal tribunal constituted for that port in pursuance of Clause 5 (7) ; " ;

(*c*) the definition of "The National Joint Council" shall be omitted ;

(*d*) the following definition shall be substituted for the definition of "register or record" :—

"'register of dock workers' means the register of dock workers in the port which is kept under the Scheme ; " ;

(*e*) in the definition of "registered dock worker" for the words "register or record" there shall be substituted the words "register of dock workers" ;

(*f*) for the definition of "reserve pool" there shall be substituted the following definition :—

"'reserve pool' means those daily workers in the employment of the National Dock Labour Board who are available for work ; " ;

(*g*) in the definition of "weekly worker" for the word "engaged" there shall be substituted the word "employed".

(a) S.R. & O. 1943/1114, 1944/1205, 1945/29, 1260 (1943 II, p. 584; 1944 II, p. 470; 1945 II, pp. 423, 425).
(b) S.R. & O. 1940/1013 (1940 II, p. 359).

5. In Clause 3 of the principal Scheme (which establishes the National Dock Labour Board and sets out its functions) in paragraph (1):—

(*a*) in sub-paragraph (*b*) for the words "registered dock workers" there shall be substituted the words "daily workers";

(*b*) in sub-paragraph (*c*) for the words "registers or records" there shall be substituted the words "registers of dock workers";

(*c*) in sub-paragraph (*e*):—

(i) the words "or records" in both places where they occur shall be omitted;

(ii) for the words "any register or record" there shall be substituted the words "any register of dock workers".

6. In Clause 4 of the principal Scheme (which sets out the constitution of the National Dock Labour Board) there shall be substituted for paragraph (9) the following paragraph:—

"(9) The decision of a majority of the members of the Board present and voting at a meeting of the Board shall be the decision of the Board.".

7. In Clause 5 of the principal Scheme (which establishes the local dock labour boards):—

(*a*) for paragraph (5) there shall be substituted the following paragraph:—

"(5) Persons representing dock workers and employers may, on the nomination or re-nomination of the representative bodies referred to in paragraph (3) hereof, be appointed by the National Board as deputy members of the local board for such periods not exceeding two years as the National Board may determine and any person so appointed as a representative of dock workers may act as a member of a local board in the absence of and in place of a regular member representing dock workers and any person so appointed as a representative of employers may act as a member of the local board in the absence of and in place of a regular member representing employers:

Provided that the number of deputy members of a local board shall not at any time exceed two representing dock workers and two representing employers.";

(*b*) in paragraph (6) after the word "members" there shall be inserted the words "and deputy members";

(*c*) in sub-paragraph (*a*) of paragraph (7) for the words "a registration committee" there shall be substituted the words "one or more registration committees";

(*d*) in sub-paragraph (*b*) of paragraph (7) after the word "members" there shall be inserted the words "or deputy members";

(*e*) sub-paragraph (*c*) of paragraph (7) shall be omitted;

(*f*) the following paragraphs shall be substituted for paragraphs (9) and (10):—

"(9) The procedure and quorum of a local board, or of a committee of a local board, shall be such as the board or the committee, as the case may be, may from time to time determine.

(10) The decision of a majority of the members of a local board, or of a committee of a local board, present and voting at a meeting of that board or that committee shall be the decision of the board or committee, as the case may be.";

(*g*) at the end there shall be added the following paragraphs:—

"(11) Anything which a local board is required or authorised to do or decide under Clauses 6, 8, 9, 10, 15 and 17 (1) (except the entering into such an agreement with a joint organisation as is referred to in paragraph (4) of Clause 8) may, if the local board so resolves, be done or decided by a committee of the local board authorised by the local board

in that behalf, or by an officer of the National Board authorised as aforesaid:

Provided that a local board shall not delegate to an officer of the National Board the power to terminate the employment of a registered dock worker or to make a determination that a worker shall not be entitled to any payment under Clause 14 for more than fourteen days.

(12) A local board may, with the consent of the National Board, appoint to any committee of the local board a person who is not a member of that local board.".

8. In Clause 6 of the principal Scheme (which relates to the functions of local boards):—

(*a*) in paragraph (1) thereof:—

(i) after the words "generality of this Clause" there shall be added the word "for";

(ii) the word "the" at the beginning of sub-paragraph (*a*) shall be omitted;

(iii) in sub-paragraph (*b*) the words "or record" wherever they occur shall be omitted;

(iv) the following sub-paragraph shall be substituted for sub-paragraph (*c*):—

"(*c*) the employment and control of daily workers in the reserve pool;";

(v) in sub-paragraph (*d*) for the words "registered dock workers" there shall be substituted the words "daily workers";

(vi) in sub-paragraph (*e*) for the words "registered dock workers who are available for work" there shall be substituted the words "daily workers in the reserve pool"; and in (iii) and (iv) of that sub-paragraph for the words "registered dock workers" there shall be substituted the words "daily workers";

(*b*) for paragraph (2) thereof there shall be substituted the following paragraph:—

"(2) All daily workers who on the date on which the Scheme comes into operation in relation to any port are in the employment of a registered employer in that port shall be deemed to have been allocated to that employer by the local board.".

9. Clause 7 of the principal Scheme (which relates to the registers of dock workers and dock employers under former Schemes) shall be omitted.

10. In Clause 8 of the principal Scheme (which relates to the obligations of registered dock workers):—

(*a*) for paragraphs (2) and (3) there shall be substituted the following paragraphs:—

"(2) A daily worker when not employed in pursuance of the Scheme by any other employer shall be in the employment of the National Board.

(3) A daily worker shall not engage himself for employment by a registered employer unless he is allocated to or selected by that employer in accordance with the Scheme, or unless he is engaged as a weekly worker.";

(*b*) in paragraph (4):—

(i) for the words "A registered dock worker available for work in the employment of the National Board" there shall be substituted the words "A daily worker in the reserve pool";

(ii) for sub-paragraph (*b*) there shall be substituted the following sub-paragraph:—

"(*b*) accept any employment (whether or not on dock work) for which he is considered by the local board to be suitable, having regard to the provisions of any agreement as aforesaid;";

(*c*) in paragraph (5) for the words "A registered dock worker who is available for work when allocated by the local board to employment by a registered employer" there shall be substituted the words "A daily worker while in the employment of a registered employer".

11. In Clause 9 of the principal Scheme (which relates to the obligations of registered employers):—

(*a*) for paragraph (2) there shall be substituted the following paragraph:—

"(2) A registered employer shall not employ a daily worker who has not been allocated to or selected by him in accordance with the Scheme.";

(*b*) in paragraph (3) for the words "registered dock worker who is available for work" there shall be substituted the words "daily worker".

12. In Clause 10 of the principal Scheme (which restricts, save for specified exceptions, dock employment to registered workers by registered employers):—

(*a*) in paragraph (1) after the word "nor" there shall be inserted "save as hereafter in the Scheme provided";

(*b*) in paragraph (3) there shall be substituted:—

(i) for sub-paragraph (*a*) the following sub-paragraph:—

"(*a*) where the local board is satisfied that—

(i) dock work is urgently required to be done; and

(ii) it is not reasonably practicable to obtain a registered dock worker for that work;

the local board may, in respect of that work, subject to any limitations imposed by the National Board, either allocate to a registered employer a person who is not a registered dock worker or permit a registered employer himself to engage such a person;";

(ii) for (i) of sub-paragraph (*c*) the following:—

"(i) in the case referred to in sub-paragraph (*a*) hereof, the person allocated as aforesaid to a registered employer shall for the purposes of Clause 9 (5), (6) and (7) and Clause 12 be treated in respect of that dock work as though he were a daily worker and the person engaged by the employer himself as aforesaid shall for the purposes of Clause 9 (5) and (7), and Clauses 12 and 13 (1) be treated in respect of that dock work as though he were a weekly worker;".

13. In paragraph (1) of Clause 11 of the principal Scheme (which sets out the circumstances in which the Scheme ceases to apply) for the words "register or record" there shall be substituted the words "register of dock workers".

14. In Clause 12 of the principal Scheme (which relates to wages and conditions of service) the words "available for work" and "(including conditions as to holidays and pay in respect thereof)" shall be omitted.

15. In Clause 13 of the principal Scheme (which relates to holidays):—

(*a*) in paragraph (1) the words "by the National Board" where they first occur shall be omitted;

(*b*) after the words "National Joint Council" where they occur in paragraphs (1) and (2) there shall be added in both cases the words "for the Port Transport Industry";

(*c*) in paragraph (2) for the words "A registered dock worker in the reserve pool who is available for work or having been allocated to an employer" there shall be substituted the words "A daily worker (whether in the reserve pool or allocated to or selected by an employer in accordance with the Scheme) who".

16. In Clause 14 of the principal Scheme (which relates to pay in respect of unemployment or under-employment):—

(*a*) in paragraph (1) for the words "a registered dock worker" there shall be substituted the words "a daily worker", and after the words "full employment" there shall be inserted the words "under the Scheme by an employer other than the National Board";

(*b*) the proviso to paragraph (1) shall be omitted ;

(*c*) in paragraph (2) for the words " a registered dock worker " there shall be substituted the words " a daily worker ".

17. For Clause 15 of the principal Scheme (which relates to disentitlement to payment) there shall be substituted the following Clause:—

" *Disciplinary procedure relating to workers*

15.—(1) A daily worker in the reserve pool who fails without adequate cause to comply with the provisions of Clause 8 (4) (*a*) hereof, shall not be entitled to receive any payment under Clause 14 hereof in respect of any pay week in which such failure occurred or continues.

(2) A daily worker who, while in the employment of a registered employer, fails without adequate cause to comply with the provisions of Clause 8 (5) hereof or fails to comply with any lawful orders given to him by his employer or is guilty of misconduct may have his engagement terminated and may be returned to the reserve pool and when so returned his record book shall be returned to the local board unless otherwise agreed by the board.

(3) Any report that a registered dock worker, while in the employment of the National Board or of a registered employer, has failed without adequate cause to comply with any provision of the Scheme, or with any lawful order given to him, or has been guilty of misconduct, shall be made in writing to the local board.

(4) Where any such report relates to any of the following matters, that is to say—

(*a*) failure without adequate cause to comply with the provisions of Clause 8 (4) (*b*) or (*c*) or failure to comply with any lawful order given by or on behalf of the National Board ; or

(*b*) failure without adequate cause to comply with the provisions of Clause 8 (5) or failure to comply with any lawful order given by the employer ;

and the local board, after investigating the matter, is satisfied that there has been such a failure the worker shall be so notified and shall not be entitled to any payment or such part of any payment as the board thinks fit under Clause 14 in respect of the pay week in respect of which such failure occurred or continues.

(5) The provisions of paragraphs (1) and (4) hereof are without prejudice to and in addition to the powers of the local board to take in respect of any of the matters to which those paragraphs relate any of the steps specified in paragraph (6) hereof.

(6) If after investigating any report referred to in paragraph (3) hereof the local board is satisfied that there has been any such failure or misconduct, it may take any of the following steps, that is to say, it may as respects the worker concerned—

(*a*) determine that for such period as it thinks proper (but not exceeding twenty-eight consecutive days) he shall not be entitled to any payment under Clause 14 ;

(*b*) suspend him from the Scheme for a period not exceeding seven consecutive days ;

(*c*) give him seven days' notice in writing of termination of employment ;

(*d*) dismiss him summarily ;

and for the purpose of calculating a period of consecutive days under sub-paragraph (*a*) or (*b*) every day of the week whether normally a working day or not shall be taken into account.

(7) Any determination or suspension under sub-paragraph (*a*) or (*b*) of the preceding paragraph shall be notified in writing to the person concerned.".

18. In Clause 16 of the principal Scheme (which deals with disciplinary procedure):—

(*a*) at the beginning thereof the figure " (1) " shall be omitted;

(*b*) paragraph (2) shall be omitted.

19. For Clause 17 of the principal Scheme (which relates to the termination of employment) there shall be substituted the following Clause:—

" 17.—(1) In addition to the provisions as to termination of employment in Clause 15 the employment of a daily worker by the National Board may be terminated at any time by that Board or the local board by giving him seven days' notice thereof in writing.

(2) A daily worker shall not leave his employment with the National Board except by giving seven days' notice in writing to the local board or so as to be employed by another employer in accordance with the provisions of the Scheme.

(3) Where the employment of a daily worker by the National Board is terminated or where a daily worker leaves that employment after giving notice in accordance with the preceding paragraph the worker's name shall forthwith be removed from the register of dock workers.".

20. In Clause 18 of the principal Scheme (which relates to appeals):—

(*a*) for paragraph (1) there shall be substituted the following paragraph:—

" (1) If any person is aggrieved because—

(*a*) of his grouping or re-grouping in the register of dock workers; or

(*b*) of a decision or determination under Clause 15 affecting his entitlement to any payment under Clause 14; or

(*c*) he has been suspended from the Scheme; or

(*d*) he has received notice under Clause 15 or Clause 17 to terminate his employment; or

(*e*) he has been summarily dismissed under Clause 15;

he may within three clear working days of being informed of the matters in (*a*), (*b*), (*c*) or (*e*) hereof, or of receiving a notice of termination of employment, as the case may be, lodge an appeal in writing with the clerk to the appeal tribunal:

Provided that no appeal shall lie in a case where a notice of termination of employment has been given on the ground that the person to whom the notice relates falls within a class or description of dock workers whose names are to be removed from the register of dock workers in order to reduce the size thereof, so, however, that an appeal may nevertheless be made upon the ground that the person concerned alleges that he does not belong to that class or description.";

(*b*) for paragraph (2) there shall be substituted the following paragraph:—

" (2) The appeal tribunal shall as soon as may be hear and determine the appeal. Where an appeal is allowed against the grouping or re-grouping of a person he shall be grouped in accordance with the determination of the tribunal. Where an appeal against a decision or determination is allowed the tribunal may order that there shall be paid to the appellant any sum which he would, but for that decision or determination, and subject to the conditions contained in that Clause, have been entitled to receive under Clause 14. If the tribunal allows an appeal against summary dismissal, the name of the appellant shall be restored to the register of dock workers as from such date, not being later than the date of the determination of the appeal, as the tribunal may decide, and the appellant shall be treated as if he had not ceased to be a registered

dock worker as from that date. On any appeal the tribunal may vary, alter or modify any penalty imposed, but shall not increase any penalty imposed or impose a more severe penalty.";

(*c*) in paragraph (4) for "Clause 16 (1)" there shall be substituted "Clause 16".

21. For Clause 19 of the principal Scheme (which relates to the suspension of notice in the case of certain appeals) there shall be substituted the following Clause:—

"19.—(1) Where in any case notice has been given that the name of an employer is to be removed from the employers' register and an appeal is lodged in accordance with the provisions of Clause 18 (4) hereof, the operation of the notice shall be suspended pending the determination of the appeal.

(2) Where an appeal is lodged with the appeal tribunal in respect of any of the matters set out in sub-paragraphs (*b*), (*c*) and (*d*) of paragraph (1) of Clause 18 then, pending the determination of that appeal—

(*a*) any disentitlement to any payment under Clause 14 by reason of a decision or determination referred to in sub-paragraph (*b*) shall, except in the case of a disentitlement under Clause 15 (1), be suspended; and

(*b*) where the appeal is because the dock worker has been suspended for a period from the Scheme or given notice to terminate his employment, that suspension or notice shall not be treated as operative:

Provided that where any such appeal is dismissed then, subject to the power of the tribunal to vary, alter or modify any penalty, any such disentitlement shall thereupon be treated as effective and any period of suspension and any notice to terminate employment shall take effect from such day as the tribunal may determine, not being earlier than the day next following the determination of the appeal.".

22. In Clause 20 of the principal Scheme (which relates to the reinstatement of workers in civil employment):—

(*a*) in paragraph (1) for the words "Where under the Reinstatement in Civil Employment Act, 1944" there shall be substituted the words "Where under any enactment relating to the reinstatement in civil employment of persons who have been in the service of the Crown", and for the words "register or record" there shall be substituted the words "register of dock workers";

(*b*) in paragraph (2) the words "for serious misconduct" shall be omitted and for the words "the provisions of section 4 of the said Act (or under that section as amended by any subsequent enactment)" there shall be substituted the words "any such enactment as is referred to in the preceding paragraph".

23. In Appendix I of the principal Scheme:—

(*a*) For "D" thereof there shall be substituted the following:—

"D. Cornish Ports:

The following ports:

(1) Charlestown

(2) Falmouth

(3) Fowey

(4) Hayle

(5) Newlyn

(6) Par

(7) Penryn

(8) Penzance

(9) Porthleven

(10) Portreath

(11) Truro";

(*b*) for the list of ports set out in "G" thereof there shall be substituted the following list:—

"(1) Aberdeen

(2) Burntisland

(3) Dundee

(4) Grangemouth

(5) Granton

(6) Kirkcaldy

(7) Leith

(8) Methil

(9) Tayport";

(*c*) in "S" thereof for the reference to "Hanworthy" there shall be substituted a reference to "Hamworthy";

(*d*) in "T" thereof the reference to "Llanelly" shall be omitted and the last three ports in that Group shall be re-numbered (3), (4) and (5) respectively;

(*e*) in "U" thereof for the reference to "Dunstan" there shall be substituted a reference to "Dunston".

24. In Appendix II of the principal Scheme, for paragraph (*a*) thereof there shall be substituted the following paragraph:—

"(*a*) Processing work in connection with cargoes of pitwood or timber including in the expression 'processing work' but without prejudice to the generality of that expression, sawing, planing, cutting, pointing, ripping and splitting when such processing work is performed by persons in the regular employment of saw-millers or pitwood or timber importers and in pitwood or timber yards.".

SECOND SCHEDULE

THE DOCK WORKERS (REGULATION OF EMPLOYMENT) SCHEME, 1947, AS VARIED BY THE DOCK WORKERS (REGULATION OF EMPLOYMENT) (AMENDMENT) SCHEME, 1960, AND THE DOCK WORKERS (REGULATION OF EMPLOYMENT) (AMENDMENT) SCHEME, 1961.

Clause

1. Name, objects and application of Scheme.

2. Interpretation and exclusions.

3. Establishment of National Dock Labour Board and functions thereof.

4. Constitution of the National Board.

5. Local Dock Labour Boards.

6. Functions of local boards as to registers and other matters.

7. [Omitted.]

8. Obligations of registered dock workers.

9. Obligations of registered employers.

10. Restriction on employment.

11. Circumstances in which Scheme ceases to apply.

Clause

12. Wages and conditions.

13. Holidays.

14. Pay in respect of unemployment or under-employment.

15. Disciplinary procedure relating to workers.

16. Disciplinary procedure relating to employers.

17. Termination of employment.

18. Appeals.

19. Suspension of notice in case of certain appeals.

20. Saving for reinstatement in civil employment.

21. Cost of operating the Scheme.

Appendix I. Ports to which Scheme relates.

Appendix II. Exclusions.

Name, objects and application of Scheme

1.—(1) The Scheme shall be called the Dock Workers (Regulation of Employment) Scheme, 1947, and is hereinafter referred to as "the Scheme".

(2) The objects of the Scheme are to ensure greater regularity of employment for dock workers and to secure that an adequate number of dock workers is available for the efficient performance of dock work.

(3) The Scheme shall relate to the ports set out in Appendix I hereto and at each such port it shall apply to the same classes or descriptions of dock work and dock workers as, immediately before the coming into operation of the Scheme, were included in any dock labour scheme or port registration scheme then in operation in respect of that port, that is to say—

(*a*) at the Port of Glasgow, the Port of Greenock and the Ports in the Merseyside, Manchester and Preston areas, the Ministry of Transport Schemes for Dock Labour at those Ports;

(*b*) at each of the other ports, the approved dock labour scheme for that port under the Essential Work (Dock Labour) Orders, 1943 to 1945, or. as the case may be, the port registration scheme approved as respects that port under the Dock Labour (Compulsory Registration) Order, 1940:

Provided that the Scheme shall not apply to a dock worker at any port unless he is employed or registered for employment in, or in the vicinity of, that 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.

(4) At each port to which the Scheme relates, it shall apply to registered dock workers and registered employers.

Interpretation and exclusions

2.—(1) The following expressions have the meanings hereby respectively assigned to them unless the context otherwise requires:

"the Act" means the Dock Workers (Regulation of Employment) Act, 1946;

"appeal tribunal" in relation to any port means the appeal tribunal constituted for that port in pursuance of Clause 5 (7);

"cargo" and "dock worker" have the meanings respectively assigned to them in the Act;

" daily worker " means a registered dock worker who is not a weekly worker ;

" dock employer " means the person by whom a dock worker is employed or to be employed ;

" dock work " means operations at places or premises to which the Scheme relates, ordinarily performed by dock workers of the classes or descriptions to which the Scheme applies ;

" employers' register " means the register in the port kept under the Scheme of dock employers ;

" Minister " means the Minister of Labour ;

" the pension scheme " means any scheme for the time being in force which provides for the payment of retirement pensions with or without other benefits to registered dock workers, being a scheme in accordance with a national agreement between the employers' side and the workpeople's side of the National Joint Council for the Port Transport Industry ;

" port " means each port that is not in a group or each group of ports either as set out in Appendix I or in accordance with any grouping subsequently determined by the National Dock Labour Board established under the next two following clauses ;

" register of dock workers " means the register of dock workers in the port which is kept under the Scheme ;

" registered dock worker " means a dock worker whose name is for the time being entered in the register of dock workers ;

" registered employer " means a dock employer whose name is for the time being entered in the employers' register ;

" reserve pool " means those daily workers in the employment of the National Dock Labour Board who are available for work ;

" weekly worker " means a registered dock worker who is employed by a registered employer under a contract which requires at least one week's notice for its termination.

(2) Nothing in this Scheme shall apply to the operations or to the persons and their employers in the circumstances set out in Appendix II.

Establishment of National Dock Labour Board and functions thereof

3.—(1) There shall be a National Dock Labour Board (hereinafter referred to as " the National Board ") which shall be responsible for the administration of the Scheme. The functions of the National Board shall include all such activities and operations as further the objects of the Scheme as set out in Clause 1 hereof, and in particular, but without prejudice to the generality of this Clause—

(*a*) ensuring the full and proper utilisation of dock labour for the purpose of facilitating the rapid and economic turnround of vessels and the speedy transit of goods through the port ;

(*b*) regulating the recruitment and entry into and the discharge from the Scheme of dock workers, and the allocation of daily workers to registered employers ;

(*c*) determining and keeping under review in consultation with the local dock labour board the size from time to time of the registers of dock workers and the increases or reductions to be made in the numbers in any such registers ;

(*d*) keeping, adjusting and maintaining the employers' registers, entering or re-entering therein the name of any person by whom dock workers are or are to be employed and where occasion requires it, removing from the register the name of any employer, either at his own request or in accordance with the provisions of the Scheme ;

(*e*) keeping, adjusting and maintaining the registers of dock workers including any registers of dock workers who are temporarily not available for dock work and whose absence has been approved by the local board that may from time to time be found necessary and where occasion requires it removing from any register of dock workers the name of any dock worker either at his own request or in accordance with the provisions of the Scheme ;

(*f*) the grouping or regrouping of all registered dock workers into such groups as may be determined by the National Board after consultation with the National Joint Council for the Port Transport Industry, and thereafter reviewing the grouping of any registered dock worker on the application of the local board or of the dock worker or any of the bodies of persons referred to in Clause 5 (3) hereof;

(*g*) making satisfactory provision for the training and welfare of dock workers, including port medical services, in so far as such provision does not exist apart from the Scheme;

(*h*) levying and recovering from registered employers contributions in respect of the cost of operating the Scheme;

(*i*) borrowing or raising money and issuing debentures or other securities and, for the purpose of securing any debt or obligation, mortgaging or charging all or any part of the property of the National Board;

(*j*) acting as agent of the trustees of the pension scheme for such purposes in connection with the administration of the pension scheme as may from time to time be agreed by the National Board with the said trustees.

(2) The National Board may for the purposes of the Scheme from time to time alter any grouping of the ports set out in Appendix I and may provide for different grouping or may provide that any port in a group shall no longer be in a group: provided that before any such alteration or provision is made the National Board shall give at least one month's notice in writing to the local dock labour board in each port that will be affected and to the Local Joint Committee of the National Joint Council for the Port Transport Industry and shall take into consideration any representations either oral or in writing that may be made to it.

(3) With a view to ensuring the efficient and harmonious working of the Scheme in the ports and of promoting and stimulating local interest in the successful administration of the Scheme, it shall be the duty of the National Board to delegate to the local boards, as many as possible of the functions of the National Board, being functions which in the opinion of the National Board can appropriately be so delegated and to consult fully with the relevant local board on all such matters as it considers appropriate, so, however, that the final determination under paragraph (1) (*c*) of this Clause shall not be so delegated.

(4) The income and property of the National Board, whencesoever derived, shall be applied solely towards the objects of the Scheme and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise howsoever by way of benefit to the members of the National Board; provided that nothing herein shall prevent the payment of reasonable and proper remuneration and expenses to any officer or servant of the National Board or to any member of the National Board in return for any services actually rendered to the National Board, nor prevent the payment of interest at a rate not exceeding five per cent. per annum on money lent or reasonable and proper rent for premises demised or let by any member to the National Board.

Constitution of the National Board

4.—(1) The National Board may sue and be sued as "the National Dock Labour Board" and may for all purposes be so described.

(2) The National Board shall consist of a chairman, a vice-chairman and not less than eight and not more than ten other members.

(3) The chairman, vice-chairman and other members of the Board shall be appointed by the Minister after consultation with the National Joint Council for the Port Transport Industry and of the members (other than the chairman and vice-chairman) eight shall be so appointed on the nomination or re-nomination of the said Council, four being appointed to represent dock employers and four to represent dock workers.

(4) There shall be paid to the members of the Board such salaries, fees, and allowances, as may be determined by the Board.

(5) The members of the Board shall be appointed for such periods not exceeding two years as the Minister may determine and shall be eligible for re-appointment, and a member appointed to fill a casual vacancy shall be a member of the Board for the unexpired period of the appointment of the person whom he succeeds.

(6) The Board may act notwithstanding any vacancy in the number of the Board.

(7) The procedure and quorum of the Board shall be such as the Board may from time to time determine.

(8) For the purpose of the Scheme, the Board may appoint and pay such officers and servants as it thinks necessary.

(9) The decision of a majority of the members of the Board present and voting at a meeting of the Board shall be the decision of the Board.

Local Dock Labour Board

5.—(1) There shall be a local dock labour board in each port, and in the application of the Scheme to each port the expression "the local board" means the local board constituted in accordance with the following provisions of this Clause.

(2) The local board shall consist of equal numbers of persons representing dock workers in the port and of persons representing the employers of such dock workers. The local board shall appoint a chairman and deputy chairman, but every such appointment shall be subject to the subsequent approval of the National Board.

(3) The persons representing respectively dock workers and employers shall be appointed by the National Board for such periods not exceeding two years as it may determine upon the nomination or re-nomination of bodies of persons appearing to the National Board to be representative of such workers and such employers.

(4) Members of the local board shall continue as such for the period named in their appointments and shall be eligible for re-appointment, and a member appointed to fill a casual vacancy shall be a member of the local board for the unexpired period of the appointment of the person whom he succeeds.

(5) Persons representing dock workers and employers may, on the nomination or re-nomination of the representative bodies referred to in paragraph (3) hereof, be appointed by the National Board as deputy members of the local board for such periods not exceeding two years as the National Board may determine and any person so appointed as a representative of dock workers may act as a member of a local board in the absence of and in place of a regular member representing dock workers and any person so appointed as a representative of employers may act as a member of the local board in the absence of and in place of a regular member representing employers:

Provided that the number of deputy members of a local board shall not at any time exceed two representing dock workers and two representing employers.

(6) There shall be paid to the members and deputy members of local boards such salaries, fees and allowances, as the National Board may determine.

(7) (*a*) The local board shall from time to time appoint appeal tribunals for the purpose of appeals under the Scheme, and shall, if necessary, appoint one or more registration committees to whom it may delegate such duties as it may think fit in relation to the registers both of dock workers and of employers of dock workers.

(*b*) The appeal tribunal shall consist of not less than three and not more than five persons, not being members or deputy members of the local board, appointed from persons nominated by the Local Joint Committee of the National Joint Council for the Port Transport Industry.

(8) A local board may act notwithstanding any vacancy in the number of the board.

(9) The procedure and quorum of a local board, or of a committee of a local board, shall be such as the board or the committee, as the case may be, may from time to time determine.

(10) The decision of a majority of the members of a local board, or of a committee of a local board, present and voting at a meeting of that board or that committee shall be the decision of the board or committee, as the case may be.

(11) Anything which a local board is required or authorised to do or decide under Clauses 6, 8, 9, 10, 15 and 17 (1) (except the entering into such an agreement with a joint organisation as is referred to in paragraph (4) of Clause 8) may, if the local board so resolves, be done or decided by a committee of the local board authorised by the local board in that behalf, or by an officer of the National Board authorised as aforesaid:

Provided that a local board shall not delegate to an officer of the National Board the power to terminate the employment of a registered dock worker or to make a determination that a worker shall not be entitled to any payment under Clause 14 for more than fourteen days.

(12) A local board may, with the consent of the National Board, appoint to any committee of the local board a person who is not a member of that local board.

Functions of local boards as to registers and other matters

6.—(1) Subject to and in accordance with the provisions of Clause 3 (3) hereof, the local board shall be responsible to the National Board for matters of local policy and for local administration of the Scheme, and in particular but without prejudice to the generality of this Clause for—

(*a*) keeping, adjusting and maintaining the employers' register, entering or re-entering therein the name of any person by whom dock workers are or are to be employed, and where occasion requires it, removing from the register the name of any employer, either at his own request or in accordance with the provisions of the Scheme;

(*b*) keeping, adjusting and maintaining the register of dock workers, including any register of dock workers who are temporarily not available for dock work and whose absence has been approved by the local board, that may from time to time be found necessary, and where occasion requires it, removing from the register the name of any dock worker either at his own request or in accordance with the provisions of the Scheme;

(*c*) the employment and control of daily workers in the reserve pool;

(*d*) the grouping or re-grouping of daily workers in accordance with instructions received from the National Board in such groups as may be determined by the National Board;

(*e*) the allocation of daily workers in the reserve pool to registered employers, in doing which the local board shall—

(i) use every endeavour to supply men accustomed to the employer, and his operations and cargoes,

(ii) be deemed to act as agent for the employer except when by arrangement with the local board, the employer or his representative attends the call and makes his own selection of men,

(iii) make the fullest possible use of daily workers in the reserve pool,

(iv) keep the record of attendance at call stands or control points of daily workers,

(v) provide for the maintenance of records of employment and earnings;

(*f*) the payment as agent of the registered employer to each daily worker of all earnings properly due to the daily worker from the employer, and the payment to such daily workers of all moneys payable by the National Board to those workers in accordance with the provisions of the Scheme;

(*g*) the deduction from the payment due to a daily worker referred to in sub-paragraph (*f*) of this paragraph of any contribution due under the pension scheme and the payment of that contribution to the trustees of that scheme;

(*h*) the payment of the employer's contribution to any scheme of insurance constituted under any Act of Parliament in respect of daily workers and the custody and stamping of their insurance books or cards;

(*i*) the collection in accordance with any arrangement for the time being in force between the National Board and the trustees of the pension scheme of the contributions due from registered employers under the pension scheme, including those of the weekly workers employed by them, and any such arrangement may provide for the registered employers' own contributions to be paid by means of a levy on gross wages in the manner provided by Clause 21 hereof or by any other means;

(*j*) the payment to the trustees of the pension scheme of the contributions collected in pursuance of sub-paragraph (*i*) of this paragraph;

(*k*) the payment, as agent of the trustees of the pension scheme and in accordance with any arrangement for the time being in force between the National Board and the said trustees, of the benefits payable under the pension scheme;

(*l*) such other functions as may from time to time be delegated to it by the National Board.

(2) All daily workers who on the date on which the Scheme comes into operation in relation to any port are in the employment of a registered employer in that port shall be deemed to have been allocated to that employer by the local board.

7. [Omitted.]

Obligations of registered dock workers

8.—(1) Every registered dock worker shall be deemed to have accepted the obligations of the Scheme.

(2) A daily worker when not employed in pursuance of the Scheme by any other employer shall be in the employment of the National Board.

(3) A daily worker shall not engage himself for employment by a registered employer unless he is allocated to or selected by that employer in accordance with the Scheme, or unless he is engaged as a weekly worker.

(4) A daily worker in the reserve pool shall carry out the directions of the local board and shall—

(*a*) report at such call stands or control points and at such times as required but subject to any agreement come to with the appropriate joint industrial organisation;

(*b*) accept any employment (whether or not on dock work) for which he is considered by the local board to be suitable, having regard to the provisions of any agreement as aforesaid;

(*c*) travel to any other port or place within daily travelling distance of his home as required by the local board for any of the employments set out in (*b*) above on terms and conditions come to under any such agreement as aforesaid; and in that case he shall be a registered dock worker at that port or place.

(5) A daily worker while in the employment of a registered employer shall—

(*a*) carry out his duties in accordance with the rules of the port or place where he is working; and

(*b*) work for such periods as are reasonable in his particular case.

(6) Every registered dock worker shall comply with the provisions of the pension scheme so far as they apply to him.

Obligations of registered employers

9.—(1) Every registered employer shall be deemed to have accepted the obligations of the Scheme.

(2) A registered employer shall not employ a daily worker who has not been allocated to or selected by him in accordance with the Scheme.

(3) A registered employer on the engagement of a daily worker shall obtain his record book and stamp it in respect of each period of work, and return it to him at the conclusion of his engagement unless otherwise directed by the local board.

(4) A registered employer shall submit in accordance with arrangements made by the local board all available information of his current and forward labour requirements.

(5) A registered employer in accordance with directions given by the local board shall lodge with the local board a return of the gross wages (including overtime and allowances and without deductions of any kind) due from him to each registered dock worker in respect of the period covered by the return.

(6) A registered employer shall pay to the National Board in such manner and at such times as the National Board may direct the total amount of the gross wages due to daily workers contained in the return made under the preceding paragraph.

(7) A registered employer shall keep such records as the National Board may reasonably require, and shall produce to such persons as may be designated by the National Board upon reasonable notice all such records and any other documents of any kind relating to registered dock workers and to the work upon which they have been employed, and furnish such information relating thereto, as may be set out in any notice or direction issued by or on behalf of the National Board.

(8) Every registered employer shall comply with the provisions of the pension scheme, and in particular, if the pension scheme so provides, every registered employer shall deduct from the wages of weekly workers employed by him the contributions due from those workers under the pension scheme, and shall pay those contributions to the trustees of that scheme or, if the trustees so direct, to the local board.

Restriction on employment

10.—(1) No person other than a registered employer shall engage for employment or employ any worker on dock work nor save as hereafter in the Scheme provided shall a registered employer engage for employment or employ a worker on dock work unless that worker is a registered dock worker.

(2) It is hereby declared that a contravention of any of the provisions of the preceding paragraph is an offence as provided in Section 1 (5) of the Act.

(3) Notwithstanding the foregoing provisions of this Clause—

(*a*) where the local board is satisfied that—

(i) dock work is urgently required to be done ; and

(ii) it is not reasonably practicable to obtain a registered dock worker for that work ;

the local board may, in respect of that work, subject to any limitations imposed by the National Board, either allocate to a registered employer a person who is not a registered dock worker or permit a registered employer himself to engage such a person ;

(*b*) where a registered employer has in his employment a person who is employed under a contract which requires at least one week's notice for its termination, but who is not a registered dock worker, that employer may, on application to and with the approval of the local board employ that person on dock work ;

(*c*) (i) in the case referred to in sub-paragraph (*a*) hereof the person allocated as aforesaid to a registered employer shall for the purposes of Clause 9 (5), (6) and (7) and Clause 12 be treated in respect of that dock work as though he were a daily worker and the person engaged by the employer himself as aforesaid shall for the purposes of Clause 9 (5) and (7), and Clauses 12 and 13 (1) be treated in respect of that dock work as though he were a weekly worker ;

(ii) in the case referred to in sub-paragraph (*b*) hereof, the person so employed on dock work shall in respect of that work be treated for the purposes of Clause 9 (5) and (7) as if he were a weekly worker.

Circumstances in which Scheme ceases to apply

11.—(1) The Scheme shall cease to apply to a registered dock worker when his name has been removed from the register of dock workers in accordance with the provisions of the Scheme.

(2) The Scheme shall cease to apply to a registered employer when his name has been removed from the employers' register in accordance with the provisions of the Scheme.

(3) Nothing in this Clause shall affect any obligation incurred or right accrued during any time when the person was a registered dock worker or a registered employer.

Wages and conditions

12. It shall be an implied condition of the contract between a registered dock worker and a registered employer that the rates of remuneration and conditions of service shall be in accordance with the national or local agreements for the time being in force.

Holidays

13.—(1) An annual holiday with pay at the rates and on the conditions laid down by the National Joint Council for the Port Transport Industry shall be granted by the National Board to each daily and weekly worker.

(2) A daily worker (whether in the reserve pool or allocated to or selected by an employer in accordance with the Scheme) who is not required to work on any bank holiday or day recognised by the National Joint Council for the Port Transport Industry as being a holiday with pay in the port shall be paid by the National Board remuneration in respect of that bank holiday or day at the rates and in accordance with any conditions agreed to by the Council.

Pay in respect of unemployment or under-employment

14.—(1) Subject to the conditions set out in this and the next following Clause when a daily worker is in respect of any pay week available for work but employment or full employment under the Scheme by an employer other than the National Board is not available for him, he shall be entitled to receive from the National Board the amount (if any) that is appropriate for that dock worker under the terms of any agreement for that purpose come to from time to time by the National Joint Council for the Port Transport Industry or, failing such agreement, under any determination from time to time reached in such manner as the Minister may approve.

(2) The conditions subject to which a daily worker is entitled to the said payment (if any) from the National Board are—

(*a*) that he attended as directed at the call stands or control points or was excused from attendance;

(*b*) that his attendance or his excused attendance was recorded.

Disciplinary procedure relating to workers

15.—(1) A daily worker in the reserve pool who fails without adequate cause to comply with the provisions of Clause 8 (4) (*a*) hereof, shall not be entitled to receive any payment under Clause 14 hereof in respect of any pay week in which such failure occurred or continues.

(2) A daily worker who, while in the employment of a registered employer, fails without adequate cause to comply with the provisions of Clause 8 (5) hereof or fails to comply with any lawful orders given to him by his employer or is guilty of misconduct may have his engagement terminated and may be returned to the reserve pool and when so returned his record book shall be returned to the local board unless otherwise agreed by the board.

(3) Any report that a registered dock worker, while in the employment of the National Board or of a registered employer, has failed without adequate cause to comply with any provision of the Scheme, or with any lawful order given to him, or has been guilty of misconduct, shall be made in writing to the local board.

(4) Where any such report relates to any of the following matters, that is to say—

(*a*) failure without adequate cause to comply with the provisions of Clause 8 (4) (*b*) or (*c*) or failure to comply with any lawful order given by or on behalf of the National Board ; or

(*b*) failure without adequate cause to comply with the provisions of Clause 8 (5) or failure to comply with any lawful order given by the employer ;

and the local board, after investigating the matter, is satisfied that there has been such a failure the worker shall be so notified and shall not be entitled to any payment or such part of any payment as the board thinks fit under Clause 14 in respect of the pay week in respect of which such failure occurred or continues.

(5) The provisions of paragraphs (1) and (4) hereof are without prejudice to and in addition to the powers of the local board to take in respect of any of the matters to which those paragraphs relate any of the steps specified in paragraph (6) hereof.

(6) If after investigating any report referred to in paragraph (3) hereof the local board is satisfied that there has been any such failure or misconduct, it may take any of the following steps, that is to say it may as respects the worker concerned—

(*a*) determine that for such period as it thinks proper (but not exceeding twenty-eight consecutive days) he shall not be entitled to any payment under Clause 14 ;

(*b*) suspend him from the Scheme for a period not exceeding seven consecutive days ;

(*c*) give him seven days' notice in writing of termination of employment ;

(*d*) dismiss him summarily ;

and for the purpose of calculating a period of consecutive days under sub-paragraph (*a*) or (*b*) every day of the week whether normally a working day or not shall be taken into account.

(7) Any determination or suspension under sub-paragraph (*a*) or (*b*) of the preceding paragraph shall be notified in writing to the person concerned.

Disciplinary procedure relating to employers

16. Where a registered employer fails to carry out the provisions of the Scheme, his name may be removed from the employers' register after seven days' notice in writing given to him by or on behalf of the National Board and thereafter the name of that employer shall not be re-entered in the employers' register for a period of three months or such less period as the Board may determine.

Termination of employment

17.—(1) In addition to the provisions as to termination of employment in Clause 15 the employment of a daily worker by the National Board may be terminated at any time by that Board or the local board by giving him seven days' notice thereof in writing.

(2) A daily worker shall not leave his employment with the National Board except by giving seven days' notice in writing to the local board or so as to be employed by another employer in accordance with the provisions of the Scheme.

(3) Where the employment of a daily worker by the National Board is terminated or where a daily worker leaves that employment after giving notice in accordance with the preceding paragraph the worker's name shall forthwith be removed from the register of dock workers.

Appeals

18.—(1) If any person is aggrieved because—

(*a*) of his grouping or re-grouping in the register of dock workers ; or

(*b*) of a decision or determination under Clause 15 affecting his entitlement to any payment under Clause 14; or

(*c*) he has been suspended from the Scheme; or

(*d*) he has received notice under Clause 15 or Clause 17 to terminate his employment; or

(*e*) he has been summarily dismissed under Clause 15;

he may, within three clear working days of being informed of the matters in (*a*), (*b*), (*c*) or (*e*) hereof, or of receiving a notice of termination of employment, as the case may be, lodge an appeal in writing with the clerk to the appeal tribunal:

Provided that no appeal shall lie in a case where a notice of termination of employment has been given on the ground that the person to whom the notice relates falls within a class or description of dock workers whose names are to be removed from the register of dock workers in order to reduce the size thereof, so, however, that an appeal may nevertheless be made upon the ground that the person concerned alleges that he does not belong to that class or description.

(2) The appeal tribunal shall as soon as may be hear and determine the appeal. Where an appeal is allowed against the grouping or re-grouping of a person he shall be grouped in accordance with the determination of the tribunal. Where an appeal against a decision or determination is allowed the tribunal may order that there shall be paid to the appellant any sum which he would, but for that decision or determination, and subject to the conditions contained in that Clause, have been entitled to receive under Clause 14. If the tribunal allows an appeal against summary dismissal, the name of the appellant shall be restored to the register of dock workers as from such date, not being later than the date of the determination of the appeal, as the tribunal may decide, and the appellant shall be treated as if he had not ceased to be a registered dock worker as from that date. On any appeal the tribunal may vary, alter or modify any penalty imposed, but shall not increase any penalty imposed or impose a more severe penalty.

(3) The decision of a majority of an appeal tribunal shall be the decision of the tribunal.

(4) A registered employer who is aggrieved by reason of the fact that he has received notice under Clause 16 hereof that his name will be removed from the employers' register, may, within seven days of the issue of such notice, lodge an appeal with the National Board who shall forthwith refer the matter to the Minister who shall make such provision for its determination as may appear to him appropriate.

Suspension of notice in case of certain appeals

19.—(1) Where in any case notice has been given that the name of an employer is to be removed from the employers' register and an appeal is lodged in accordance with the provisions of Clause 18 (4) hereof, the operation of the notice shall be suspended pending the determination of the appeal.

(2) Where an appeal is lodged with the appeal tribunal in respect of any of the matters set out in sub-paragraphs (*b*), (*c*) and (*d*) of paragraph (1) of Clause 18 then, pending the determination of that appeal—

(*a*) any disentitlement to any payment under Clause 14 by reason of a decision or determination referred to in sub-paragraph (*b*) shall, except in the case of a disentitlement under Clause 15 (1), be suspended; and

(*b*) where the appeal is because the dock worker has been suspended for a period from the Scheme or given notice to terminate his employment, that suspension or notice shall not be treated as operative:

Provided that where any such appeal is dismissed then, subject to the power of the tribunal to vary, alter or modify any penalty, any such disentitlement shall thereupon be treated as effective and any period of suspension and any notice to terminate employment shall take effect from such day as the tribunal may determine, not being earlier than the day next following the determination of the appeal.

Saving for reinstatement in civil employment

20.—(1) Where under any enactment relating to the reinstatement in civil employment of persons who have been in the service of the Crown, the National Board or a registered employer, as the former employer, reinstates in its or his employment a person for the performance of dock work, the name of that person shall be entered in the register of dock workers and that person shall be a registered dock worker accordingly.

(2) The provisions of Clause 18 (1) and (2) hereof relating to appeals in the case of summary dismissal and the termination of employment by seven days' notice in writing shall not apply for the period during which under any such enactment as is referred to in the preceding paragraph the former employer is under an obligation to continue the employment of the person so reinstated.

Cost of operating the Scheme

21.—(1) The cost of operating the Scheme shall be defrayed by payments made by registered employers to the National Board in the manner following:—

Every registered employer shall pay to the National Board—

(*a*) such levy, whether by way of percentage on the gross wages set out in Clause 9 (6) hereof or as otherwise agreed, together with and at the same time as the payment of those wages; and

(*b*) at the same time as the payment under sub-paragraph (*a*) hereof, such levy whether by way of percentage on the gross wages shown as due to weekly workers in the return made under Clause 9 (5) hereof or as otherwise agreed;

as the National Board may in either case from time to time notify by public notice.

(2) In determining what payments are to be made by registered employers under paragraph (1) of this Clause, the National Board may fix different percentages for different categories of work or workers, provided that the percentages shall be so fixed that the like percentages will apply to all dock employers who are in like circumstances.

(3) Before imposing a levy exceeding twenty-five per cent. of gross wages, the National Board shall report the matter to the Minister and shall not impose such a levy until it has taken into consideration any observations received from the Minister within fourteen days of the receipt of the report by the Minister.

(4) A registered employer shall on demand make a payment to the National Board by way of deposit, or provide such other security for the purposes of the payment of the gross wages set out in Clause 9 (6) hereof, and the percentage payments set out in paragraph (1) (*a*) and (*b*) of this Clause, as the National Board may consider reasonably necessary.

(5) The National Board shall cause proper accounts to be kept of the cost of operating the Scheme and of all receipts and expenses under it; and shall make and submit to the Minister an annual report and balance sheet.

(6) The National Board shall furnish from time to time to the National Joint Council for the Port Transport Industry all such statistical and other information as may reasonably be required relating to the operation and finance of the Scheme.

APPENDIX I

PORTS TO WHICH SCHEME RELATES

A. Ayrshire Ports:
The following Ports:—
(1) Ardrossan
(2) Ayr
(3) Irvine
(4) Troon

B. The Port of Barrow-in-Furness:

C. Bristol and Severn Ports:
The following Ports:—
(1) Bristol
(2) Sharpness
(3) Gloucester

D. Cornish Ports:
The following Ports:—
(1) Charlestown
(2) Falmouth
(3) Fowey
(4) Hayle
(5) Newlyn
(6) Par
(7) Penryn
(8) Penzance
(9) Porthleven
(10) Portreath
(11) Truro

E. Cumberland Ports:
The following Ports:—
(1) Maryport
(2) Silloth
(3) Whitehaven
(4) Workington

F. East Anglian Ports:
The following Ports:—
(1) Boston
(2) Great Yarmouth
(3) King's Lynn
(4) Lowestoft
(5) Sutton Bridge
(6) Wisbech

G. East Coast of Scotland Ports:
The following Ports:—
(1) Aberdeen
(2) Burntisland
(3) Dundee
(4) Grangemouth
(5) Granton
(6) Kirkcaldy
(7) Leith
(8) Methil
(9) Tayport

H. The Port of Fleetwood:

I. The Port of Glasgow:

J. The Port of Greenock:

K. The following Ports:—
(1) Grimsby
(2) Immingham

L. The following Ports:—
(1) Hull
(2) Goole

M. The Port of Ipswich:

N. The Port of London:

O. The Medway and Swale Ports:—
(1) The Medway Conservancy
(2) Queenborough Harbour Authority
(3) Milton Creek Conservancy
(4) Faversham Navigation Commission
(5) Whitstable

P. The following Ports:—
(1) Birkenhead
(2) Bromborough
(3) Ellesmere Port
(4) Garston
(5) Liverpool
(6) Manchester
(7) Partington
(8) Preston
(9) Runcorn
(10) Weston Point
(11) Widnes

Q. The following Ports:—
(1) Middlesbrough
(2) The Hartlepools

R. The Port of Plymouth:

S. The following Ports:—
(1) Poole and Hamworthy
(2) Southampton
(3) Weymouth

T. South Wales Ports:
The following Ports:—
(1) Barry
(2) Cardiff and Penarth
(3) Newport
(4) Port Talbot
(5) Swansea

U. Tyne and Wear Ports:
The following Ports:—
(1) Newcastle
(2) Gateshead
(3) North Shields
(4) South Shields
(5) Sunderland
(6) Blyth
(7) Seaham Harbour
(8) Dunston

In this Appendix port means the area of that port as laid down by or under any Act of Parliament, Order-in-Council, provisional Order or other statutory enactment passed or made with reference to that port, except where otherwise defined for the purposes of any dock labour scheme referred to in Clause 1 (3) of the Scheme, in which case it shall have the meaning set out in that dock labour scheme.

APPENDIX II

EXCLUSIONS

(*a*) Processing work in connection with cargoes of pitwood or timber including in the expression "processing work" but without prejudice to the generality of that expression, sawing, planing, cutting, pointing, ripping and splitting when such processing work is performed by persons in the regular employment of saw-millers or pitwood or timber importers and in pitwood or timber yards.

(*b*) In the Port of London, all operations performed by the following cold store undertakings and by the persons employed by those undertakings, that is to say:—

Charterhouse Cold Storage Co., Ltd.

Cowcross Street Cold Store and Transport Co., Ltd.

Eagle Cold Stores.

Hedley Vicars Cold Air Stores Ltd.

Metropolitan Cold Stores.

Morris and Co. (Meat Importers) Ltd.

St. John's Cold Store.

Sansinena Co., Ltd.

Times Cold Storage Co., Ltd.

The Union Cold Storage Co., Ltd.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order amends the Dock Workers (Regulation of Employment) Scheme, 1947, as varied by the Dock Workers (Regulation of Employment) (Amendment) Scheme, 1960. The 1947 Scheme as amended is set out in the Second Schedule to this Order.

The Order contains new provisions enabling local boards to delegate certain of their functions to committees or to officers of the National Board and enabling deputy members to be appointed to local boards. It also contains revised provisions as to the votes required to constitute a majority decision of the National Board, or of a local board or a committee of a local board; as to the industrial agreements to which the National Board

must have regard when granting annual holidays with pay ; as to the method of engagement for employment on urgent dock work of persons who are not registered ; and as to the disciplinary procedure relating to workers.

It also provides that the Scheme shall no longer relate to the Ports of Bo'ness, Llanelly, Mousehole and St. Ives, and varies the application of the Scheme in connection with cargoes of pitwood or timber.

In addition the Order contains a number of amendments designed to improve the drafting and to remove provisions which have become spent.