STATUTORY INSTRUMENTS

1967 No. 1252

HARBOURS, DOCKS, PIERS AND FERRIES

The Dock Workers (Regulation of Employment) (Amendment) Order 1967

Made - - - -	18*th August* 1967
Laid before Parliament	22*nd August* 1967
Coming into Operation	18*th September* 1967

The Minister of Labour—

(*a*) by virtue of the powers conferred on him by section 2(5) and (6) of the Dock Workers (Regulation of Employment) Act 1946(**a**) and of all other powers enabling him in that behalf;

(*b*) having pursuant to section 2(5) of the said Act prepared the scheme set out in Schedule 1 hereto, being a scheme varying the scheme contained in the Dock Workers (Regulation of Employment) Order 1947(**b**) as varied by the schemes contained in the Dock Workers (Regulation of Employment) (Amendment) Order 1960(**c**) and the Dock Workers (Regulation of Employment) (Amendment) Order 1961(**d**) (which scheme of 1947 as so varied is hereinafter referred to as " the principal Scheme " and is set out in Schedule 2 to the said Order of 1961); and

(*c*) after giving notice, pursuant to the Schedule to the said Act of 1946, of the preparation of the draft Order and of the proposal to make it and after the holding of an inquiry under that Schedule into objections made to the draft,

hereby makes the following Order:—

1. This Order may be cited as the Dock Workers (Regulation of Employment) (Amendment) Order 1967 and shall come into operation on 18th September 1967.

2. The Interpretation Act 1889(**e**) 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 1967 set out in Schedule 1 hereto varying the principal Scheme and accordingly the principal Scheme, as so varied, shall have effect as set out in Schedule 2 hereto.

18th August 1967.

R. J. Gunter,
Minister of Labour.

(**a**) 1946 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**) S.I. 1961/2107 (1961 III, p. 3837).
(**e**) 1889 c. 63.

Article 3

SCHEDULE 1

THE DOCK WORKERS (REGULATION OF EMPLOYMENT) (AMENDMENT) SCHEME 1967

1. This Scheme shall be called the Dock Workers (Regulation of Employment) (Amendment) Scheme 1967.

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):—

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

" (1) The Dock Workers (Regulation of Employment) Scheme 1947, as varied by the Dock Workers (Regulation of Employment) (Amendment) Scheme 1960, the Dock Workers (Regulation of Employment) (Amendment) Scheme 1961 and the Dock Workers (Regulation of Employment) (Amendment) Scheme 1967 shall be called the Dock Workers Employment Scheme 1967 and is hereinafter referred to as ' the Scheme '.";

(*b*) in paragraph (3) for the word " Scheme " where it first appears in line 4 of that paragraph there shall be substituted the words "said Scheme of 1947".

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

(*a*) in paragraph (1):—

(i) in the definition of " appeal tribunal " for the expression " Clause 5(7) " there shall be substituted the expression " Clause 5(8) ";

(ii) the definition of " daily worker " shall be omitted;

(iii) after the definition of " pension scheme " there shall be inserted the following definition:—

" ' permanent worker ' means a registered dock worker who is employed by a registered employer under a contract which requires not less than the appropriate notice required under Clause 17(3) for its termination;";

(iv) the definitions of " reserve pool " and " weekly worker " shall be omitted;

(v) after the definition of " registered employer " there shall be inserted the following definitions:—

" ' supplementary worker ' means a registered dock worker whose name is entered in the register of dock workers for a limited period;

' temporarily unattached worker ' means a registered dock worker who is neither a permanent worker nor a supplementary worker;

' working day ' means any day of the week except Saturday and Sunday.".

(*b*) in paragraph (2) after the word " Scheme " there shall be inserted the words "(other than the provisions of this paragraph and of Appendix II)".

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

(*a*) in paragraph (1):—

(i) in sub-paragraph (*b*) for the words " of daily workers to registered employers " there shall be substituted the words " to employment and the transfer between registered employers of registered dock workers ";

(ii) after sub-paragraph (*b*) there shall be inserted the following sub-paragraph:—

" (*c*) the giving or withholding of consent to the termination of the employment of any permanent worker by a registered employer in accordance with the provisions of the Scheme;";

(iii) in sub-paragraph (*c*) at the end there shall be added the words " having regard to all the circumstances in the port in relation to which the registers are kept;";

(iv) in sub-paragraph (*e*) for the words " either at his own request or, in accordance with the provisions of the Scheme " there shall be substituted the words " or, where occasion requires it, suspending any employer from the Scheme in accordance with its provisions ";

(v) sub-paragraph (*f*) shall be omitted;

(vi) in sub-paragraph (*h*) after the word " levying " there shall be inserted the word " charging ";

(vii) sub-paragraph (*j*) shall be omitted;

(viii) sub-paragraphs (*c*), (*d*) and (*e*) shall be relettered (*d*), (*e*) and (*f*), respectively;

(*b*) after paragraph (1) there shall be inserted the following paragraph:—

" (2) The National Board may—

(*a*) act as agent of the trustees of any 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;

(*b*) establish and administer any pension scheme;

(*c*) use any of its income or property, whencesoever derived and whenever acquired (whether before or after the coming into operation of the Scheme of 1967), for the purposes of any pension scheme;

(*d*) administer any arrangements in accordance with any national or local agreements for the time being in force for the making of payments to registered dock workers in respect of absence from work because of sickness or injury;

(*e*) compensate, under the terms of any national or local agreement for that purpose come to from time to time, dock workers whose names are removed from the register of dock workers either at their own request or otherwise;

(*f*) administer any arrangements in accordance with any national agreement for the time being in force for the making of payments to a registered employer who has in his employment a number of permanent workers in excess of the number for whom he has regular work.";

(*c*) in paragraph (3) for the expression " paragraph (1)(*c*) " there shall be substituted the expression " paragraph (1)(*d*) ";

(*d*) in paragraph (4) in the eighth line after the words " National Board " there shall be inserted the words " nor prevent the National Board making payments to, or providing other benefits for, any of its officers or servants in respect of redundancy (whether under the Redundancy Payments Act 1965(**a**) or otherwise),";

(*e*) paragraphs (2), (3) and (4) shall be renumbered (3), (4) and (5) respectively.

6. In Clause 4 of the principal Scheme (which relates to the constitution of the National Board) after paragraph (9) there shall be added the following paragraph:—

" (10) Anything which the National Board is required or authorised to do or decide under the Scheme (other than in relation to Clauses 3(1)(*h*), 3(2)(*c*), 5 and 21) may, if the National Board so resolves, be done or decided by a committee of the National Board authorised by the National Board in that behalf.".

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

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

" (3) Subject to the provisions of the next following paragraph of this Clause, the persons representing respectively dock workers and their employers shall be appointed by the National Board for such periods not exceeding two years as it may determine being, in the case of persons appointed to be members of local boards after the date of the coming into operation of the Scheme of 1967, persons nominated or re-nominated, as to persons representing dock workers, by bodies of persons representative of such workers and, as to persons representing employers, by bodies of persons representative of such employers, being in each case bodies:—

(*a*) which are represented in the port in respect of which the local board is being constituted on the Local Joint Committee or Committees of the National Joint Council for the Port Transport Industry; or

(*b*) which are not bodies so represented but the names of which are notified in writing to the National Board by the National Joint Council for the Port Transport Industry as being bodies which are parties to an agreement which is recognised by that Council and relates to the wages and conditions of work of dock workers in the port in respect of which the local board is being constituted and in no other port.

In relation to a port, the persons nominated shall be nominated, in the case of persons representing workers, jointly by the bodies representing such workers, and in the case of persons representing employers, jointly by the bodies representing such employers.

(4) Where at any time the National Board is required to appoint persons to be members of a local board and at that time it has received no joint nominations in respect of that local board of persons representing dock workers or, as the case may be, of persons representing employers in accordance with the last foregoing paragraph of this

(**a**) 1965 c. 62.

Clause, the persons to be members of that local board as representing the persons in respect of whom no joint nominations have been received shall be such persons as the National Board thinks fit to appoint after considering any representations made to it by any of the bodies of persons who were entitled jointly to nominate persons for appointment to that local board but who have failed to do so.";

(*b*) in paragraph (5) in the first line before the word " employers " there shall be inserted the word " their ";

(*c*) in sub-paragraph (*b*) of paragraph (7) after the words " Local Joint Committee " there shall be inserted the words " or Committees ";

(*d*) in paragraph (11) after " 10 " there shall be inserted " 14A " and the words in parenthesis shall be omitted;

(*e*) paragraphs (4), (5), (6), (7), (8), (9), (10), (11) and (12) shall be renumbered (5), (6), (7), (8), (9), (10), (11), (12) and (13) respectively.

8. For Clause 6 of the principal Scheme (which relates to the functions of local boards) there shall be substituted the following Clause:—

" *Functions of local boards as to registers and other matters*

6.—(1) Subject to and in accordance with the provisions of Clause 3(4), 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 or, where occasion requires it, suspending any employer from the Scheme in accordance with its provisions;

(*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 allocation of supplementary workers to registered employers and, where occasion requires it, giving directions to such employers to terminate the employment of such workers;

(*d*) the employment and control of temporarily unattached workers;

(*e*) the allocation of temporarily unattached workers to registered employers for temporary employment, 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 of the employer,

(iii) make the fullest possible use of temporarily unattached workers,

(iv) keep the record of attendance at control points of temporarily unattached workers,

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

(*f*) the payment as agent of the registered employer to each temporarily unattached worker of all earnings properly due to him from the employer, and the payment to such temporarily unattached workers of all moneys payable by the National Board to those workers in accordance with the provisions of the Scheme including payments in respect of absence from work because of sickness or injury as provided by any arrangements in accordance with any national or local agreements for the time being in force;

(*g*) the deduction from the payment due to a temporarily unattached worker referred to in sub-paragraph (*f*) of this paragraph of any contribution due under any 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 temporarily unattached 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 any pension scheme, of the contributions due from registered employers under the pension scheme, including those of the permanent 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 any pension scheme of the contributions collected in pursuance of sub-paragraph (*i*) of this paragraph;

(*k*) the payment, as agent of the trustees of any 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*) the allocation of registered dock workers (other than supplementary workers) to registered employers as permanent workers (whether on transfer from the employment of a registered employer or otherwise) with a view to securing that every such registered dock worker is so allocated and in doing this to have regard to any preference expressed by any employer as to the workers he wishes to employ and to the extent (if any) to which he has as a registered employer employed registered dock workers (other than supplementary workers) and to his future capacity to employ dock workers and to any preference expressed by any worker as to the employer by whom he wishes to be employed, so however that a permanent worker shall not be transferred to or from a registered employer except—

(i) at the request of either the permanent worker or his employer and with the agreement of any employer to whom he is to be transferred; or

(ii) in cases where the National Board is, under any enactment for the time being in force, under an obligation to make such transfers:

Provided that—

(1) in the case of a registered dock worker who on 25th March 1966 was temporarily not available for dock work by reason of the fact that the local board had approved his absence in order to perform work other than dock work and who at any time after that date became or will become available for dock work, the local board shall not be required

to allocate such worker to a registered employer as a permanent worker except in accordance with the provisions of any national or local agreement for the allocation of such workers;

(2) in any case other than the case referred to in paragraph (1) of this proviso, the local board shall not be required to allocate a registered dock worker to a registered employer as a permanent worker so long as that worker is temporarily not available for dock work (otherwise than by reason of sickness or injury for a period of less than sixteen weeks or by reason of holidays or suspension under the provisions of the Scheme);

(*m*) the giving or withholding of consent to the termination of the employment of any permanent worker by a registered employer or to the transfer of a permanent worker from his employer to another registered employer, in accordance with the provisions of the Scheme:

Provided that a local board shall not give its consent to such a transfer (other than a temporary transfer or a transfer made in a case where the National Board is, under any enactment for the time being in force, under a duty to make such transfer)—

(i) in the case of a worker employed by a registered employer on the date of the coming into operation of the Scheme of 1967 and in the case of a worker in the first employment to which he was allocated within three months after the said date, until the expiration of a period of three months from the said date or one month from the said allocation of the worker (whichever period expires the later); or

(ii) in any other case, until the expiration of a period of one month from the date of the worker's allocation to employment with a registered employer;

(*n*) supervising the temporary transfer of permanent workers to work for employers other than their permanent employers with a view to ensuring the fullest possible use of the workers available and the making of transfers, as far as practicable, in rotation among the permanent workers of any particular employer;

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

(2) The local board may act as agent of any registered employer who so requests for the purpose of—

(*a*) administering any arrangements in accordance with any national or local agreements for the time being in force for the making of payments to registered dock workers in respect of absence from work because of sickness or injury; and

(*b*) doing in relation to permanent workers in his employment any of the things which by virtue of paragraph (1)(*f*), (*g*) or (*h*) of this Clause a local board is responsible for doing in relation to temporarily unattached workers and making payments to such permanent workers in respect of holidays.

(3) The local board may make payments, under the terms of any national or local agreement for that purpose come to from time to time by way of compensation to dock workers whose names are removed from the register of dock workers either at their own request or otherwise.".

9. After Clause 6 of the principal Scheme there shall be inserted the following Clause (which relates to seasonal workers):—

" *Supplementary workers*

7. References in the provisions of the Scheme (other than in Clauses 2(1), 3(1)(*c*), 3(2)(*f*), 6(1)(*i*), (1) and (*m*), 6(2)(*b*) (in so far as it relates to Clause 6(1)(*g*)), 9(8), 10(3)(*c*), 17(1) and (6) and 18(1) and (5)) to permanent workers shall be construed as including references to supplementary workers.".

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

(*a*) for the words " daily worker " in every place where they appear there shall be substituted the words " temporarily unattached worker ";

(*b*) in paragraph (3) the words " or selected by " and the words " or unless he is engaged as a weekly worker " shall be omitted;

(*c*) in paragraph (4):—

(i) for the words " in the reserve pool shall carry out the directions of the local board and shall " there shall be substituted the words " while in the employment of the National Board shall carry out the directions of the local board and if available for work shall ";

(ii) in sub-paragraph (*a*) the words " call stands or " shall be omitted;

(*d*) at the beginning of paragraph (5) there shall be inserted the words " A permanent worker and ";

(*e*) in paragraph (6) for the words " the pension scheme " there shall be substituted the words " any pension scheme ";

(*f*) after paragraph (6) there shall be added the following paragraphs:—

" (7) Every registered dock worker shall accept any employment as a permanent worker with a registered employer to which he is allocated by the local board in accordance with the provisions of the Scheme unless the allocation to the said employment is withdrawn.

(8) Every permanent worker shall accept any temporary transfer to work for another employer which is approved or arranged by the local board for such period as is so approved or arranged either at the time of the transfer or subsequently, and shall comply with the provisions of paragraph (4)(*b*) and (*c*) of this Clause as if he were a temporarily unattached worker.

(9) Every permanent worker for whom there is no dock work for the time being available with his employer shall accept such work other than dock work with his permanent employer as that employer considers suitable for him, as is in accordance with the provisions of any agreement come to by the appropriate joint industrial organisation and as the local board approves.

(10) While a permanent worker is working for a registered employer to whom he has been temporarily transferred from the employer by whom he is employed as a permanent worker he shall for the purposes of the Scheme be deemed to remain in the employment of the last-mentioned 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 paragraphs:—

" (2) A registered employer—

(*a*) shall employ any registered dock worker who is allocated to him as a permanent worker by the local board in accordance with the

provisions of the Scheme and shall not engage as a permanent worker any registered dock worker who has not been so allocated;

(*b*) shall not use the services of any permanent worker on temporary transfer except with the approval of or as arranged by the local board;

(*c*) shall not transfer, whether temporarily or otherwise, any permanent worker employed by him to any other registered employer except in such cases and for such periods as the local board may approve or arrange in accordance with the provisions of the Scheme;

(*d*) shall not employ any temporarily unattached worker except in accordance with allocations made by the local board;

(*e*) shall terminate the employment of any supplementary worker in accordance with any direction given in writing to the employer by the local board;

(*f*) shall comply with any direction of the local board given to him under Clause 14A(3)(*d*).";

(*b*) in paragraph (3) for the words " daily worker " there shall be substituted the words " temporarily unattached worker ";

(*c*) in paragraph (6) for the words " daily workers " there shall be substituted the words " temporarily unattached workers ";

(*d*) in paragraph (8):—

(i) for the words " weekly workers " there shall be substituted the words " permanent workers ";

(ii) for the words " the pension scheme " in each place where they appear in lines 1 and 2 there shall be substituted the words " any pension scheme ".

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

(*a*) in paragraph (1) after the word " employer " in line 1 there shall be inserted the words " and the National Board ";

(*b*) in paragraph (3):—

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

"(ii) it is not reasonably practicable to secure the doing of that work by a registered dock worker;";

(ii) in sub-paragraph (*a*) for the word " may " there shall be substituted the word " shall ";

(iii) in sub-paragraph (*b*) after the word "approval" there shall be inserted the words " in the case of that worker ";

(iv) in sub-paragraph (*c*) for the words " daily worker " there shall be substituted the words " temporarily unattached worker " and for the words " weekly worker " in each place where they appear there shall be substituted the words " permanent worker ".

13. In Clause 11 of the principal Scheme (which sets out the circumstances in which the Scheme ceases to apply):—

(*a*) after paragraph (1) there shall be inserted the following paragraph:—

" (2) Where by reason of the provisions of any enactment it is or becomes unlawful during any period for any employer to employ in any

port dock workers to whom the Scheme relates on work to which the Scheme applies the name of that employer shall not during that period be entered in or (as the case may require) he shall during that period be suspended from the employers' register and his name shall be removed from and not re-entered in the employers' register during any period during which he is so suspended.";

(*b*) after paragraph (2) there shall be inserted the following paragraph:—

" (4) The Scheme (other than the provisions of this paragraph) shall not apply to a registered employer during any period during which he is suspended in accordance with the provisions of the Scheme.";

(*c*) paragraphs (2) and (3) shall be renumbered (3) and (5) respectively.

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

(*a*) in paragraph (1) for the words " daily and weekly worker " there shall be substituted the words " temporarily unattached worker ";

(*b*) in paragraph (2) for the words " daily worker (whether in the reserve pool or allocated to or selected by an employer in accordance with the Scheme) " there shall be substituted the words " temporarily unattached worker (whether or not in the employment of a registered employer) ".

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

(*a*) in paragraphs (1) and (2) for the words " daily worker " there shall be substituted the words " temporarily unattached worker ";

(*b*) in paragraph (2) the words " call stands or " shall be omitted.

16. After Clause 14 of the principal Scheme there shall be inserted the following Clause (which provides for the disciplinary procedure relating to permanent workers):—

" *Disciplinary procedure relating to permanent workers*

14A.—(1) A permanent worker shall not have his employment terminated, except in accordance with the following provisions of this Clause or with the provisions of Clause 17.

(2) Where a registered employer alleges that a permanent worker in his employment has been guilty of misconduct such as to justify his summary dismissal, he may terminate that worker's contract of employment without notice and the worker shall thereupon become a temporarily unattached worker in the employment of the National Board.

(3) Where a registered dock worker has become a temporarily unattached worker as a result of his contract of employment having been terminated in pursuance of paragraph (2) of this Clause, the local board shall investigate the matter and after doing so may—

(*a*) dismiss the worker summarily;

(*b*) give him notice in writing to terminate his employment being notice of the appropriate duration specified in Clause 17(3) or (5) applying in the case of the worker;

(*c*) suspend him from the Scheme for a period not exceeding five consecutive working days and thereafter return him to his former employer; or

(*d*) re-instate him with his former employer and may, if the local board thinks fit, also direct that his former employer shall pay such sums in respect of his wages since his dismissal by his former employer as the local board may determine either to him or the local board or to both.

(4) A worker who is returned to or re-instated with his former employer by the local board in pursuance of paragraph (3)(*c*) or (*d*) of this Clause shall be deemed (except in relation to his wages) to have continued without interruption in the employment of that employer from the date on which his contract was terminated under paragraph (2) of this Clause.

(5) Where a registered employer alleges that a permanent worker has been guilty of misconduct, other than of a kind to which paragraph (2) of this Clause applies, the employer may suspend the worker from the Scheme without pay for a period not exceeding five consecutive working days.

(6) A permanent worker who has been suspended from the Scheme in pursuance of paragraph (5) of this Clause may within five clear working days (excluding bank holidays and days recognised by the National Joint Council for the Port Transport Industry as being holidays with pay in the port) of his suspension appeal by notice in writing to the local board, and the local board may, after investigating the matter, either confirm or reduce the period of suspension or reverse the decision to suspend the worker.

(7) Where a permanent worker has given notice of appeal under paragraph (6) of this Clause against suspension by his employer, the suspension shall be of no effect pending the determination of the appeal. Where the appeal is dismissed the suspension shall take effect from such day as the local board may determine, not being earlier than the day next following the determination of the appeal.".

17. In Clause 15 of the principal Scheme (which provides for the disciplinary procedure relating to workers):—

(*a*) for the words " Disciplinary procedure relating to workers " there shall be substituted the words " Disciplinary procedure relating to temporarily unattached workers ";

(*b*) in paragraph (1) for the words "daily worker in the reserve pool" there shall be substituted the words " temporarily unattached worker ";

(*c*) in paragraph (2):—

(i) for the words " daily worker " there shall be substituted the words " temporarily unattached worker ";

(ii) for the words " reserve pool " there shall be substituted the words " local board ";

(*d*) in paragraph (3) for the words " registered dock worker " there shall be substituted the words " temporarily unattached worker ";

(*e*) in paragraph (6):—

(i) in sub-paragraph (*b*) for the words " seven consecutive days " there shall be substituted the words " five consecutive working days ";

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

" (*c*) give him notice in writing to terminate his employment being notice of the appropriate duration specified in Clause 17(3) or (5) applying in the case of the worker;";

(iii) all the words after sub-paragraph (*d*) shall be omitted.

18. For Clause 16 of the principal Scheme (which provides for the disciplinary procedure relating to employers) there shall be substituted the following Clause:—

" *Disciplinary procedure relating to employers*

16. Where a registered employer fails to carry out the provisions of the Scheme, he may, after seven days' notice in writing given to him by or on

behalf of the National Board, be suspended from the Scheme for such period as the National Board may specify in the notice and his name shall be removed from and not re-entered in the employers' register during any period during which he is so suspended.".

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

" *Termination of employment*

17.—(1) In addition to the provisions as to termination of employment in Clauses 14A and 15 the following provisions shall have effect—

(*a*) the employer of a permanent worker may, with the previous consent in writing of the local board, terminate his employment by giving to him in writing not less than the appropriate period of notice specified in paragraph (3) of this Clause;

(*b*) the National Board or the local board may terminate the employment by the National Board of a temporarily unattached worker by giving to him in writing not less than the appropriate period of notice specified in paragraph (3) of this Clause.

(2) In dealing with an application for consent under paragraph (1)(*a*) of this Clause the local board shall take into account all relevant circumstances obtaining in the port at the relevant time.

(3) The period of notice required to be given under paragraph (1) of this Clause shall be—

(*a*) one week's notice if the worker's total period as a registered dock worker is less than two years;

(*b*) two weeks' notice if the said period is two years or more but less than five years; and

(*c*) four weeks' notice if the said period is five years or more.

(4) A registered dock worker shall not leave his employment with the National Board or with a registered employer (as the case may be) except by giving not less than seven days' notice in writing to the local board or to his employer (as the case may be).

(5) The employer of a supplementary worker may terminate his employment by giving to him not less than seven days' notice in writing and upon such termination the worker's name shall be removed from the register of dock workers.

(6) Where the employment of a permanent worker is terminated in pursuance of paragraph (1) or (4) of this Clause, he shall either become a temporarily unattached worker in the employment of the National Board or have his name removed from the register as the local board may determine.

(7) Where the employment of a temporarily unattached worker by the National Board is terminated (either in accordance with the provisions of Clause 14A or 15 or of this Clause) or where a temporarily unattached worker or a supplementary worker leaves his employment after giving notice in accordance with paragraph (4) of this Clause, the worker's name shall forthwith be removed from the register of dock workers."

20. For Clause 18 of the principal Scheme (which relates to appeals) there shall be substituted the following Clause:—

" *Appeals*

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

(*a*) of the withholding from him of consent by the local board under Clause 6(1)(*m*) to his transfer as a permanent worker from his employer to another registered employer; 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 (except in a case where the suspension is under paragraph (5) or (6) of Clause 14A); or

(*d*) he has received notice under Clause 14A, 15 or 17 to terminate his employment; or

(*e*) he has been summarily dismissed under Clause 14A or 15,

he may, within five clear working days (excluding bank holidays and days recognised by the National Joint Council for the Port Transport Industry as being holidays with pay in the port) 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.

(3) In any case other than a case specified in paragraph (4) or (5) of this Clause the provisions following in this paragraph shall have effect. 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.

(4) On an appeal by a worker against dismissal, termination or suspension by the local board under paragraph (3)(*a*), (*b*) or (*c*) of Clause 14A the tribunal may make any such order as the local board could have made under the said paragraph (3):

Provided that the tribunal shall not impose a penalty more severe than that imposed by the decision of the local board.

(5) On an appeal against the withholding of consent by the local board under sub-paragraph (*m*) of Clause 6(1) to the transfer of a permanent worker the tribunal may give or withold any consent which the local board could have given or withheld under the said sub-paragraph.

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

(7) A registered employer who is aggrieved by reason of the fact that he has received notice under Clause 16 that he will be suspended from the Scheme, 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.".

21. In Clause 19 of the principal Scheme (which relates to the suspension of notice in the case of certain appeals):—

(*a*) in paragraph (1):—

(i) for the words " that the name of an employer is to be removed from the employers' register " there shall be substituted the words " to an employer that he is to be suspended from the Scheme ";

(ii) for the expression " Clause 18(4) hereof " there shall be substituted the expression " Clause 18(7) ";

(*b*) in paragraph (2) in sub-paragraph (*a*) for the words " sub-paragraph (*b*) " there shall be substituted the words " the said sub-paragraph (*b*) ".

22. In Clause 20 of the principal Scheme (which relates to the reinstatement of workers in civil employment) in paragraph (2) the expression " (1) and (2) " shall be omitted.

23. In Clause 21 of the principal Scheme (which relates to the cost of operating the Scheme):—

(*a*) in sub-paragraph (*b*) of paragraph (1) for the words " weekly workers " there shall be substituted the words " permanent workers ";

(*b*) in paragraph (3) for the words " twenty-five per cent. of gross wages " there shall be substituted the words " ten per cent. of gross wages of permanent workers or twenty-five per cent. of gross wages of temporarily unattached workers,";

(*c*) after paragraph (4) the following paragraph shall be inserted:—

" (5) A registered employer who avails himself of the services of the National Board in connection with payments to or in respect of permanent workers employed by him shall pay to the National Board such amounts as the National Board may determine in respect of those services.";

(*d*) paragraphs (5) and (6) shall be renumbered (6) and (7) respectively.

24. For Appendix I to the principal Scheme (which sets out the ports to which the Scheme relates) there shall be substituted the following Appendix:—

" APPENDIX I

PORTS TO WHICH SCHEME RELATES

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

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

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

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

E. Wash Ports:
The following Ports:—
(1) Boston
(2) King's Lynn
(3) Wisbech

F. East Anglian Ports:
The following Ports:—
(1) Great Yarmouth
(2) Ipswich
(3) Lowestoft

G. The Port of London:

H. The Medway and Swale Ports:
The following Ports:—
(1) The area of the Conservators of the River Medway
(2) The area of the Commissioners of the Faversham Navigation
(3) The area of the Conservators of Milton Creek
(4) The harbour area of the Queenborough Corporation
(5) Whitstable

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

J. The Port of Plymouth:

K. The 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

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

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

N. The following Ports:—
(1) Birkenhead
(2) Bromborough
(3) Garston
(4) Liverpool
(5) Widnes

O. The following Ports:—
(1) Ellesmere Port
(2) Manchester
(3) Partington
(4) Runcorn
(5) Weston Point

P. The Port of Preston:

Q. The Port of Fleetwood:

R. The following Ports:—
(1) Barrow-in-Furness
(2) Silloth
(3) Whitehaven
(4) Workington

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

T. The Clyde Ports:
The following Ports:—
(1) Glasgow
(2) Greenock

U. The Port of Aberdeen:

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

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 any instrument made under an 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.".

25. In Appendix II to the principal Scheme:—

(*a*) in paragraph (*b*) for the words " Port of London " there shall be substituted the words " Smithfield Market ";

(*b*) at the end there shall be added:—

" (*c*) In the Port of Bristol, scaling and associated operations as specified in the approved dock labour scheme for the Port of Bristol referred to in Clause 1(3) of the Scheme.".

Article 3

SCHEDULE 2

THE DOCK WORKERS EMPLOYMENT SCHEME 1967

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. Supplementary workers.
8. Obligations of registered dock workers.
9. Obligations of registered employers.
10. Restriction on employment.
11. Circumstances in which Scheme ceases to apply.
12. Wages and conditions.
13. Holidays.
14. Pay in respect of unemployment or under-employment.
14A. Disciplinary procedure relating to permanent workers.
15. Disciplinary procedure relating to temporarily unattached workers.
16. Disciplinary procedure relating to employers.
17. Termination of employment.
18. Appeals.
19. Suspension of notice in the 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 Dock Workers (Regulation of Employment) Scheme 1947, as varied by the Dock Workers (Regulation of Employment) (Amendment) Scheme

1960, the Dock Workers (Regulation of Employment) (Amendment) Scheme 1961 and the Dock Workers (Regulation of Employment) (Amendment) Scheme 1967 shall be called the Dock Workers Employment Scheme 1967 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 said Scheme of 1947, 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) 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(8);

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

" 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;

" pension scheme " means any scheme for the time being in force which provides for the payment of retirement pensions with or without other

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

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;

" permanent worker " means a registered dock worker who is employed by a registered employer under a contract which requires not less than the appropriate notice required under Clause 17(3) for its termination;

" 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;

" supplementary worker " means a registered dock worker whose name is entered in the register of dock workers for a limited period;

" temporarily unattached worker " means a registered dock worker who is neither a permanent worker nor a supplementary worker;

" working day " means any day of the week except Saturday and Sunday.

(2) Nothing in this Scheme (other than the provisions of this paragraph and of Appendix II) 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 to employment and the transfer between registered employers of registered dock workers;

(*c*) the giving or withholding of consent to the termination of the employment of any permanent worker by a registered employer in accordance with the provisions of the Scheme;

(*d*) 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 having regard to all the circumstances in the port in relation to which the registers are kept;

(*e*) 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 or, where occasion requires it, suspending any employer from the Scheme in accordance with its provisions;

(*f*) 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;

(*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, charging 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;

(2) The National Board may—

(*a*) act as agent of the trustees of any 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;

(*b*) establish and administer any pension scheme;

(*c*) use any of its income or property, whencesoever derived and whenever acquired (whether before or after the coming into operation of the Scheme of 1967), for the purposes of any pension scheme;

(*d*) administer any arrangements in accordance with any national or local agreements for the time being in force for the making of payments to registered dock workers in respect of absence from work because of sickness or injury;

(*e*) compensate, under the terms of any national or local agreement for that purpose come to from time to time, dock workers whose names are removed from the register of dock workers either at their own request or otherwise;

(*f*) administer any arrangements in accordance with any national agreement for the time being in force for the making of payments to a registered employer who has in his employment a number of permanent workers in excess of the number for whom he has regular work.

(3) 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.

(4) 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(*d*) of this Clause shall not be so delegated.

(5) 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 National Board making payments to, or providing other benefits for, any of its officers or servants in respect of redundancy (whether under the Redundancy Payments Act 1965 or otherwise), 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 National 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 National Board such salaries, fees and allowances, as may be determined by the National Board.

(5) The members of the National 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 National Board for the unexpired period of the appointment of the person whom he succeeds.

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

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

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

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

(10) Anything which the National Board is required or authorised to do or decide under the Scheme (other than in relation to Clauses 3(1)(*h*), 3(2)(*c*), 5 and 21) may, if the National Board so resolves, be done or decided by a committee of the National Board authorised by the National Board in that behalf.

Local Dock Labour Boards

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) Subject to the provisions of the next following paragraph of this Clause, the persons representing respectively dock workers and their employers shall be appointed by the National Board for such periods not exceeding two years as it may determine being, in the case of persons appointed to be members of local boards after the date of the coming into operation of the Scheme of 1967, persons nominated or re-nominated, as to persons representing dock workers, by bodies of persons representative of such workers and, as to persons representing employers, by bodies of persons representative of such employers, being in each case bodies:—

(*a*) which are represented in the port in respect of which the local board is being constituted on the Local Joint Committee or Committees of the National Joint Council for the Port Transport Industry; or

(*b*) which are not bodies so represented but the names of which are notified in writing to the National Board by the National Joint Council for the Port Transport Industry as being bodies which are parties to an agreement which is recognised by that Council and relates to the wages and conditions of work of dock workers in the port in respect of which the local board is being constituted and in no other port.

In relation to a port, the persons nominated shall be nominated, in the case of persons representing workers, jointly by the bodies representing such workers, and in the case of persons representing employers, jointly by the bodies representing such employers.

(4) Where at any time the National Board is required to appoint persons to be members of a local board and at that time it has received no joint nominations in respect of that local board of persons representing dock workers or, as the case may be, of persons representing employers in accordance with the last foregoing paragraph of this Clause, the persons to be members of that local board as representing the persons in respect of whom no joint nominations have been received shall be such persons as the National Board thinks fit to appoint after considering any representations made to it by any of the bodies of persons who were entitled jointly to nominate persons for appointment to that local board but who have failed to do so.

(5) 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.

(6) Persons representing dock workers and their 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.

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

(8)(*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 or Committees of the National Joint Council for the Port Transport Industry.

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

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

(11) 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 local board or committee, as the case may be.

(12) Anything which a local board is required or authorised to do or decide under Clauses 6, 8, 9, 10, 14A, 15 and 17(1) 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.

(13) 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(4), 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 or, where occasion requires it, suspending any employer from the Scheme in accordance with its provisions;

(*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 allocation of supplementary workers to registered employers and, where occasion requires it, giving directions to such employers to terminate the employment of such workers;

(*d*) the employment and control of temporarily unattached workers;

(*e*) the allocation of temporarily unattached workers to registered employers for temporary employment, 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 of the employer,

(iii) make the fullest possible use of temporarily unattached workers,

(iv) keep the record of attendance at control points of temporarily unattached workers,

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

(*f*) the payment as agent of the registered employer to each temporarily unattached worker of all earnings properly due to him from the employer, and the payment to such temporarily unattached workers of all moneys payable by the National Board to those workers in accordance with the provisions of the Scheme including payments in respect of absence from work because of sickness or injury as provided by any arrangements in accordance with any national or local agreements for the time being in force;

(*g*) the deduction from the payment due to a temporarily unattached worker referred to in sub-paragraph (*f*) of this paragraph of any contribution due under any 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 temporarily unattached 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 any pension scheme, of the contributions due from registered employers under the pension scheme, including those of the permanent 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 any pension scheme of the contributions collected in pursuance of sub-paragraph (*i*) of this paragraph;

(*k*) the payment, as agent of the trustees of any 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*) the allocation of registered dock workers (other than supplementary workers) to registered employers as permanent workers (whether on transfer from the employment of a registered employer or otherwise) with

a view to securing that every such registered dock worker is so allocated and in doing this to have regard to any preference expressed by any employer as to the workers he wishes to employ and to the extent (if any) to which he has as a registered employer employed registered dock workers (other than supplementary workers) and to his future capacity to employ dock workers and to any preference expressed by any worker as to the employer by whom he wishes to be employed, so however that a permanent worker shall not be transferred to or from a registered employer except—

(i) at the request of either the permanent worker or his employer and with the agreement of any employer to whom he is to be transferred; or

(ii) in cases where the National Board is, under any enactment for the time being in force, under an obligation to make such transfers:

Provided that—

(1) in the case of a registered dock worker who on 25th March 1966 was temporarily not available for dock work by reason of the fact that the local board had approved his absence in order to perform work other than dock work and who at any time after that date became or will become available for dock work, the local board shall not be required to allocate such worker to a registered employer as a permanent worker except in accordance with the provisions of any national or local agreement for the allocation of such workers;

(2) in any case other than the case referred to in paragraph (1) of this proviso, the local board shall not be required to allocate a registered dock worker to a registered employer as a permanent worker so long as that worker is temporarily not available for dock work (otherwise than by reason of sickness or injury for a period of less than sixteen weeks or by reason of holidays or suspension under the provisions of the Scheme);

(*m*) the giving or withholding of consent to the termination of the employment of any permanent worker by a registered employer or to the transfer of a permanent worker from his employer to another registered employer, in accordance with the provisions of the Scheme: Provided that a local board shall not give its consent to such a transfer (other than a temporary transfer or a transfer made in a case where the National Board is, under any enactment for the time being in force, under a duty to make such transfer)—

(i) in the case of a worker employed by a registered employer on the date of the coming into operation of the Scheme of 1967 and in the case of a worker in the first employment to which he was allocated within three months after the said date, until the expiration of a period of three months from the said date or one month from the said allocation of the worker (whichever period expires the later); or

(ii) in any other case, until the expiration of a period of one month from the date of the worker's allocation to employment with a registered employer;

(*n*) supervising the temporary transfer of permanent workers to work for employers other than their permanent employers with a view to ensuring the fullest possible use of the workers available and the making of transfers, as far as practicable, in rotation among the permanent workers of any particular employer;

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

(2) The local board may act as agent of any registered employer who so requests for the purpose of—

(*a*) administering any arrangements in accordance with any national or local agreements for the time being in force for the making of payments to registered dock workers in respect of absence from work because of sickness or injury; and

(*b*) doing in relation to permanent workers in his employment any of the things which by virtue of paragraph (1)(*f*), (*g*) or (*h*) of this Clause a local board is responsible for doing in relation to temporarily unattached workers and making payments to such permanent workers in respect of holidays.

(3) The local board may make payments, under the terms of any national or local agreement for that purpose come to from time to time by way of compensation to dock workers whose names are removed from the register of dock workers either at their own request or otherwise.

Supplementary workers

7. References in the provisions of the Scheme (other than in Clauses 2(1), 3(1)(*c*), 3(2)(*f*), 6(1)(*i*), (1) and (*m*), 6(2)(*b*) (in so far as it relates to Clause 6(1)(*g*)), 9(8), 10(3)(*c*), 17(1) and (6) and 18(1) and (5)) to permanent workers shall be construed as including references to supplementary workers.

Obligations of registered dock workers

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

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

(3) A temporarily unattached worker shall not engage himself for employment by a registered employer unless he is allocated to that employer in accordance with the Scheme.

(4) A temporarily unattached worker while in the employment of the National Board shall carry out the directions of the local board and if available for work shall—

(*a*) report at such 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 permanent worker and a temporarily unattached 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 any pension scheme so far as they apply to him.

(7) Every registered dock worker shall accept any employment as a permanent worker with a registered employer to which he is allocated by the local board in accordance with the provisions of the Scheme unless the allocation to the said employment is withdrawn.

(8) Every permanent worker shall accept any temporary transfer to work for another employer which is approved or arranged by the local board for such period as is so approved or arranged either at the time of the transfer or subsequently, and shall comply with the provisions of paragraph (4)(*b*) and (*c*) of this Clause as if he were a temporarily unattached worker.

(9) Every permanent worker for whom there is no dock work for the time being available with his employer shall accept such work other than dock work with his permanent employer as that employer considers suitable for him, as is in accordance with the provisions of any agreement come to by the appropriate joint industrial organisation and as the local board approves.

(10) While a permanent worker is working for a registered employer to whom he has been temporarily transferred from the employer by whom he is employed as a permanent worker he shall for the purposes of the Scheme be deemed to remain in the employment of the last-mentioned employer.

Obligations of registered employers

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

(2) A registered employer—

(*a*) shall employ any registered dock worker who is allocated to him as a permanent worker by the local board in accordance with the provisions of the Scheme and shall not engage as a permanent worker any registered dock worker who has not been so allocated;

(*b*) shall not use the services of any permanent worker on temporary transfer except with the approval of or as arranged by the local board;

(*c*) shall not transfer, whether temporarily or otherwise, any permanent worker employed by him to any other registered employer except in such cases and for such periods as the local board may approve or arrange in accordance with the provisions of the Scheme;

(*d*) shall not employ any temporarily unattached worker except in accordance with allocations made by the local board;

(*e*) shall terminate the employment of any supplementary worker in accordance with any direction given in writing to the employer by the local board;

(*f*) shall comply with any direction of the local board given to him under Clause 14A(3)(*d*).

(3) A registered employer on the engagement of a temporarily unattached 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 temporarily unattached 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 any pension scheme, and in particular, if any pension scheme so provides, every registered employer shall deduct from the wages of permanent 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 and the National Board 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 secure the doing of that work by a registered dock worker;

the local board shall, 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 in the case of that worker 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 temporarily unattached worker and the person engaged by the employer himself as aforesaid shall for the

purposes of Clause 9(5) and (7) and Clause 12 be treated in respect of that dock work as if he were a permanent 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 permanent 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) Where by reason of the provisions of any enactment it is or becomes unlawful during any period for any employer to employ in any port dock workers to whom the Scheme relates on work to which the Scheme applies the name of that employer shall not during that period be entered in or (as the case may require) he shall during that period be suspended from the employers' register and his name shall be removed from and not re-entered in the employers' register during any period during which he is so suspended.

(3) 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.

(4) The Scheme (other than the provisions of this paragraph) shall not apply to a registered employer during any period during which he is suspended in accordance with the provisions of the Scheme.

(5) 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 temporarily unattached worker.

(2) A temporarily unattached worker (whether or not in the employment of a registered employer) 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 temporarily unattached 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 temporarily unattached worker is entitled to the said payment (if any) from the National Board are—

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

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

Disciplinary procedure relating to permanent workers

14A.—(1) A permanent worker shall not have his employment terminated, except in accordance with the following provisions of this Clause or with the provisions of Clause 17.

(2) Where a registered employer alleges that a permanent worker in his employment has been guilty of misconduct such as to justify his summary dismissal, he may terminate that worker's contract of employment without notice and the worker shall thereupon become a temporarily unattached worker in the employment of the National Board.

(3) Where a registered dock worker has become a temporarily unattached worker as a result of his contract of employment having been terminated in pursuance of paragraph (2) of this Clause, the local board shall investigate the matter and after doing so may—

(*a*) dismiss the worker summarily;

(*b*) give him notice in writing to terminate his employment being notice of the appropriate duration specified in Clause 17(3) or (5) applying in the case of the worker;

(*c*) suspend him from the Scheme for a period not exceeding five consecutive working days and thereafter return him to his former employer; or

(*d*) re-instate him with his former employer and may, if the local board thinks fit, also direct that his former employer shall pay such sums in respect of his wages since his dismissal by his former employer as the local board may determine, either to him or the local board or to both.

(4) A worker who is returned to or re-instated with his former employer by the local board in pursuance of paragraph (3)(*c*) or (*d*) of this Clause shall be deemed (except in relation to his wages) to have continued without interruption in the employment of that employer from the date on which his contract was terminated under paragraph (2) of this Clause.

(5) Where a registered employer alleges that a permanent worker has been guilty of misconduct, other than of a kind to which paragraph (2) of this Clause applies, the employer may suspend the worker from the Scheme without pay for a period not exceeding five consecutive working days.

(6) A permanent worker who has been suspended from the Scheme in pursuance of paragraph (5) of this Clause may within five clear working days (excluding bank holidays and days recognised by the National Joint Council for the Port Transport Industry as being holidays with pay in the port) of his suspension appeal by notice in writing to the local board, and the local board may, after investigating the matter, either confirm or reduce the period of suspension or reverse the decision to suspend the worker.

(7) Where a permanent worker has given notice of appeal under paragraph (6) of this Clause against suspension by his employer, the suspension shall be of

no effect pending the determination of the appeal. Where the appeal is dismissed the suspension shall take effect from such day as the local board may determine, not being earlier than the day next following the determination of the appeal.

Disciplinary procedure relating to temporarily unattached workers

15.—(1) A temporarily unattached worker 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 temporarily unattached 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 order given to him by his employer or is guilty of misconduct may have his engagement terminated and may be returned to the local board and when so returned his record book shall be returned to the local board unless otherwise agreed by the local board.

(3) Any report that a temporarily unattached 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 five consecutive working days;

(*c*) give him notice in writing to terminate his employment being notice of the appropriate duration specified in Clause 17(3) or (5) applying in the case of the worker;

(*d*) dismiss him summarily.

(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, he may, after seven days' notice in writing given to him by or on behalf of the National Board, be suspended from the Scheme for such period as the National Board may specify in the notice and his name shall be removed from and not re-entered in the employers' register during any period during which he is so suspended.

Termination of employment

17.—(1) In addition to the provisions as to termination of employment in Clauses 14A and 15 the following provisions shall have effect—

(*a*) the employer of a permanent worker may, with the previous consent in writing of the local board, terminate his employment by giving to him in writing not less than the appropriate period of notice specified in paragraph (3) of this Clause;

(*b*) the National Board or the local board may terminate the employment by the National Board of a temporarily unattached worker by giving to him in writing not less than the appropriate period of notice specified in paragraph (3) of this Clause.

(2) In dealing with an application for consent under paragraph (1)(*a*) of this Clause the local board shall take into account all relevant circumstances obtaining in the port at the relevant time.

(3) The period of notice required to be given under paragraph (1) of this Clause shall be—

(*a*) one week's notice if the worker's total period as a registered dock worker is less than two years;

(*b*) two weeks' notice if the said period is two years or more but less than five years; and

(*c*) four weeks' notice if the said period is five years or more.

(4) A registered dock worker shall not leave his employment with the National Board or with a registered employer (as the case may be) except by giving not less than seven days' notice in writing to the local board or to his employer (as the case may be).

(5) The employer of a supplementary worker may terminate his employment by giving to him not less than seven days' notice in writing and upon such termination the worker's name shall be removed from the register of dock workers.

(6) Where the employment of a permanent worker is terminated in pursuance of paragraph (1) or (4) of this Clause, he shall either become a temporarily unattached worker in the employment of the National Board or have his name removed from the register as the local board may determine.

(7) Where the employment of a temporarily unattached worker by the National Board is terminated (either in accordance with the provisions of Clause 14A or 15 or of this Clause) or where a temporarily unattached worker or a supplementary worker leaves his employment after giving notice in accordance with paragraph (4) of this Clause, 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 the withholding from him of consent by the local board under

Clause 6(1)(*m*) to his transfer as a permanent worker from his employer to another registered employer; 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 (except in a case where the suspension is under paragraph (5) or (6) of Clause 14A); or

(*d*) he has received notice under Clause 14A, 15 or 17 to terminate his employment; or

(*e*) he has been summarily dismissed under Clause 14A or 15,

he may, within five clear working days (excluding bank holidays and days recognised by the National Joint Council for the Port Transport Industry as being holidays with pay in the port) 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.

(3) In any case other than a case specified in paragraph (4) or (5) of this Clause the provisions following in this paragraph shall have effect. 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.

(4) On an appeal by a worker against dismissal, termination or suspension by the local board under paragraph (3)(*a*), (*b*) or (*c*) of Clause 14A the tribunal may make any such order as the local board could have made under the said paragraph (3):

Provided that the tribunal shall not impose a penalty more severe than that imposed by the decision of the local board.

(5) On an appeal against the withholding of consent by the local board under sub-paragraph (*m*) of Clause 6(1) to the transfer of a permanent worker the tribunal may give or withhold any consent which the local board could have given or withheld under the said sub-paragraph.

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

(7) A registered employer who is aggrieved by reason of the fact that he has received notice under Clause 16 that he will be suspended from the Scheme, 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 the case of certain appeals

19.—(1) Where in any case notice has been given to an employer that he is to be suspended from the Scheme and an appeal is lodged in accordance with the provisions of Clause 18(7), 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 the said 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 relating to appeals in the case of summary dismissal and the termination of employment by 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) 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 permanent workers in the return made under Clause 9(5) 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 ten per cent. of gross wages of permanent workers or twenty-five per cent. of gross wages of temporarily unattached workers, 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), and the percentage payments set out in paragraph (1)(*a*) and (*b*) of this Clause, as the National Board may consider reasonably necessary.

(5) A registered employer who avails himself of the services of the National Board in connection with payments to or in respect of permanent workers employed by him shall pay to the National Board such amounts as the National Board may determine in respect of those services.

(6) 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.

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

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

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

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

E. Wash Ports:
The following Ports:—
(1) Boston
(2) King's Lynn
(3) Wisbech

F. East Anglian Ports:
The following Ports:—
(1) Great Yarmouth
(2) Ipswich
(3) Lowestoft

G. The Port of London:

H. The Medway and Swale Ports:
The following Ports:—
(1) The area of the Conservators of the River Medway
(2) The area of the Commissioners of the Faversham Navigation

(3) The area of the Conservators of Milton Creek
(4) The harbour area of the Queenborough Corporation
(5) Whitstable

I. South Coast Ports:

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

J. The Port of Plymouth:

K. The 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

L. Bristol and Severn Ports:

The following Ports:—
(1) Bristol
(2) Gloucester
(3) Sharpness

M. South Wales Ports:

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

N. The following Ports:—
(1) Birkenhead
(2) Bromborough
(3) Garston
(4) Liverpool
(5) Widnes

O. The following Ports:—
(1) Ellesmere Port
(2) Manchester
(3) Partington
(4) Runcorn
(5) Weston Point

P. The Port of Preston:

Q. The Port of Fleetwood:

R. The following Ports:—
(1) Barrow-in-Furness
(2) Silloth
(3) Whitehaven
(4) Workington

S. Ayrshire Ports:—

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

T. The Clyde Ports:

The following Ports:—
(1) Glasgow
(2) Greenock

U. The Port of Aberdeen:

V. East of Scotland Ports:

The following Ports:—
(1) Burntisland
(2) Dundee
(3) Grangemouth
(4) Granton
(5) Kirkcaldy
(6) Leith
(7) Methil
(8) Tayport

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 any instrument made under an 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 Smithfield Market, 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.

(*c*) In the Port of Bristol, scaling and associated operations as specified in the approved dock labour scheme for the Port of Bristol referred to in Clause 1(3) of the Scheme.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Dock Workers (Regulation of Employment) Scheme 1947 as varied in 1960 and 1961. The 1947 Scheme as so varied is contained in the Dock Workers (Regulation of Employment) Order 1947, the Dock Workers (Regulation of Employment) (Amendment) Order 1960 and the Dock Workers (Regulation of Employment) (Amendment) Order 1961, and as further varied by this Order is set out in Schedule 2 thereto.

The Order provides for the allocation by local dock labour boards of registered dock workers to registered employers as permanent workers and makes provision as to the discipline and termination of employment of those workers. It places duties on both employers and workers to accept such allocations in accordance with the Scheme. Provision is also made for registered dock workers (to be known as temporarily unattached workers) who for the time being are not employed as permanent workers and for supplementary workers registered as dock workers for a limited period.

The National Dock Labour Board is empowered by the Order to suspend any registered employer from the Scheme for a breach of its provisions for such period as the National Board may determine.

The Order also contains provisions enabling the National Board and local boards to compensate, in accordance with any joint agreement, dock workers leaving the industry, to establish and administer schemes for pensions for dock workers and to administer arrangements for payments to them during absence because of sickness or injury. The National Board is also empowered to administer arrangements under any national agreement for making payments to employers who do not have regular work for all their permanent workers. With certain exceptions the functions of the National Board may be delegated to committees of the Board.

The Order also provides that the Scheme shall no longer relate to the port of Maryport and omits the reference to the port of Sutton Bridge from Appendix I to the Scheme because the area of that port is included within the port of Wisbech.

In addition the Order contains a number of provisions incidental and supplementary to the foregoing provisions and makes other minor amendments of the Scheme.

(8/21427) (M99) K56 8/67 McC.

STATUTORY INSTRUMENTS

1967 No. 1252

HARBOURS, DOCKS, PIERS AND FERRIES

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