(13) INDUSTRIAL DISPUTES

The Industrial Disputes Order, 1951

1951 No. 1376

Made - - - -	1*st August*, 1951
Laid before Parliament	2*nd August*, 1951
Coming into Operation	14*th August*, 1951

In exercise of the powers conferred on him by Regulation 58AA of the Defence (General) Regulations, 1939, as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945(a) (as extended by the Supplies and Services (Extended Purposes) Act, 1947(b) and the Supplies and Services (Defence Purposes) Act, 1951(c) and continued in force by the Supplies and Services (Continuance) Order, 1950(d)) and of all other powers him enabling in that behalf the Minister of Labour and National Service hereby makes the following Order:—

PART I

REPORTING OF DISPUTES AND ISSUES

Reporting of disputes

1. Where a dispute exists in a trade or industry or section of trade or industry or in an undertaking and that dispute is reported to the Minister in accordance with this Order by—

(i) an organisation of employers, on behalf of employers who are parties to the dispute;

(ii) an employer, where the dispute is between that employer and workers in the employment of that employer; or

(iii) a trade union, on behalf of workers who are parties to the dispute;

and it appears to the Minister—

(*a*) that there is machinery for the voluntary settlement of terms and conditions of employment in that trade or industry or section of trade or industry or undertaking, as the case may be, and that the organisation or employer or trade union reporting the dispute habitually takes part in the settlement of those terms and conditions of employment through that machinery; or

(*b*) that there is no such machinery as aforesaid and that, where the report is made by an organisation of employers or a trade union, that organisation or trade union represents a substantial proportion of employers or workers, as the case may be, in the trade or industry or section of trade or industry concerned;

that dispute shall be dealt with in accordance with the subsequent provisions of this Order.

(a) 9 & 10 Geo. 6. c. 10; and S.R. & O. 1945 (Nos. 1611 and 1618) II, pp. 39 and 48.
(b) 10 & 11 Geo. 6. c. 55. (c) 14 & 15 Geo. 6. c. 25.
(d) S.I. 1950 (No. 1769) III, p. 51.

Reporting of issues concerning recognised terms and conditions of employment

2. Where—

(*a*) in any trade or industry or section of trade or industry in any district terms and conditions of employment are established which have been settled by machinery of negotiation or arbitration to which the parties are organisations of employers and trade unions representative respectively of substantial proportions of the employers and workers engaged in that trade or industry or section of trade or industry in that district (hereinafter referred to as " recognised terms and conditions "); and

(*b*) an issue as to whether an employer in that district should observe the recognised terms and conditions (hereinafter referred to as " an issue ") is reported to the Minister in accordance with this Order by an organisation of employers or a trade union; and

(*c*) the Minister is of opinion that the organisation of employers or trade union reporting the issue habitually takes part in the settlement of terms and conditions of employment in the trade or industry or section of trade or industry concerned;

that issue shall be dealt with in accordance with the subsequent provisions of this Order.

Form of report

3.—(1) A report under this Order of a dispute or issue shall be made to the Minister in writing. Where, in the opinion of the Minister, a report does not contain sufficient particulars the Minister may require further particulars to be given and in that case a report shall not be treated as having been made in accordance with this Order until the Minister is satisfied that the particulars so required have been duly given.

(2) Any question as to whether a report of a dispute or issue has been made to the Minister in accordance with this Order, and as to the time at which it was made, shall be decided by the Minister, and a certificate recording such decision signed by or on behalf of the Minister shall be conclusive for all purposes.

Steps to promote settlement

4. On a dispute or issue being reported to the Minister in accordance with this Order he may, except where Article 5 of this Order applies, take any steps which seem to him expedient to promote a settlement of that dispute or issue.

PART II

VOLUNTARY NEGOTIATION AND ARBITRATION

Reference of disputes to voluntary machinery

5. Where a dispute in a trade or industry or section of trade or industry or undertaking has been reported to the Minister in accordance with this Order and he is of opinion that there is suitable machinery of negotiation or arbitration for the settlement of that dispute and that all practicable means of reaching a settlement through that machinery have not been exhausted, he shall refer the dispute for settlement to that machinery.

Settlements under voluntary machinery to be final

6.—(1) Where there is machinery of negotiation or arbitration for the settlement of disputes in any trade or industry or section of trade or industry or undertaking and a dispute has been the subject of an agreement, decision or award arrived at through that machinery such agreement, decision or award shall for the purposes of this Order be treated as constituting a final settlement of that dispute.

(2) Where a dispute has been settled by an award under the Conciliation Act, 1896(**a**) or the Industrial Courts Act, 1919(**b**), (including any award of the Industrial Court on any dispute referred to it in pursuance of any other Act) that award shall for the purposes of this Order be treated as constituting a final settlement of that dispute.

PART III

INDUSTRIAL DISPUTES TRIBUNAL

Constitution of Industrial Disputes Tribunal

7. For the purpose of settling disputes referred to it by the Minister, there shall be constituted a Tribunal to be known as the Industrial Disputes Tribunal (hereinafter in this Order referred to as " the Tribunal "), and the provisions of the First Schedule to this Order shall have effect with respect to the constitution and proceedings of the Tribunal.

Reference of disputes to the Tribunal

8.—(1) Where a dispute has been reported to the Minister in accordance with this Order and he has not referred it for settlement to machinery of negotiation or arbitration in accordance with Article 5 hereof, the dispute shall, if not otherwise settled, be referred to the Tribunal for settlement, and such reference shall be made within fourteen days of the date on which the dispute was reported to the Minister, provided that the Minister may extend the period of fourteen days aforesaid if he thinks it desirable to do so.

(2) Where a dispute has been referred for settlement in accordance with Article 5 hereof and there is failure to reach a settlement, the Minister may cancel the reference to that machinery and thereupon refer the dispute to the Tribunal.

(3) Where it appears to the Minister in respect of a dispute reported to him in accordance with this Order that action is being taken by either of the parties to the dispute designed to compel the acceptance of terms or conditions of employment which are the subject of the dispute and resulting in a stoppage of work or a substantial breach of an agreement between the parties, the Minister shall not refer that dispute to the Tribunal while such action continues if in his opinion it would be undesirable to do so and where the Minister has referred a dispute to the Tribunal and thereafter notifies the Tribunal that one of the parties to the dispute is taking any such action as aforesaid, all proceedings thereon shall be stayed until the Minister cancels such notification.

Reference of issues to the Tribunal

9.—(1) Where an issue has been reported to the Minister in accordance with this Order, that issue shall, if not otherwise settled, be referred by the Minister to the Tribunal.

(**a**) 59 & 60 Vict. c. 30. (**b**) 9 & 10 Geo. 5. c. 69.

(2) Where an issue has been referred by the Minister to the Tribunal and the Tribunal is of opinion that there are recognised terms and conditions applicable to the case and that the employer concerned is not observing those terms and conditions or terms and conditions of employment which, in the opinion of the Tribunal, are not less favourable than those terms and conditions, it may by its award require the employer to observe the recognised terms and conditions or such terms and conditions of employment as may be determined by it to be not less favourable than the recognised terms and conditions.

Award to be implied term of contract

10. Where an award on a dispute or issue has been made by the Tribunal then as from the date of the award or from such other date, not being earlier than the date on which the dispute or issue to which the award relates first arose, as the Tribunal may direct, it shall be an implied term of the contract between the employer and workers to whom the award applies that the terms and conditions of employment to be observed under the contract shall be in accordance with the award until varied by agreement between the parties or by a subsequent award of the Tribunal or until different terms and conditions of employment in respect of the workers concerned are settled through the machinery of negotiation or arbitration for the settlement of terms and conditions of employment in the trade or industry or section of trade or industry or undertaking in which those workers are employed.

Reference to Industrial Disputes Tribunal for advice

11. The Minister may refer to the Industrial Disputes Tribunal for advice any matter relating to or arising out of a dispute or issue.

PART IV

SUPPLEMENTARY

Interpretation and saving

12.—(1) In this Order, unless the contrary intention appears, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"dispute" does not include a dispute as to the employment or non-employment of any person or as to whether any person should or should not be a member of any trade union but, save as aforesaid, means any dispute between an employer and workmen in the employment of that employer connected with the terms of the employment or with the conditions of labour of any of those workmen;

"issue" has the meaning assigned to it in Article 2 of this Order;

"Minister" means the Minister of Labour and National Service;

"organisation" includes, in relation to employers, an association of organisations of employers;

"recognised terms and conditions" has the meaning assigned to it in Article 2 of this Order;

"trade or industry" includes the performance of its functions by a public or local authority;

" trade union " has the meaning assigned to it in Section 2 of the Trade Union Act, 1913(a);

" Tribunal " has the meaning assigned to it in Article 7 of this Order;

" worker " and " workman " mean any person who has entered into or works under a contract with an employer, whether the contract be by way of manual labour, clerical work or otherwise, be expressed or implied, oral or in writing and whether it be a contract of service or of apprenticeship or a contract personally to execute any work or labour.

(2) This Order shall not apply in relation to members of any fire brigade maintained in pursuance of the Fire Services Act, 1947(b).

(3) Nothing in this Order shall be taken as rendering any person guilty of an offence against Regulation 58AA of the Defence (General) Regulations, 1939.

Revocation and Transitional Provisions.

13.—(1) The Conditions of Employment and National Arbitration Orders, 1940 to 1950, are hereby revoked(c).

(2) The provisions set out in the Second Schedule hereto shall apply in relation to any trade dispute or question reported to the Minister under the said Orders before the date on which those Orders were revoked.

Short title and commencement.

14. This Order may be cited as the Industrial Disputes Order, 1951, and shall come into operation on the 14th day of August, 1951.

Dated this 1st day of August, 1951.

Alfred Robens,
Minister of Labour and National Service.

FIRST SCHEDULE

CONSTITUTION AND PROCEEDINGS OF THE INDUSTRIAL DISPUTES TRIBUNAL

1. The Industrial Disputes Tribunal shall consist of the following persons appointed by the Minister, that is to say, three appointed members, one of whom shall be chairman, and two other members, one of whom shall be chosen to represent employers and the other to represent workers.

2. A panel of appointed members shall be constituted by the Minister; and panels of persons chosen to represent employers and workers respectively shall also be constituted by the Minister after consultation with the British Employers' Confederation and the Trades Union Congress respectively. The appointed members and the members chosen to represent employers and workers respectively at any sitting of the Tribunal shall be selected by the Minister from the panels so constituted as aforesaid.

3. The appointed members of the Tribunal shall hold office for such term and on such conditions as to retirement as may be determined by the Minister.

4. The Minister shall appoint a secretary to the Tribunal and may appoint such other officers and servants as he may consider necessary.

(a) 2 & 3 Geo. 5. c. 30. (b) 10 & 11 Geo. 6. c. 41.
(c) S.R. & O. 1940 (No. 1305) II, p. 391; 1941 (No. 1884) II, p. 483; 1942 (Nos. 1073 and 2673) II, pp. 779-80; 1944 (No. 1437) II, p. 480, and S.I. 1950 (No. 1309) III, p. 397.

5. The quorum necessary to constitute a sitting of the Tribunal shall consist of one appointed member, one member chosen to represent employers and one member chosen to represent workers.

6. The Tribunal shall make its award without delay and where practicable within fourteen days from the date of reference.

7. Save as otherwise expressly provided in this Order, the Tribunal may regulate its procedure and proceedings as it thinks fit.

8. If any question arises as to the interpretation of any award of the Tribunal the Minister or any party to the award may apply for a decision on such question and the Tribunal shall decide the matter after hearing the parties, or without such hearing provided the consent of the parties has first been obtained. The decision of the Tribunal shall be notified to the parties and shall have effect in the same manner as the decision in an original award.

9. The Tribunal may sit in such number of divisions as the Minister may from time to time determine, each division being constituted in accordance with paragraph 1 of this Schedule.

SECOND SCHEDULE

PROVISIONS RELATING TO TRADE DISPUTES AND QUESTIONS REPORTED TO THE MINISTER UNDER THE CONDITIONS OF EMPLOYMENT AND NATIONAL ARBITRATION ORDERS, 1940 TO 1950, BEFORE THE REVOCATION OF THOSE ORDERS.

1. The following provisions shall apply with respect to any trade dispute reported to the Minister under the Conditions of Employment and National Arbitration Orders, 1940 to 1950, before the date on which those Orders were revoked:—

(*a*) where such trade dispute has not before that date been referred by the Minister to the National Arbitration Tribunal for settlement under those Orders, the Minister may, if he is satisfied that the report could have been made under this Order, treat the report as though it had been duly made under this Order and in that case any steps taken under the Orders aforesaid shall, in so far as they could have been taken under this Order, be deemed to have been so taken;

(*b*) where such trade dispute has before that date been referred by the Minister under those Orders to the National Arbitration Tribunal for settlement:—

(i) if the matter has been the subject of any hearing by the National Arbitration Tribunal before the date on which the Orders were revoked, the like proceedings may be had upon the reference as might have been had if the Orders had not ceased to have effect;

(ii) if the matter has not before that date been the subject of any hearing by the National Arbitration Tribunal and concerns a dispute as defined in this Order it shall be deemed to have been referred by the Minister to the Tribunal constituted under this Order and the provisions of this Order shall apply thereto accordingly.

2. Save as aforesaid, no further proceedings shall be had after the revocation of the said Orders on any report made to the Minister thereunder before such revocation.

3. Any agreement, decision or award made by virtue of the provisions of the Conditions of Employment and National Arbitration Orders, 1940 to 1950, and in force at the date of their revocation and any award of the National Arbitration Tribunal made thereafter under the provisions of this Schedule shall continue to have the same effect as it would have had if those Orders had not been revoked;

Provided that for the purpose of the duration or interpretation of an award of the National Arbitration Tribunal such award shall be treated as though it were an award of the Tribunal duly made under this Order.

EXPLANATORY NOTE

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

This Order revokes the Conditions of Employment and National Arbitration Orders, 1940 to 1950.

It enables reports of disputes as to terms and conditions of employment and of issues as to whether an employer should observe the recognised terms and conditions of employment established by joint voluntary machinery to be made to the Minister.

It specifies by whom such reports may be made and sets out the steps to be taken for the settlement of the matters so reported.

It constitutes a Tribunal to deal with cases which prove otherwise incapable of being settled and provides that the award of the Tribunal shall become an implied term of the contract between the parties.

The Order does not include the provisions in the revoked Orders prohibiting lock-outs and strikes.

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(14) IRON AND STEEL

The Iron and Steel Distribution Order, 1951

1951 No. 2006

Made - - - -	*20th November,* 1951
Laid before Parliament	*21st November,* 1951
Coming into Operation	*4th February,* 1952

The Minister of Supply in exercise of the powers conferred on him by Regulations 55, 55AA, and 98, of the Defence (General) Regulations, 1939, as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945(**a**) (as extended by the Supplies and Services (Extended Purposes) Act, 1947(**b**), and the Supplies and Services (Defence Purposes) Act, 1951(**c**), and continued in force by the Supplies and Services (Continuance) Order, 1950(**d**)), hereby orders as follows:—

PART I—ACQUISITION AND DISPOSAL

1. No person shall acquire or dispose of or agree to acquire or dispose of any iron or steel being of a type and class mentioned in the First Schedule to this Order: except in accordance with the provisions of this Order.

SECTION I—ACQUISITION BY I.S. INDENTS

2. Iron and steel of any type and class mentioned in the First Schedule to this Order may be acquired and agreed to be acquired—

Authorizing Departments (2nd Schedule) giving I.S. Indents

(1) by any Authorizing Department, from any person to whom it shall have given a duly completed I.S. Indent for that material; and

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(a) 9 & 10 Geo. 6. c. 10; and S.R. & O. 1945 (Nos. 1618, 1611 and 1625) II, pp. 45, 39 and 56.
(b) 10 & 11 Geo. 6. c. 55. (c) 14 & 15 Geo. 6. c. 25.
(d) S.I. 1950 (No. 1769) III, p. 51.