CHAPTER 99.

An Act to amend the Munitions of War Act, 1915. A.D. 1916.

[27th January 1916.]

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

Power to declare Government factories, &c. controlled establishments.

1. The Minister of Munitions may by order declare any establishment or establishments belonging to or under the control of His Majesty or any Government Department in which munitions work is carried on to be a controlled establishment or controlled establishments as the case may be, and thereupon the provisions of the Munitions of War Act, 1915 (herein-after referred to as "the principal Act"), and this Act relating to controlled establishments shall apply to such an establishment or establishments subject to such modifications and exceptions necessary to adapt those provisions to such an establishment or establishments as may be specified in such order.

5 & 6 Geo. 5. c. 54.

Amendment of section one of principal Act.

2. Subsection (2) of section one of the principal Act shall have effect as if after the words "in any case in which they think fit may" there were inserted the words "and in the case where "the difference is a difference between an employer and persons "employed which appears to the Board of Trade a bonâ fide "difference and which the Board have failed to settle by such "steps as aforesaid, shall within twenty-one days from the date "of the report."

Amendment of section six of principal Act.

3.—(1) Where a workman has entered into an undertaking with the Minister of Munitions under section six of the principal Act, and was at the time of entering into that undertaking in the employment of any employer, then if that employer within the period of six weeks from the date of the undertaking dismisses that workman from his employment, he shall be guilty of an offence under the principal Act, and shall be liable to a fine not exceeding five pounds, unless he proves that there was reasonable cause for dismissing the workman.

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(2) It is hereby declared that where the fulfilment by any workman of any contract is interfered with by the necessity on his part of complying with an undertaking entered into by him under section six of the principal Act, that necessity is a good defence to any action or proceedings taken against that workman in respect of the non-fulfilment of the contract so far as it is due to the interference, and he shall be entitled to enter into such an undertaking notwithstanding the existence of such a contract.

(3) Section six of the principal Act shall apply to a workman who had before the passing of the principal Act entered into an undertaking of the nature mentioned in that section in like manner as if the undertaking had been entered into in pursuance of that section.

Offences by employers in connection with munitions workers assigned to them.

4. Where a person who has been temporarily released from naval or military service for the purpose of employment on or in connection with munitions work, or a workman who has entered into an undertaking with the Minister of Munitions under section six of the principal Act, or to whom that section is applied by this Act, has been assigned to any employer, and that employer has entered into an undertaking with the Minister of Munitions as to the class or description of work on or in connection with which the person or workman so assigned to him is to be employed, then, if the employer acts in contravention of or fails to comply with any of the provisions of the undertaking, he shall be guilty of an offence under the principal Act and liable to a fine not exceeding five pounds.

Amendment of section seven of principal Act.

5.—(1) Section seven of the principal Act shall have effect as if for subsections (1) and (2) of that section the following two subsections were substituted :—

"(1) A person shall not give employment to a workman who has within the last previous six weeks, or such other period as may be provided by order of the Minister of Munitions as respects any class of establishment, been employed on or in connection with munitions work in any establishment of a class to which the provisions of this section are applied by order of the Minister of Munitions, unless he holds a certificate from the employer by whom he was last so employed or from a munitions tribunal that he is free to accept other employment.

"(2) If any workman or his trade union representative complains to a munitions tribunal, in accordance with rules made with respect to those tribunals, that an employer has unreasonably refused or neglected to issue such a certificate as aforesaid, that tribunal may, after examining into the case, if it thinks fit, itself issue such a certificate or order the issue of such a certificate by the employer."

(2) Where a workman employed on or in connection with munitions work in any establishment of a class to which the provisions of section seven of the principal Act are for the time being applied by an order made thereunder is dismissed or discharged by his employer, the employer shall forthwith give him such a certificate as aforesaid, and if he fails to do so, a munitions tribunal may, in addition to issuing or ordering the issue to him of such a certificate, order the payment to him by the employer of such sum, not exceeding five pounds, as the tribunal may think fit, unless the tribunal is of opinion that the workman was guilty of misconduct for the purpose of obtaining dismissal or discharge.

This subsection shall apply to a workman who applies for a certificate on the ground that he has for a period of more than two days been given no opportunity of earning wages, or who leaves his employment on account of conduct on the part of the employer, or any agent of the employer, which would justify the immediate termination by the workman of his contract of service, in like manner as if he had been dismissed or discharged by his employer.

(3) Where a contract of service with a workman employed on or in connection with munitions work in any establishment of a class to which the provisions of section seven of the principal Act are for the time being applied by an order made thereunder is terminated by dismissal, and less than one week's notice, or wages in lieu of notice, has or have been given, the employer shall, subject to the provisions of this subsection, within twenty-four hours of giving notice of dismissal to the workman report the matter in such manner as may be prescribed by rules made by the Minister of Munitions, and such rules shall provide for the determination by a munitions tribunal (in case of difference) of the amount, if any, and not in any case exceeding five pounds, which is to be paid by the employer to the workman in lieu of notice, and for the payment of the sum so determined to the workman, unless the tribunal is of opinion that owing to the discontinuance or temporary nature of the employment or misconduct of the workman the employer had reasonable cause for dismissing the workman without a week's notice:

Provided that nothing in this subsection shall apply to workmen engaged in ship repairing, or to any class of workmen exempted in the prescribed manner on the ground that the circumstances of their employment were such that the provisions of this subsection ought not to apply to them.

(4) The provisions of section seven of the principal Act which prohibit the giving of employment to workmen in the circumstances mentioned in that section shall not apply so as to prevent the giving of employment to a workman in a controlled establishment to which he has been assigned by the Minister of Munitions in pursuance of section six of the principal Act.

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(5) In determining whether the grant of a certificate has been unreasonably refused for the purposes of section seven of the principal Act as amended by this section, a munitions tribunal shall take into consideration the question whether the workman has left or desires to leave his work for the purpose of undertaking any class of work in which his skill or other personal qualifications could be employed with greater advantage to the national interests, and whether the employer has failed to observe the conditions laid down in the fair wages clauses required by resolution of the House of Commons to be inserted in Government contracts, and whether the workman has left or desires to leave his work because he has recently completed a term of apprenticeship or period of learning his trade or occupation and desires to obtain the full standard rate of wages applicable to fully qualified workmen in his trade or occupation.

(6) The Minister of Munitions may make rules for carrying section seven of the principal Act as amended by this section into effect, and in particular may by such rules provide—

(*a*) for the issue, form, custody, duration, delivery up, and replacement in case of loss or destruction, of certificates;

(*b*) for the issue of certificates to persons not engaged on or in connection with munitions work;

(*c*) for prohibiting the insertion in a certificate issued by an employer of any matter other than the prescribed particulars;

and may provide for any breach of such rules being punishable as an offence under the principal Act with a fine not exceeding five pounds.

(7) This section shall not come into operation until such date as may be fixed by the rules made thereunder.

Rates of wages of women employed on munitions work.

6.—(1) Where female workers are employed on or in connection with munitions work in any establishment of a class to which the provisions of section seven of the principal Act as amended by this Act are for the time being applied by an order made thereunder, the Minister of Munitions shall have power by order to give directions as to the rate of wages, or (subject, so far as the matter is one which is dealt with by the Factory and Workshops Acts, 1901 to 1911, to the concurrence of the Secretary of State) as to hours of labour, or conditions of employment of the female workers so employed.

(2) Any directions given by the Minister of Munitions under this section shall be binding on the owner of the establishment and any contractor or sub-contractor employing labour therein and the female workers to whom the directions relate, and any contravention thereof or non-compliance therewith shall be punishable, in like manner as if the order in which the direction

is contained was an award made in settlement of a difference under Part I. of the principal Act.

(3) No direction given under this section shall be deemed to relieve the occupier of any factory or workshop from the obligation to comply with the provisions of the Factory and Workshops Acts, 1901 to 1911, or of any orders or regulations made thereunder, or to affect the liability of any person to be proceeded against for an offence under the Employment of Children Act, 1903, so however that no person be twice punished for the same offence. 3 Edw. 7. c. 45.

Rates of wages of semi-skilled and unskilled labour in controlled establishments.

7. The Minister of Munitions shall have power by order to give directions as to the rate of wages, hours of labour, or conditions of employment of semi-skilled and unskilled men employed in any controlled establishment on munitions work being work of a class which, prior to the war, was customarily undertaken by skilled labour, or as to the time rates for the manufacture of complete shell and fuses and cartridge cases in any controlled establishment in which such manufacture was not customary prior to the war; and any direction so given shall be binding on the owner of the establishment, and any contractor or sub-contractor employing labour therein, and the workers to whom the directions relate, and any contravention thereof or non-compliance therewith shall be punishable, in like manner as if the order in which the direction is contained was an award made in settlement of a difference under Part I. of the principal Act.

Establishment of special arbitration tribunals.

8.—(1) The Minister of Munitions may constitute special arbitration tribunals to deal with differences reported under Part I. of the principal Act which relate to matters on which the Minister of Munitions has given or is empowered to give directions under the last two preceding sections, and the Board of Trade may refer any such difference for settlement to such tribunal in lieu of referring it for settlement in accordance with the First Schedule to the principal Act.

(2) The Minister of Munitions may also refer to a special arbitration tribunal so constituted, for advice, any question as to what directions are to be given by him under the said sections.

(3) The tribunal to which matters and questions relating to female workers are to be referred under this section shall include one or more women.

Extension of definition of munitions work.

9.—(1) The expression "munitions work" for the purposes of the principal Act and this Act means—

(*a*) the manufacture or repair of arms, ammunition, ships, vessels, vehicles, and aircraft, and any other articles or parts of articles (whether of a similar nature to the aforesaid or not) intended or adapted for use in war, and of any other ships or vessels, or classes

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of ships or vessels, or parts of ships or vessels, which may be certified by the Board of Trade to be necessary for the successful prosecution of the war, and of any metals, machines, or tools required for any such manufacture or repair, and of the materials, of any class specified in an order made for the purpose by the Minister of Munitions, required for, or for use in, any such manufacture or repair as aforesaid; and

(*b*) the construction, alteration or repair of works of construction and buildings for naval or military purposes, and of buildings in which munitions work is or is intended to be carried on, and the erection of machinery and plant therein, and the erection of houses for the accommodation of persons engaged or about to be engaged on munitions work; and

(*c*) The construction, alteration, repair, or maintenance of docks and harbours and work in estuaries in cases where such construction, alteration, repair, maintenance or work is certified by the Admiralty to be necessary for the successful prosecution of the war; and

(*d*) the supply of light, heat, water, or power or the supply of tramways facilities in cases where the Minister of Munitions certifies that such supply is of importance for the purpose of carrying on munitions work, and the erection of buildings, machinery, and plant required for such supply; and

(*e*) the repair of fire engines and any other fire brigade appliances in cases where the Minister of Munitions certifies that such repair is necessary in the national interest.

(2) In section three of the principal Act there shall be added after the words "affecting employment on," in both places where those words occur, the words "or in connection with," and in the same section the words "the manufacture or repair of arms, "ammunition, ships, vehicles, aircraft, or any other articles "required for use in war, or of the metals, machines, or tools "required for that manufacture or repair in this Act referred to "as" shall be repealed.

(3) This section shall not come into operation until the time fixed by rules made under section five of this Act as the date for the commencement of that section.

Amendment of section nine of principal Act.

10. At the end of section nine of the principal Act the following proviso shall be inserted:—

"Provided that the power of making an order applying section seven of this Act to any dock shall rest with the Minister of Munitions and not with the Admiralty."

Amendment of section four of principal Act.

11. Subsection (2) of section four of the principal Act shall be read as if the words "or to any agreement existing before the establishment became a controlled establishment, between the owner of the establishment and an employee with regard to any periodical increase of remuneration" were inserted after the words "nineteen hundred and fifteen."

Explanation of term "workman."

12. For removing doubts it is hereby declared that the expressions "workman" and "workmen," wherever they occur in the principal Act and this Act, include not only persons whose usual occupation consists in manual labour, but also foremen, clerks, typists, draughtsmen, and other persons whose usual occupation consists wholly or mainly in work other than manual labour.

Amendment of section fifteen of principal Act.

13. Subsection (4) of section fifteen of the principal Act shall be read as if the words "of the second class" were struck out.

Punishment for false statements, &c.

14. For section twelve of the principal Act the following section shall be substituted:—

"**12.** If any person makes any false statement or representation, or gives any false certificate, or furnishes any false information—

(*a*) for the purpose of evading any provision of this Act; or

(*b*) in any proceedings before any munition tribunal, arbitration tribunal, referee, or board of referees under this Act or the rules made thereunder; or

(*c*) to the Minister of Munitions or any officer employed by him, for the purpose of obtaining or retaining employment, or of obtaining or retaining the services of any workman;

or if any person alters or tampers with a certificate given under section seven of this Act, or personates or falsely represents himself to be a person to whom such a certificate has been given, or allows any other person to have possession of any such certificate issued for his use alone, he shall be guilty of an offence and liable on conviction under the Summary Jurisdiction Acts to imprisonment with or without hard labour for a term not exceeding three months or to a fine not exceeding fifty pounds."

Restriction on change from union to non-union labour.

15. Where non-union labour is introduced during the war into any class of work in a controlled establishment in which it was the practice prior to the war to employ union labour exclusively the owner of the establishment shall be deemed to have undertaken that such introduction shall only be for the period of the war, and if he breaks or attempts to break such an undertaking he shall be guilty of an offence under the principal Act

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and liable to a fine not exceeding fifty pounds; but subject as aforesaid such introduction shall not be deemed to be a change of working conditions.

Extension of section eleven of principal Act.

16.—(1) In subsection (1) of section eleven of the principal Act, which specifies the matters in respect of which owners of establishments in which persons are employed are, if required by the Minister of Munitions, to give information, the following paragraph shall be inserted after paragraph (*c*):—

(*cc*) the cost of production of the articles produced or dealt with in the establishment, and the cost of the materials used for such production, and the names and addresses of the persons by whom such materials were supplied or who are under contract to supply them.

(2) If any person, except as authorised by the Minister of Munitions, discloses or makes use of any information given under section eleven of the principal Act, as amended by this or any subsequent enactment, he shall be guilty of a misdemeanour and on conviction be liable to imprisonment, with or without hard labour, for a term not exceeding two years, or to a fine, or to both imprisonment and a fine.

Powers of inspectors.

17.—(1) An inspector appointed by the Minister of Munitions for the purposes of the principal Act shall have power to enter at all reasonable times the premises of any establishment (other than a private dwelling-house not being a workshop) for the purpose of ascertaining whether it is desirable to put in force as respects any establishment or any person employed therein any of the powers of the Minister of Munitions, whether under the principal Act or otherwise, or for the purpose of obtaining any information in connection with the supply of munitions, and to make such examination and inquiry as may be necessary for any such purpose, and the owner of the establishment and every person engaged in the management or direction of the establishment shall furnish to any such inspector all such information, and shall produce for inspection all such registers, wages books, and other similar documents, as the inspector may reasonably require.

(2) If any person wilfully delays or obstructs an inspector in the exercise of any power under this section or fails to give such information or to produce such documents as aforesaid, he shall be guilty of an offence under the principal Act, and shall be liable to a fine not exceeding ten pounds.

(3) Every inspector shall be furnished with a certificate as to his appointment, and on applying for admission to any premises for the purposes of this section shall, if so required, produce such certificate.

Provisions as to offences.

18.—(1) All offences which are by or under this Act made offences under the principal Act, other than those for which the maximum fine exceeds five pounds, shall be deemed to be

offences with which munitions tribunals of the second class have jurisdiction to deal. A.D. 1916.

(2) Rules under section fifteen of the principal Act shall provide—

(*a*) that in proceedings before a munitions tribunal the chairman shall, before giving his decision, consult with the assessors, and in all cases where the assessors are agreed he shall, except as respects questions which appear to the chairman to be questions of law, give effect to their opinion in his decision;

(*b*) that where the person or persons by or on behalf of whom or against whom the complaint is made in any proceedings before a munitions tribunal is or are a female worker, or two or more female workers, the assessor or one of the assessors chosen from the panel of persons representing workmen shall be a woman.

(3) Decisions of munitions tribunals shall be subject to appeal to such judge of the High Court as may be appointed by the Lord Chancellor for the purpose on any ground which involves a question of law or a question of mixed law and fact, or on any other ground that may be prescribed in rules made by the Lord Chancellor, in such cases and subject to such conditions and in such manner, as may be specified in such rules, and whether by means of the statement of a special case for the opinion of the judge or otherwise; and those rules may provide for such appeals in any classes of cases specified therein being heard and determined in a summary manner and for the fixing, remission, or reduction of any fees and scales of costs, and as to the manner in which effect is to be given to the decision of the judge, and the decision of the judge on any such appeal shall be final and binding on all munitions tribunals.

In the application of this provision to Scotland "High Court" shall mean Court of Session, "Lord Chancellor" shall mean Lord President of the Court of Session, "rules made by the Lord Chancellor" shall mean Act of Sederunt.

In the application of this provision to Ireland "Lord Chancellor" shall mean the Lord Chancellor of Ireland.

(4) In the case of a company being guilty of an offence under the principal Act, every director, manager, secretary, or other officer of the company, who is knowingly a party to the contravention or non-compliance constituting the offence shall also be guilty of the offence and liable to the like fine as the company.

(5) In subsection (3) of section 15 of the principal Act after the words "so far as relates to offences" there shall be inserted "and the enforcement of orders."

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Minor amendments of principal Act.

19. In subsection (3) of section five of the principal Act, after the words "affords no standard of comparison" there shall be inserted the words "or that no such average exists," and after the words "if he thinks just, allow," there shall be inserted the words "or require"; and in paragraph nine of the Second Schedule to the principal Act, for the word "fourth," there shall be substituted the word "third."

Arrangements with other departments.

20. The Minister of Munitions may make arrangements with any other Government department for the exercise and performance by that department of any of his powers and duties under the principal Act or this Act which appear to him to be such as could be more conveniently so exercised and performed, and in such case the department and the officers of the department shall have the same powers and duties for the purpose as are by the principal Act and this Act conferred on the Minister of Munitions and his officers.

Admissibility in evidence of certificates by Board of Trade.

21. For the purposes of proceedings under section two of the principal Act, a certificate of the Board of Trade purporting to be signed by the President or a secretary or assistant secretary of the Board of Trade, or by a person authorised for the purpose by the President that a difference to which Part I. of the principal Act applies has or has not been reported to the Board, and, in cases where such a difference has been reported, as to the date on which it was reported, shall be admissible as evidence of the facts therein stated.

Costs in vexatious proceedings.

22.—(1) Where a munitions tribunal dismisses any case under the principal Act or this Act, and it appears to the tribunal that the proceedings were vexatious or frivolous, the tribunal shall, unless it sees good cause to the contrary, award costs to the person against whom the complaint is made, and the costs so awarded shall, unless good cause to the contrary appears, include such sum as compensation for the expenses, trouble, and loss of time incurred in or incidental to the attendance of the person against whom the complaint is made before the tribunal as to the tribunal may seem just and reasonable.

(2) Where a referee or board of referees to whom a matter has, under subsection (3) of section five of the principal Act, been referred by the Minister of Munitions on the requirement of the owner of an establishment, considers that the requirement was unreasonable, the referee or board of referees may order that any costs payable by the owner of the establishment shall be paid out of the amount of profits divisible under the principal Act.

Exclusion of Arbitration Act, 1889. 52 & 53 Vict. c. 49.

23. The Arbitration Act, 1889, shall not apply to any reference to any referee or board of referees under the principal Act or this Act or the rules made thereunder.

Effect of revocation of orders.

24. Where the Minister of Munitions makes an order revoking any order previously made by him under section four of the

principal Act, the order so revoked shall, if that order has not been in operation for more than three months and was made under a misapprehension and the revoking order so directs, be treated for all or any of the purposes thereof as if it had never had effect.

Provision as to rules.

25. Rules and regulations made under the principal Act as amended by this Act shall not be deemed to be statutory rules within the meaning of section one of the Rules Publication Act, 1893.

56 & 57 Vict. c. 66.

Duration of principal Act.

26. In subsection (2) of section twenty of the principal Act, which relates to the duration thereof, the words "Part I. of" shall be repealed.

Short title.

27. This Act may be cited as the Munitions of War (Amendment) Act, 1916, and shall be construed as one with the principal Act, and the principal Act and this Act may be cited together as the Munitions of War Acts, 1915 and 1916.

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MUNITIONS OF WAR (AMENDMENT) ACT, 1916.

[5 & 6 GEO. 5. CH. 99.]

Please *substitute* for pages 5 and 6 previously delivered.

Page 5, subsection 3, line 16, *for* discontinuance *read* discontinuous.

(2) Where a workman employed on or in connection with munitions work in any establishment of a class to which the provisions of section seven of the principal Act are for the time being applied by an order made thereunder is dismissed or discharged by his employer, the employer shall forthwith give him such a certificate as aforesaid, and if he fails to do so, a munitions tribunal may, in addition to issuing or ordering the issue to him of such a certificate, order the payment to him by the employer of such sum, not exceeding five pounds, as the tribunal may think fit, unless the tribunal is of opinion that the workman was guilty of misconduct for the purpose of obtaining dismissal or discharge.

This subsection shall apply to a workman who applies for a certificate on the ground that he has for a period of more than two days been given no opportunity of earning wages, or who leaves his employment on account of conduct on the part of the employer, or any agent of the employer, which would justify the immediate termination by the workman of his contract of service, in like manner as if he had been dismissed or discharged by his employer.

(3) Where a contract of service with a workman employed on or in connection with munitions work in any establishment of a class to which the provisions of section seven of the principal Act are for the time being applied by an order made thereunder is terminated by dismissal, and less than one week's notice, or wages in lieu of notice, has or have been given, the employer shall, subject to the provisions of this subsection, within twenty-four hours of giving notice of dismissal to the workman report the matter in such manner as may be prescribed by rules made by the Minister of Munitions, and such rules shall provide for the determination by a munitions tribunal (in case of difference) of the amount, if any, and not in any case exceeding five pounds, which is to be paid by the employer to the workman in lieu of notice, and for the payment of the sum so determined to the workman, unless the tribunal is of opinion that owing to the discontinuous or temporary nature of the employment or misconduct of the workman the employer had reasonable cause for dismissing the workman without a week's notice:

Provided that nothing in this subsection shall apply to workmen engaged in ship repairing, or to any class of workmen exempted in the prescribed manner on the ground that the circumstances of their employment were such that the provisions of this subsection ought not to apply to them.

(4) The provisions of section seven of the principal Act which prohibit the giving of employment to workmen in the circumstances mentioned in that section shall not apply so as to prevent the giving of employment to a workman in a controlled establishment to which he has been assigned by the Minister of Munitions in pursuance of section six of the principal Act.

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(5) In determining whether the grant of a certificate has been unreasonably refused for the purposes of section seven of the principal Act as amended by this section, a munitions tribunal shall take into consideration the question whether the workman has left or desires to leave his work for the purpose of undertaking any class of work in which his skill or other personal qualifications could be employed with greater advantage to the national interests, and whether the employer has failed to observe the conditions laid down in the fair wages clauses required by resolution of the House of Commons to be inserted in Government contracts, and whether the workman has left or desires to leave his work because he has recently completed a term of apprenticeship or period of learning his trade or occupation and desires to obtain the full standard rate of wages applicable to fully qualified workmen in his trade or occupation.

(6) The Minister of Munitions may make rules for carrying section seven of the principal Act as amended by this section into effect, and in particular may by such rules provide—

(*a*) for the issue, form, custody, duration, delivery up, and replacement in case of loss or destruction, of certificates ;

(*b*) for the issue of certificates to persons not engaged on or in connection with munitions work ;

(*c*) for prohibiting the insertion in a certificate issued by an employer of any matter other than the prescribed particulars ,

and may provide for any breach of such rules being punishable as an offence under the principal Act with a fine not exceeding five pounds.

(7) This section shall not come into operation until such date as may be fixed by the rules made thereunder.

Rates of wages of women employed on munitions work.

6.—(1) Where female workers are employed on or in connection with munitions work in any establishment of a class to which the provisions of section seven of the principal Act as amended by this Act are for the time being applied by an order made thereunder, the Minister of Munitions shall have power by order to give directions as to the rate of wages, or (subject, so far as the matter is one which is dealt with by the Factory and Workshops Acts, 1901 to 1911, to the concurrence of the Secretary of State) as to hours of labour, or conditions of employment of the female workers so employed.

(2) Any directions given by the Minister of Munitions under this section shall be binding on the owner of the establishment and any contractor or sub-contractor employing labour therein and the female workers to whom the directions relate, and any contravention thereof or non-compliance therewith shall be punishable, in like manner as if the order in which the direction