1952 No. 136

The Notification of Vacancies Order, 1952

Made - - - -	*29th January*, 1952
Laid before Parliament	*29th January*, 1952
Coming into Operation	*25th February*, 1952

In exercise of the powers conferred on him by Regulation 58A 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, 1951(**d**)) and of all other powers him enabling in that behalf the Minister of Labour and National Service hereby makes the following Order:—

Short title and commencement

1. This Order may be cited as the Notification of Vacancies Order, 1952, and shall come into operation on the 25th day of February, 1952.

Interpretation

2.—(1) In this Order, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them:—

"child" includes a step child, an illegitimate child and an adopted child (whether adopted under the provisions of any enactment or otherwise);

"coalmining industry" means the industry in which coalmines are worked or carried on;

"coalmine" includes every shaft in the course of being sunk and every level and inclined plane in the course of being driven and all the shafts, levels, planes, works, tramways and sidings both below ground and above ground in and adjacent to and belonging to the coalmine, but does not include any part of such premises on which any manufacturing process is carried on other than a process ancillary to the getting, dressing or preparation for sale of coal;

"employment in agriculture" includes employment in forestry and in horticulture other than employment in a sports ground, park or private garden;

"exemption certificate" means a certificate issued by or on behalf of the Minister that any person or any class or description of persons is exempted from the provisions of this Order in respect of the employment specified in the certificate, subject to any conditions that may be set out therein;

"local office" means an employment exchange or an appointments office of the Ministry of Labour and National Service or any other office appointed by the Minister as a local office for the purposes of this Order;

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

"person between the relevant ages" means a person who has attained the age of eighteen years and who, being a man, has not attained the age of sixty-five years, or being a woman, has not attained the age of sixty years;

(**a**) 9 & 10 Geo. 6. c. 10; and S.R. & O. 1945/1620, 1625; 1945 II, pp. 51, 56.
(**b**) 10 & 11 Geo. 6. c. 55. (**c**) 14 & 15 Geo. 6. c. 25. (**d**) S.I. 1951/2116; 1951 III, p. 27.

"scheduled employment agency" means any establishment or organisation which affords facilities for placing persons in employment and is entered as an employment agency for the purpose of this Order in a schedule kept by the Minister and is carried on in accordance with arrangements approved by the Minister and in accordance with such directions (if any) as may be given by the Minister in respect of the operation of the arrangements.

(2) For the purposes of this Order, the time at which a person attains a relevant age shall be deemed to be, according to the law in force elsewhere than in Scotland as well as according to the law in force in Scotland, the commencement of the relevant anniversary of the date of his birth.

(3) Any reference in this Order to any enactment or order shall be construed as a reference to that enactment or order as amended by any subsequent enactment or order.

Notification of Vacancies etc.

3. Subject to the provisions hereinafter contained in this Order:—

(*a*) no person shall seek to engage any person for employment otherwise than by notifying to a local office or a scheduled employment agency particulars of the vacancy to be filled;

(*b*) no person shall engage any person for employment unless that person has been submitted to him for that employment by a local office or a scheduled employment agency;

Provided that it shall not be a contravention of paragraph (*a*) hereof to seek by advertisement to engage a person for any employment if it is stated in the advertisement that applicants for that employment are required to make their applications to a local office or a scheduled employment agency.

Provisions as to re-engagement

4. The provisions of Article 3 of this Order shall not apply to the re-engagement of a person by an employer if the re-engagement occurs:—

(*a*) immediately following the end of a period of sickness if the engagement with that employer was terminated by reason of such sickness; or

(*b*) on his resumption of work on the termination of any stoppage of work due to a trade dispute where he ceased to be employed owing to such stoppage; or

(*c*) within a period of not more than fourteen consecutive days following the day on which he was last employed by that employer.

Excepted Employments

5. The provisions of Article 3 of this Order shall not apply to any of the following employments, that is to say:—

(*a*) employment in agriculture;
(*b*) employment in the coalmining industry;
(*c*) employment as a registered dock worker under the Dock Workers (Regulation of Employment) Order, 1947(a);
(*d*) employment as a master or member of the crew of a ship to which the provisions of the Merchant Shipping Acts, 1894 to 1950 apply;
(*e*) employment as a fisherman or as master or a member of the crew of a fishing boat to which the provisions of the Merchant Shipping Acts, 1894 to 1950 apply;

(a) S.R. & O. 1947/1189; Rev. VI, p. 63; 1947 I, p. 535.

(*f*) employment as a member of a police force maintained for any police area mentioned in the Third Schedule to the Police Pensions Act, 1921(**a**) or maintained by virtue of any scheme under the Police Act, 1946(**b**) or under the Police (Scotland) Act, 1946(**c**);

(*g*) employment as a member of a fire brigade maintained in pursuance of the Fire Services Act, 1947(**d**);

(*h*) employment in a managerial capacity;

(*i*) employment in a professional, administrative or executive capacity;

(*j*) part-time employment, that is to say, employment whether with one or more than one employer that involves not more than thirty hours' service weekly in all;

(*k*) employment of a casual nature otherwise than for the purposes of the employer's trade or business;

(*l*) employment without remuneration.

Excepted Persons

6. The provisions of Article 3 of this Order shall not apply in relation to the engagement of any person in any of the following circumstances, that is to say:—

(*a*) if he is not a person between the relevant ages;

(*b*) if, being a woman, she has living with her a child of hers under the age of fifteen years;

(*c*) if he is a person certified by a local authority, as defined for the purposes of Part III of the National Assistance Act, 1948(**e**), to be registered as a blind person under arrangements made by the authority under section twenty-nine of that Act;

(*d*) if he is a person of a class or description specified in paragraph 3 of the First Schedule to the National Service Act, 1948(**f**) (which relates to persons of unsound mind and persons who are mentally defective) or in that paragraph as modified and adapted in the application of that Act to Scotland by section fifty-six thereof;

(*e*) if he is an alien who is subject to any condition or restriction imposed upon him under or by virtue of the provisions of the Aliens Order, 1920(**g**), as subsequently amended, or any Order made thereunder, whereby he may not enter into any employment in Great Britain without the consent or permission of the Minister;

(*f*) if he is the holder of a permit issued by or on behalf of the Minister and for the time being in force exempting his engagement from the provisions of this Order in respect of the employment specified in the permit;

(*g*) if the person engaging or seeking to engage him is a person to whom and the employment is employment to which an exemption certificate applies.

Saving as to reinstatement in civil employment

7. Nothing in this Order shall prejudice or affect any rights conferred or obligations imposed by or under any statute and relating to the reinstatement in civil employment of persons who have been in the service of the Crown or the enforcement or fulfilment of any such rights or obligations.

Dated this 29th day of January, 1952.

Walter Monckton,

Minister of Labour and National Service.

(**a**) 11 & 12 Geo. 5. c. 31. (**b**) 9 & 10 Geo. 6. c. 46. (**c**) 9 & 10 Geo. 6. c. 71.
(**d**) 10 & 11 Geo. 6. c. 41. (**e**) 11 & 12 Geo. 6. c. 29. (**f**) 11 & 12 Geo. 6. c. 64.
(**g**) S.R. & O. 1920/448; Rev. II, p. 1; 1920 I, p. 138.

EXPLANATORY NOTE

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

This Order requires employers engaging workers to do so through a local office of the Ministry of Labour and National Service or a scheduled employment agency, and prohibits them from seeking to engage workers otherwise than by notifying particulars of the vacancy to one of those offices or agencies. Employers may, however, advertise vacancies if it is stated in the advertisement that applications must be made to a local office or scheduled employment agency.

The Order applies in respect of workers aged between 18 and 64 (inclusive) in the case of men and 18 and 59 (inclusive) in the case of women.

Certain employments are excepted, e.g. agriculture, coalmining, dock work, merchant navy, police, fire brigades and employment in a managerial, professional, administrative or executive capacity.

The Order does not apply to the engagement of certain workers, e.g. women who have living with them children of theirs aged under 15 years and workers covered by a permit or exemption certificate.

The Order does not affect the legal obligation to reinstate in employment persons who have been in the service of the Crown.

1952 No. 1402

The Notification of Vacancies (Amendment) Order, 1952

Made - - - -	28*th July*, 1952
Laid before Parliament	29*th July*, 1952
Coming into Operation	11*th August*, 1952

The Minister of Labour and National Service, in exercise of the powers conferred on him by Regulation 58A 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, 1951(**d**)) and of all other powers him enabling in that behalf, hereby makes the following Order:—

Short title and commencement

1. This Order may be cited as the Notification of Vacancies (Amendment) Order, 1952, and shall come into operation on the 11th day of August, 1952.

Amendment of Article 3 of the Notification of Vacancies Order, 1952

2. Article 3 of the Notification of Vacancies Order, 1952(**e**) (which relates to seeking to engage, and the engagement of, workers) shall have effect as if for the proviso thereto there were substituted the following:—

"Provided that it shall not be a contravention of paragraph (*a*) hereof to seek by advertisement to engage a person for any employment, or to

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(**a**) 9 & 10 Geo. 6. c. 10; and S.R. & O. 1945/1620, 1625; 1945 II, pp. 51, 56.
(**b**) 10 & 11 Geo. 6. c. 55.
(**c**) 14 & 15 Geo. 6. c. 25.
(**d**) S.I. 1951/2116; 1951 III, p. 27.
(**e**) S.I. 1952/136, p. 3038 above