

STATUTORY RULES AND ORDERS

1947 No. 1189

**DOCK WORKERS (REGULATION OF  
EMPLOYMENT)**

THE DOCK WORKERS (REGULATION OF EMPLOYMENT) ORDER, 1947, DATED JUNE 16, 1947, MADE BY THE MINISTER OF LABOUR AND NATIONAL SERVICE UNDER SECTION 2 OF THE DOCK WORKERS (REGULATION OF EMPLOYMENT) ACT, 1946 (9 & 10 GEO. 6. C. 22).

WHEREAS at the date hereof no Scheme made under the Dock Workers (Regulation of Employment) Act, 1946, is in force for any port or in relation to any class or description of dock workers;

AND WHEREAS it appeared to the Minister of Labour and National Service (hereinafter referred to as "the Minister") unlikely that any such Scheme would be prepared jointly by bodies of persons representative respectively of any classes or descriptions of dock workers at any port and of their employers within a reasonable time;

AND WHEREAS the Minister prepared a draft of an Order under the said Act embodying a scheme to which objections were made and all the provisions of the said Act have been duly complied with;

NOW THEREFORE the Minister by virtue of the powers conferred on him by subsection (6) of Section 2 of the said Act and all other powers in that behalf hereby makes the following Order:—

1.—(1) This Order may be cited as the Dock Workers (Regulation of Employment) Order, 1947, and shall come into force on the date hereof. Short title  
and com-  
mencement.

(2) The Interpretation Act, 1889 applies for the interpretation of this Order as it applies for the interpretation of an Act of Parliament. 52 & 53  
Vict. c. 63.

2. The Dock Workers (Regulation of Employment) Scheme, 1947, hereby embodied and set out in the Schedule hereto, shall come into effect on the twenty-eighth day of June, 1947, in respect of all ports set out in Appendix I of the said Schedule other than the Port of Glasgow, the Port of Greenock and the Merseyside, Manchester and Preston areas and in respect of those ports and that area on the thirtieth day of June, 1947; provided that Clauses 3, 4 and 5 of the Scheme (which deal with the establishment and constitution of a National Dock Labour Board and of local dock labour boards) shall come into effect on the date upon which this Order comes into force; and, accordingly, the National Board and a local board may as from that date make such arrangements, give such notices and do such things as may be necessary for the purpose of bringing the Scheme into operation on the said dates. Dock  
Workers  
(Regulation  
of Employ-  
ment)  
Scheme.

Dated this 16th day of June, 1947.

*G. A. Isaacs,*  
Minister of Labour and National Service.

## SCHEDULE

## DOCK WORKERS (REGULATION OF EMPLOYMENT) SCHEME, 1947.

## ARRANGEMENT OF CLAUSES

## Clause

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Appendix I. Ports to which Scheme relates.

Appendix II. Exclusions.

Name, Objects  
and application  
of Scheme.

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

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

(3) The Scheme shall relate to the ports set out in the Appendix I hereto, and at each port to which the Scheme relates it shall apply to the same classes or descriptions of dock work and dock workers as, immediately before the coming into operation of the Scheme, were included but subject to any exclusions or exceptions whether general or particular provided in dock labour schemes and the port registration scheme as follows:—

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

(b) at other ports, the approved Dock Labour Schemes for those ports under the Essential Work (Dock Labour) Orders, 1943 to 1945(a),

(c) at the Port of Weymouth, the port registration scheme approved under the Dock Labour (Compulsory Registration) Order, 1940(b).

Provided always that the Scheme shall not apply to any dock worker unless he is employed or registered for employment in or in the vicinity of

(a) S.R. & O. 1943 (No. 1114) II, p. 584; 1944 (No. 1205) II, p. 470; 1945 (Nos. 29 and 1260) II, pp. 423, 425.

(b) S.R. & O. 1940 (No. 1013) II, p. 359.

any 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.

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

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

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

“ daily worker ” means a registered dockworker who is not a weekly worker;

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

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

“ employers’ register ” means the register in the port kept under the Scheme of dock employers;

“ Minister ” means the Minister of Labour and National Service;

“ the National Joint Council ” means the National Joint Council for the Port Transport Industry, or such other joint industrial body as is in the opinion of the Minister appropriate in any particular case;

“ 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 or record ” means the register or record in the port kept under the Scheme of dock workers;

“ registered dock worker ” means a dock worker whose name is for the time being entered in the register or record;

“ registered employer ” means a dock employer whose name is for the time being entered in the employers’ register;

“ reserve pool ” means those registered dock workers who are available for work who at any time are not in the employment of a registered employer;

“ weekly worker ” means a registered dock worker who is engaged by a registered employer under a contract which requires at least one week’s notice for its termination.

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

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— Establishment  
of National  
Dock Labour  
Board and  
functions  
thereof.

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

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

- (c) determining and keeping under review in consultation with the local dock labour board the size from time to time of the registers or records and the increases or reductions to be made in the numbers in any such registers;
  - (d) keeping, adjusting and maintaining the employers' registers, entering or re-entering therein the name of any person by whom dock workers are or are to be employed and where occasion requires it, removing from the register the name of any employer, either at his own request or in accordance with the provisions of the Scheme;
  - (e) keeping, adjusting and maintaining the registers or records of dock workers including any registers or records 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 or record the name of any dock worker either at his own request or in accordance with the provisions of the Scheme;
  - (f) the grouping or regrouping of all registered dock workers into such groups as may be determined by the National Board after consultation with the National Joint Council for the Port Transport Industry, and thereafter reviewing the grouping of any registered dock worker on the application of the local board or of the dock worker or any of the bodies of persons referred to in Clause 5 (3) hereof;
  - (g) making satisfactory provision for the training and welfare of dock workers, including port medical services, in so far as such provision does not exist apart from the Scheme;
  - (h) levying and recovering from registered employers contributions in respect of the cost of operating the Scheme;
  - (i) borrowing or raising money and issuing debentures or other securities and, for the purpose of securing any debt or obligation, mortgaging or charging all or any part of the property of the National Board.
- (2) The National Board may for the purposes of the Scheme from time to time alter any grouping of the ports set out in Appendix I and may provide for different grouping or may provide that any port in a group shall no longer be in a group: provided that before any such alteration or provision is made the National Board shall give at least one month's notice in writing to the local dock labour board in each port that will be affected and to the Local Joint Committee of the National Joint Council for the Port Transport Industry and shall take into consideration any representations either oral or in writing that may be made to it.
- (3) With a view to ensuring the efficient and harmonious working of the Scheme in the ports and of promoting and stimulating local interest in the successful administration of the Scheme, it shall be the duty of the National Board to delegate to the local boards, as many as possible of the functions of the National Board, being functions which in the opinion of the National Board can appropriately be so delegated and to consult fully with the relevant local board on all such matters as it considers appropriate, so, however, that the final determination under paragraph 1 (c) of this Clause shall not be so delegated.
- (4) The income and property of the National Board, whencesoever derived, shall be applied solely towards the objects of the Scheme and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise howsoever by way of benefit to the members of the National Board; provided that nothing herein shall prevent the payment of reasonable and proper remuneration and expenses to any officer or servant of the National Board or to any member of the National Board in return for any services actually rendered to the National Board, nor prevent the payment of interest at a rate not exceeding five per cent. per annum on money lent or reasonable and proper rent for premises demised or let by any member to the National Board.

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

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

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

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

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

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

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

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

(9) A resolution of the majority of the Board as regards any matter arising under, or for the purposes of, the Scheme shall be the resolution of the Board.

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

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

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

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

(5) Notwithstanding the foregoing provisions of this Clause, until the first day of October, 1947 or until a local board is constituted under the said foregoing provisions, whichever date is the earlier, the local board—

(a) for any port in respect of which a dock labour scheme has been approved under the Essential Work (Dock Labour) Orders, 1943 to 1945, shall consist of the same persons as constituted the local or area dock labour board for that port under that scheme immediately before the coming into force of the Scheme: provided that until the said date the local board for the port of Weymouth shall consist of the same persons as constituted the area board under the scheme made under the said Orders for the ports of Southampton and Poole; and

(b) at the Port of Glasgow, the Port of Greenock and the Merseyside, Manchester and Preston areas shall consist of equal numbers of persons representing dock workers in each port and area and of persons representing the employers of such dock workers appointed by the National Joint Council for the Port Transport Industry.

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

(7) (a) The local board shall from time to time appoint appeal tribunals for the purpose of appeals under the Scheme, and shall, if necessary, appoint a registration committee 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 of the local board, appointed from persons nominated by the Local Joint Committee of the National Joint Council for the Port Transport Industry.

(c) Until 1st October, 1947 or until an appeal tribunal is constituted under this paragraph, whichever date is the earlier, the appeal tribunal in a port in respect of which a dock labour scheme has been approved under the Essential Work (Dock Labour) Orders 1943 to 1945 shall consist of the same persons as constituted the appeal tribunal for that port under that scheme immediately before the coming into force of the Scheme and in the Port of Weymouth shall consist of the same persons as constituted the appeal tribunal under the scheme made under the said Orders for the Ports of Southampton and Poole.

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

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

(10) The resolution of a majority of a local board as regards any matter arising under, or for the purposes of, the Scheme shall be the resolution of the board.

Functions of  
local boards  
as to registers  
and other  
matters.

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

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

(b) keeping, adjusting and maintaining the register or record of dock workers, including any register or record 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 or record the name of any dock worker either at his own request or in accordance with the provisions of the Scheme.

(c) the employment and control of registered dock workers available for work when they are not otherwise employed in accordance with the Scheme;

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

(e) the allocation of registered dock workers who are available for work to registered employers, in doing which the local board shall—

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

- (ii) be deemed to act as agent for the employer except when by arrangement with the local board, the employer or his representative attends the call and makes his own selection of men.
- (iii) make the fullest possible use of registered dock workers in the reserve pool,
- (iv) keep the record of attendance at call stands or control points of registered dock workers.
- (v) provide for the maintenance of records of employment and earnings;
- (f) (i) the payment as agent of the registered employer to each daily worker of all earnings properly due to the daily worker from the employer, and the payment to such daily workers of all monies payable by the National Board to those workers in accordance with the provision of the Scheme;
- (ii) the payment of the employer's contribution to any scheme of insurance constituted under any Act of Parliament in respect of daily workers and the custody and stamping of their insurance books or cards;
- (g) such other functions as may from time to time be delegated to it by the National Board.
- (2) All dock workers other than weekly workers who on the date on which this Scheme comes into operation are in the employment of an employer to whom this Scheme applies shall be deemed to have been allocated to that employer by the local board.

7. Subject to the provisions of the Scheme, and if the National Board gives notice to that effect

Registers of dock workers and of dock employers under former Schemes.

- (a) any dock worker who, immediately before the coming into force of the Scheme was on the register or record of any of the schemes mentioned in paragraph (3) of Clause 1 hereof or registered as being employed or employed thereunder, shall be deemed to be included in the register or record;
- (b) any employer who, immediately before the coming into force of the Scheme was on the register of port transport employers kept under the schemes as aforesaid or was an approved contractor or an approved employer thereunder, shall be deemed to be included in the employers' register.

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

Obligations of registered dock workers.

(2) A registered dock worker in the reserve pool who is available for work shall be in the employment of the National Board.

(3) A registered dock worker who is available for work shall not engage himself for employment by a registered employer unless he is allocated to that employer by the local board or engaged by an employer in accordance with clause 6 (1) (e) (ii), or unless he is engaged as a weekly worker.

(4) A registered dock worker available for work in the employment of the National Board shall carry out the directions of the local board and shall—

- (a) report at such call stands or control points and at such times as required but subject to any agreement come to with the appropriate joint industrial organisation;
- (b) accept any employment in connection with dock work, or any other work agreed by the local board for which he is considered by the local board to be suitable in pursuance of such 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 registered dock worker who is available for work when allocated by the local board to employment by 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.

Obligations of  
registered  
employers.

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

(2) A registered employer shall not employ a daily worker other than such worker who has been allocated to him by the local board in accordance with the provisions of Clause 6 (1) (e).

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

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

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

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

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

Restriction on  
employment.

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

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

(3) Notwithstanding the foregoing provisions of this Clause—

(a) where the local board is satisfied that—

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

(ii) it is not reasonably practicable to obtain a registered dock worker for that work, the local board may, subject to any limitations imposed by the National Board, allocate to a registered employer a person who is not a registered dock worker;

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

- (c) (i) in the case referred to in sub-paragraph (a) hereof, the person so employed as aforesaid by a registered employer shall for the purposes of Clause 9 (5), (6) and (7) and Clause 12 be treated in respect of that dock work as though he were a daily worker;
- (ii) in the case referred to in sub-paragraph (b) hereof, the person so employed on dock work shall in respect of that work be treated for the purposes of Clause 9 (5) and (7) as if he were a weekly worker.

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

Circumstances in which Scheme ceases to apply.

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

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

12. It shall be an implied condition of the contract between a registered dock worker available for work and a registered employer that the rates of remuneration and conditions of service (including conditions as to holidays and pay in respect thereof) shall be in accordance with the national or local agreements for the time being in force.

Wages and conditions.

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

Holidays.

(2) A registered dock worker in the reserve pool who is available for work, or having been allocated to an employer is not required to work, on any bank holiday or day recognised by the National Joint Council 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.

14.—(1) Subject to the conditions set out in this and the next following Clause when a registered dock worker is in respect of any pay week available for work but employment or full employment 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.

Pay in respect of unemployment or under-employment.

Provided that, if on 28th June, 1947, no such agreement, or determination exists, then until 1st November, 1947, or until such agreement or determination has been come to whichever date is the earlier, the payment under this Clause shall be such as the registered dock worker would have been entitled to under the provisions of that one of the schemes referred to in Clause 1 (3) (a) or (b) hereof which is applicable to his case or, in the case of a registered dock worker in the Port of Weymouth, under the scheme approved by the Minister under the Essential Work (Dock Labour) Orders, 1943 to 1945, for the Ports of Southampton and Poole.

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

- (a) that he attended as directed at the call stands or control points or was excused from attendance;
- (b) that his attendance or his excused attendance was recorded.

Disentitlement  
to payment.

15.—(1) A registered dock worker available for work who while in the reserve pool fails without adequate cause to comply with any of 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 registered dock worker available for work who while in the reserve pool fails without adequate cause to comply with the provisions of Clause 8 (4) (b) or (c) hereof, or fails to comply with any lawful order given to him by or on behalf of the National Board, may be reported in writing to the local board.

(3) A registered dock worker available for work who while in employment to which he has been allocated by the local board fails without adequate cause to comply with the provisions of Clause 8 (5) hereof, or fails to comply with any lawful orders given to him by his employer, may have his engagement terminated and may be returned to the reserve pool, and, whether or not he is so returned, may be reported in writing to the local board. When a registered dock worker is so returned to the reserve pool his record book shall be returned to the local board unless otherwise agreed by the board.

(4) The local board shall consider any written report received under paragraphs (2) or (3) hereof, and if, after investigating the matter, the board notifies the registered dock worker that it is satisfied that there has been such failure or behaviour as aforesaid, the registered dock worker shall not be entitled to any payment, or to such part of any payment as the board thinks fit, under Clause 14 hereof in respect of the pay week in which such failure or behaviour occurred or continues.

Disciplinary  
procedure.

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

(2) Where a registered dock worker available for work fails to comply with any of the provisions of the Scheme, then without prejudice to and in addition to the powers conferred by Clause 15 hereof, the local board may take any of the following steps as regards that dock worker—it may

- (a) determine that for such period as it thinks proper he shall not be entitled to any payment under Clause 14 hereof;
- (b) suspend him without pay for a period not exceeding seven days;
- (c) give him seven days' notice of termination of employment;
- (d) dismiss him summarily.

Termination of  
employment.

17.—(1) The employment of a registered dock worker in the reserve pool who is available for work shall not be terminated except—

- (a) by summary dismissal in the case of serious misconduct; or
- (b) by the giving of seven days' notice in writing; or
- (c) so as to enable the worker to be employed in accordance with the provisions of the Scheme.

(2) A registered dock worker in the reserve pool who is available for work shall not leave his employment with the National Board except by giving seven days' notice in writing to the local board or so as to be employed in accordance with the provisions of the Scheme.

(3) Where the employment of a registered dock worker by the National Board has been terminated under paragraph 1 (a) or (b), or under paragraph (2) hereof after notice given by him, his name shall forthwith be removed from the register or record.

18.—(1) If a registered dock worker who is available for work is aggrieved because Appeals.

- (a) he is not entitled to any payment under Clause 14 hereof by reason of any of the matters set out in Clauses 15 or 16; or
- (b) he has been suspended from the Scheme; or
- (c) of his grouping or re-grouping in the register or record; or
- (d) his name has been removed from the register or record under paragraphs (1) (a) and (3) of Clause 17; or
- (e) he has received seven days' notice to terminate his employment in accordance with paragraphs (1) (b) and (3) of Clause 17;

he may within three clear days of being informed that he is not so entitled, or has been so suspended, or has been grouped or re-grouped in a particular manner, or within three clear days of notice given to him of such removal or termination, lodge an appeal in writing with the appeal tribunal;

Provided that no appeal shall lie where seven days' notice has been given preceding the removal of the name of the registered dock worker from the register or record, if the grounds of removal are that the registered dock worker falls within a class or description of dock workers whose names are to be removed from the register or record in order to reduce the size thereof, so, however, that an appeal may nevertheless be made upon the ground that the registered dock worker alleges that he does not belong to that class or description.

(2) The appeal tribunal shall as soon as may be hear the appeal and if the appeal is allowed shall have power to order that the registered dock worker shall be entitled to receive any payment or proportion thereof which may be due under Clause 14 hereof, but subject to the conditions contained in that Clause, or shall be grouped in accordance with the determination of the tribunal, and the local board may in a case of summary dismissal, restore to the register or record the name of the dock worker as from such date, not being later than the date of the determination of the appeal as the tribunal may decide and the dock worker shall be treated as if he had not ceased to be a registered dock worker as from that date, and in any other case the board shall retain the name of the dock worker on the register. In all cases the tribunal shall have power to vary, modify or alter the penalty imposed so, however, that it shall not have power to increase any penalty imposed or to impose a more severe penalty.

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

(4) A registered employer who is aggrieved by reason of the fact that he has received notice under Clause 16 (1) hereof that his name will be removed from the employers' register, may, within seven days of the issue of such notice, lodge an appeal with the National Board who shall forthwith refer the matter to the Minister who shall make such provision for its determination as may appear to him appropriate.

19. Where in any case notice has been given that the name of a registered dock worker or a registered employer is to be removed from the register or record or (as the case may require) the employers' register, or where a registered dock worker has received notice of suspension from work or from the provisions of Clause 14 hereof, and an appeal is lodged in accordance with the provisions of Clause 18 hereof, the operation of the notice (except in a case of summary dismissal and in a case of the disentitlement under Clause 15 (1) hereof) shall be suspended pending the hearing of the appeal, and if the appeal is allowed, the notice shall be treated as ineffective, but otherwise the notice shall be treated as effective.

Suspension of notice in case of certain appeals.

Saving for Re-  
instatement  
in Civil  
Employment.

20.—(1) Where under the Reinstatement in Civil Employment Act, 1944, 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 or record and that person shall be a registered dock worker accordingly.

(2) The provisions of Clause 18 (1) and (2) hereof relating to appeals in the case of summary dismissal for serious misconduct and the termination of employment by seven days' notice in writing shall not apply for the period during which under the provisions of Section 4 of the said Act (or under that Section as amended by any subsequent enactment) the former employer is under an obligation to continue the employment of the person so reinstated.

Cost of  
operating the  
Scheme.

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

Every registered employer shall pay to the National Board—

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

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

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

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

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

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

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

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

## APPENDIX I

### PORTS TO WHICH SCHEME RELATES

#### A. Ayrshire Ports:

The following Ports:—

- (1) Ardrossan.
- (2) Ayr.
- (3) Irvine.
- (4) Troon.

B. The Port of Barrow-in-Furness:

C. Bristol and Severn Ports:

The following Ports:—

- (1) Bristol.
- (2) Sharpness.
- (3) Gloucester.

D. Cornwall Ports:

The following Ports:—

- (1) Charlestown.
- (2) Falmouth.
- (3) Fowey.
- (4) Hayle.
- (5) Mousehole.
- (6) Newlyn.
- (7) Par.
- (8) Penryn.
- (9) Penzance.
- (10) Porthleven.
- (11) Portreath.
- (12) St. Ives.
- (13) Truro.

E. Cumberland Ports:

The following Ports:—

- (1) Maryport.
- (2) Silloth.
- (3) Whitehaven.
- (4) Workington.

F. East Anglian Ports:

The following Ports:—

- (1) Boston.
- (2) Great Yarmouth.
- (3) Kings Lynn.
- (4) Lowestoft.
- (5) Sutton Bridge.
- (6) Wisbech.

G. East Coast of Scotland Ports:

The following Ports:—

- (1) Aberdeen.
- (2) Bo'ness.
- (3) Burntisland.
- (4) Dundee and Tayport.
- (5) Grangemouth.
- (6) Kirkcaldy.
- (7) Leith and Granton.
- (8) Methil.

H. The Port of Fleetwood:

I. The Port of Glasgow:

J. The Port of Greenock:

K. The following Ports:—

- (1) Grimsby.
- (2) Immingham.

L. The following Ports:—

- (1) Hull.
- (2) Goole.

M. The Port of Ipswich:

N. The Port of London:

O. The Medway and Swale Ports:—

- (1) The Medway Conservancy.
- (2) Queenborough Harbour Authority.
- (3) Milton Creek Conservancy.
- (4) Faversham Navigation Commission.
- (5) Whitstable.

P. The following Ports:—

- (1) Birkenhead.
- (2) Bromborough.
- (3) Ellesmere Port.
- (4) Garston.
- (5) Liverpool.
- (6) Manchester.
- (7) Partington.
- (8) Preston.
- (9) Runcorn.
- (10) Weston Point.
- (11) Widnes.

Q. The following Ports:

- (1) Middlesbrough.
- (2) The Hartlepoons.

R. The Port of Plymouth:

S. The following Ports:—

- (1) Southampton.
- (2) Poole and Hanworthy.
- (3) Weymouth.

T. South Wales Ports:—

The following Ports:—

- (1) Barry.
- (2) Cardiff and Penarth
- (3) Llanelly.
- (4) Newport.
- (5) Port Talbot.
- (6) Swansea.

U. Tyne and Wear Ports:—

The following Ports:—

- (1) Newcastle.
- (2) Gateshead.
- (3) North Shields.
- (4) South Shields.
- (5) Sunderland.
- (6) Blyth.
- (7) Seaham Harbour.
- (8) Dunstan.

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

## APPENDIX II

## EXCLUSIONS

(a) Processing work in connection with cargoes of pit wood or timber including in the expression "processing work" but without prejudice to the generality of that expression, sawing, planing, cutting, pointing, ripping, splitting, receiving and delivering when performed by persons in the regular employment of sawmillers or pit wood or timber importers or when performed by persons employed in pit wood or timber yards;

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

Charterhouse Cold Storage Co., Ltd.  
Cowcross Street Cold Store & Transport Co., Ltd.  
Eagle Cold Stores.  
Hedley Vicars Cold Air Stores Ltd.  
Metropolitan Cold Stores.  
Morris & Co. (Meat Importers) Ltd.  
St. John's Cold Store.  
Sansinena Co., Ltd.  
Times Cold Storage Co., Ltd.  
The Union Cold Storage Co., Ltd.

STATUTORY RULES AND ORDERS

1947 No. 1189

**DOCK WORKERS (REGULATION OF  
EMPLOYMENT)**

THE DOCK WORKERS (REGULATION OF EMPLOYMENT) ORDER, 1947, DATED  
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