Short title commencement and citation.

4.—(1) This Order may be cited as the Conditions of Employment and National Arbitration (Amendment) (Northern Ireland) Order, 1942, and shall come into force on the date hereof.

(2) This Order, the principal Order and the Conditions of Employment and National Arbitration (Northern Ireland) Order, 1941, may be cited together as the Conditions of Employment and National Arbitration (Northern Ireland) Orders, 1940 to 1942.

Sealed with the Official Seal of the Ministry of Labour for Northern Ireland this 17th day of July, 1942, in the presence of

(L.S.) (Signed) *John F. Gordon,*
Minister of Labour for Northern Ireland.

ESSENTIAL WORK.

Merchant Navy.

ORDER, DATED 16TH SEPTEMBER, 1942, MADE BY THE MINISTRY OF LABOUR UNDER REGULATION 58A OF THE DEFENCE (GENERAL) REGULATIONS, 1939.

1942. No. 158.

WHEREAS it appears to the Ministry of Labour for Northern Ireland (hereinafter referred to as " the Ministry ") that undertakings which are engaged in the owning, management or operation of British ships are engaged in essential work :

NOW, THEREFORE, the Ministry by virtue of the powers conferred on it by Regulations 58A and 98 of the Defence (General) Regulations, 1939, hereby makes the following Order :—

Short title, commencement, interpretation and repeal.

1.—(1) This Order may be cited as the Essential Work (Merchant Navy) (Northern Ireland) Order, 1942, and shall come into force on the 16th September, 1942.

(2) In this Order :—

" appropriate society " means, in relation to matters concerning—

(*a*) navigating officers (including masters) and engineer officers—the Amalgamated Engineering Union, the Marine Engineers' Association, the Mercantile Marine Service Association and the Navigators and Engineer Officers' Union jointly ;

(*b*) radio officers—the Radio Officers' Union ;

(*c*) electrical engineers—the Electrical Trades Union ;

(*d*) boilermakers—the Boilermakers and Iron and Steel Shipbuilders' Society ;

(*e*) plumbers—the Plumbers, Glaziers, and Domestic Engineers' Union ; and

(*f*) ratings (other than plumbers)—the National Union of Seamen ;

and includes a person authorised by an appropriate society to act on its behalf ;

" officer or rating of the Merchant Navy " means a person who is for the time being employed as, or for service as, the master or a member of the crew of any sea-going British ship (not being a fishing boat, salvage vessel, or tug-boat or a vessel engaged exclusively on the work of any Port, Harbour, Pilotage or Local Authority) of 200 gross tons and upwards, who has been engaged in the United Kingdom on an agreement with the crew entered into in accordance with the provisions of the Merchant Shipping Act, 1894 ;

" shipping services " means the owning, management or operation of ships.

(3) The Essential Work (Merchant Navy) (Northern Ireland) Order, 1941, is hereby revoked :

Provided that, without prejudice to the provisions of Section 38 of the Interpretation Act, 1889—

(*a*) nothing in this revocation shall affect any approval, authority, certificate, consent, direction, instruction, notice, order, permission or refusal given, application, notification, report or request made or thing done under that Order, and every such approval, authority, certificate, consent, direction, instruction, notice, order, permission, refusal, application, notification, report or request shall, if in force at the coming into operation of this Order, continue in force and have effect as if given or made under this Order ; and

(*b*) any document referring to that Order or to any provision therein shall be construed as referring to this Order and to the corresponding provision of this Order.

(4) The Merchant Navy Reserve Pool established under this Order shall be deemed to be in continuation of the corresponding Reserve Pool established under the Essential Work (Merchant Navy) (Northern Ireland) Order, 1941.

Establishment and membership of Merchant Navy Reserve Pool.

2.—(1) There shall be established for undertakings engaged in shipping services a reserve (to be called the " Merchant Navy Reserve Pool "), consisting of persons qualified to be officers or ratings of the Merchant Navy but for the time being not so employed.

(2) Subject to the approval of the appropriate society in any matter which by this Order is required to be so approved, the Merchant

Navy Reserve Pool shall be under the management and control of the Shipping Federation Limited (hereinafter referred to as "the Federation").

(3) The objects of the Merchant Navy Reserve Pool shall be to secure that enough workers are at all times available to meet the manning requirements of undertakings engaged in shipping services, to provide reliefs for officers and ratings on leave, to make provision for training and refresher courses and to make such provision as may be necessary for the protection and maintenance of ships in port as the Federation shall with the approval of the appropriate society from time to time determine.

(4) A person shall be a member of the Merchant Navy Reserve Pool if—

(*a*) he has voluntarily become a member ; or

(*b*) he has been directed to enter the employment of the Federation as a member of the Merchant Navy Reserve Pool by virtue of a direction issued to him by a National Service Officer ; or

(*c*) he has become a member of the Merchant Navy Reserve Pool by virtue of the provisions of paragraphs (5) or (6) of this Article ; or

(*d*) he has temporarily ceased to be a member of the Merchant Navy Reserve Pool by virtue of a certificate granted to him by the Federation under paragraph (4) of Article 4 of this Order, and the period for which the certificate was granted has expired.

(5) Every person who at the date of the coming into force of this Order is an officer or rating of the Merchant Navy or who thereafter becomes such an officer or rating shall, at every termination of his employment as such (whether present or future), be a member of the Merchant Navy Reserve Pool unless upon such termination he has been immediately re-engaged by the same employer to become an officer or rating of the Merchant Navy.

(6) Every person who was, at the date of the revocation of the Essential Work (Merchant Navy) (Northern Ireland) Order, 1941, a member of the Merchant Navy Reserve Pool established under that Order, shall be a member of the Merchant Navy Reserve Pool established under this Order.

Terms of Service of members of the Reserve Pool.

3.—Every person whilst he is for the time being a member of the Merchant Navy Reserve Pool shall be in the employment of the Federation on the following terms :—

(*a*) he shall continue in the employment of the Federation until this Order ceases to have effect unless he is discharged from that employment in the manner hereinafter provided or is for the time being employed as an officer or rating of the Merchant Navy ;

(*b*) he shall from time to time perform such duties, carry out such instructions and report at such places and at such times as may be required by the Federation with the approval of the appropriate society or by a national service officer, and shall accept any employment or undergo any training which may be notified to him by the Federation with the approval of the appropriate society or by a national service officer ;

(*c*) his conditions of service, as regards pay, allowances, leave and other matters, shall be such as the National Maritime Board may from time to time determine.

Provisions as to employment of members of the Reserve Pool.

4.—(1) Subject as hereinafter provided, the following provisions shall apply in relation to the employment by the Federation of members of the Merchant Navy Reserve Pool :—

(*a*) the Federation shall not terminate the employment of any person who is a member of the Merchant Navy Reserve Pool except with the approval of the appropriate society and (save for serious misconduct, whenever or wherever committed) with the permission in writing of a national service officer ;

(*b*) a person who is a member of the Merchant Navy Reserve Pool shall not leave his employment except with such permission as aforesaid ; and

(*c*) not less than one week's notice of the termination of the employment of a person who is a member of the Merchant Navy Reserve Pool shall be given by that person or by the Federation as the case may be, so, however, that this provision shall not apply where the member is dismissed for serious misconduct or where he becomes employed as an officer or rating of the Merchant Navy.

(2) An application to a national service officer for such permission as aforesaid shall be in writing and shall state the grounds on which the application is based.

(3) A national service officer shall, so far as is practicable, either grant or refuse his permission within seven days of the receipt of the application by him and, where he grants any permission, he shall communicate the permission in writing to the Federation and to the person by or in respect of whom the application was made.

(4) Notwithstanding the foregoing provisions of this Article, the Federation may at any time with the approval of the appropriate society grant to any member of the Merchant Navy Reserve Pool who is, in the opinion of the Federation, for the time being medically unfit for employment as an officer or rating of the Merchant Navy a certificate releasing him from the obligations imposed upon him by this Order for such period as may be specified in the certificate, and whilst such certificate is in force the person to whom it relates shall be deemed not to be a member of the Merchant Navy Reserve Pool.