7. Where a notice applies only to a special process in the work of the trade or a class of workers in the trade or a class of workers in a special process, an occupier shall be under no obligation to post or keep posted such notice so long as no workers are employed by him or on his premises or place to whom any of the rates or any direction set out in the notice are applicable.

8. The Interpretation Act, 1921, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

9. The Regulations as to the mode of giving notice, dated the 25th day of April, 1924, made by the Ministry under Section 24 of the Trade Boards Act (Northern Ireland), 1923, are hereby repealed except in so far as they relate to notices already required to be given or posted up under and by virtue of the Trade Boards Act (Northern Ireland), 1923.

10. These Regulations may be cited as the Trade Boards (Notices) Regulations (Northern Ireland), 1939.

Sealed with the Official Seal of the Ministry of Labour for Northern Ireland this 21st day of February, 1939, in the presence of

(L.S.) *R. R. Bowman,*
Assistant Secretary.

REGULATIONS, DATED 20TH DAY OF FEBRUARY, 1939, MADE BY THE MINISTRY OF LABOUR FOR NORTHERN IRELAND UNDER THE HOLIDAYS WITH PAY ACT (NORTHERN IRELAND), 1938.

1939. No. 43.

Whereas by sub-section (1) of section 2 of the Holidays with Pay Act (Northern Ireland), 1938, (hereinafter referred to as " the principal Act "), it is provided that the power of any Trade Board to fix minimum rates of wages for any workers shall include power to fix separate minimum rates of wages to be paid to those workers by way of pay in respect of holidays and that subject to the provisions of any Regulations made under the principal Act reference in the Trade Boards Act (Northern Ireland), 1923, to minimum rates of wages shall be construed accordingly;

And whereas by sub-section (1) of section 3 of the principal Act certain provisions of the Trade Boards Act (Northern Ireland), 1923,

(relating to the procedure for fixing, cancelling and varying minimum rates and for making orders confirming such rates and the cancellation and variation thereof) are, subject to any modification prescribed by Regulations made by the Ministry of Labour (hereinafter referred to as " the Ministry ") expressly made applicable to and for the purposes of the principal Act;

And whereas by sub-section (2) of section 3 of the principal Act the Ministry is empowered to make Regulations for giving effect to the purposes of the principal Act and in particular for modifying any provisions of the Trade Boards Act (Northern Ireland), 1923, in their application for the purposes of the principal Act and for applying with or without modifications for the purposes of the principal Act any such provisions in addition to those expressly made applicable thereby;

Now, therefore, the Ministry in pursuance of the powers conferred on it by sub-section (2) of section 3 of the principal Act and of all other powers enabling it in that behalf hereby makes the following Regulations :—

Citation and Interpretation

1. (1) These Regulations may be cited as the Holidays with Pay (Adaptation of Enactments) (Trade Boards) Regulations (Northern Ireland), 1939.

(2) Unless the context otherwise requires, expressions to which meanings are assigned by the principal Act or the Trade Boards Act (Northern Ireland), 1923, have, when used in these Regulations, the same respective meanings.

(3) The Interpretation Act, 1921, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

Application with modifications of the Trade Boards Act (Northern Ireland), 1923.

2. The provisions of the Trade Boards Act (Northern Ireland), 1923, as set out and modified in the Schedule to these Regulations, shall apply for the purposes of the principal Act in addition to those expressly made applicable thereby.

Sealed with the Official Seal of the Ministry of Labour for Northern Ireland this 20th day of February, 1939, in the presence of

(L.S.) *R. R. Bowman,*

Assistant Secretary.

SCHEDULE.

Trade Boards Act (Northern Ireland), 1923.

Section	Subject Matter.	Adapted Provisions.
13	Prevention of Evasion.	Any shopkeeper, dealer or trader, who by way of trade makes any arrangement express or implied with any worker in pursuance of which the worker performs, or the substance of which is the performance by the worker of any work for which a minimum rate of wages has been fixed under the Trade Boards Act (Northern Ireland), 1923, shall be deemed for the purposes of that Act (as applied for the purposes of the Holidays with Pay Act (Northern Ireland), 1938, and for the purposes of the Holidays with Pay Act (Northern Ireland), 1938, to be the employer of the worker.
14	Consideration by Trade Board of complaints as to failure to pay holiday remuneration or to allow a holiday in pursuance of a direction.	Any worker or any person authorised by a worker may complain to the Trade Board that holiday remuneration has not been paid to him at not less than the minimum rate or that it has not been so paid at such times and subject to such conditions as may have been directed by the Trade Board or that a holiday has not been allowed to him as required by virtue of a direction under the Holidays with Pay Act (Northern Ireland), 1938, and the Trade Board shall consider the matter and may, if they think fit, take any proceedings under the Holidays with Pay Act (Northern Ireland), 1938, or under the Trade Boards Act (Northern Ireland), 1923, as applied for the purposes of that Act, on behalf of the worker.
15	Penalty for not paying holiday remuneration at not less than the minimum rate or at the times and subject to the conditions directed by the Trade Board and employer's obligation to keep records.	(1) Where any separate minimum rate of wages fixed by a Trade Board under sub-section (1) of section 2 of the Holidays with Pay Act (Northern Ireland), 1938, has become effective an employer shall, in cases to which the minimum rate is applicable, pay holiday remuneration to the person employed at not less than the minimum rate clear of all deductions, at such times and subject to such conditions as may be directed by the Trade Board, and if he fails to do so shall be liable on summary conviction in respect of each offence to a fine not exceeding twenty pounds and to a fine not exceeding five pounds for each day on which the offence is continued after conviction therefor. In the foregoing provision, the expression "deductions" includes deductions for and in respect of any matter whatsoever (other than deductions under the Acts relating to national health insurance and unemplotyment insurance, or deductions authorised by any Act to be made from wages in respect of contributions to any superannuation or other provident fund), and notwithstanding that they are deductions which may lawfully be made from wages under the provisions of the Truck Acts, 1831 to 1896; and where any payment, being a payment authorised to be received by an employer under section one, section two or section three of the Truck Act, 1896, is made by any employed person to his employer, the employer shall,

Section	Subject Matter.	Adapted Provisions.
15 contd.	Penalty for not paying holiday remuneration. — Continued.	for the purposes of the foregoing provision, be deemed to have deducted that amount from wages. (5) Where an offence of failing to allow to a worker a holiday in pursuance of a direction by a Trade Board for which an employer is liable to a fine under the Holidays with Pay Act (Northern Ireland), 1938, or an offence for which an employer is liable to a fine under the Trade Boards Act (Northern Ireland), 1923, as applied for the purposes of that Act, has in fact been committed by some agent of the employer or other person, that agent or other person shall be liable to be proceeded against for the offence in the same manner as if he were the employer, and either together with, or before or after the conviction of, the employer, and shall be liable on conviction to the same punishment as that to which the employer is liable. (6) Where an employer is charged with an offence against the Holidays with Pay Act (Northern Ireland), 1938, or the Trade Boards Act (Northern Ireland), 1923, as applied for the purposes of that Act, he shall be entitled, upon information duly laid by him, to have any agent or other person whom he charges as the actual offender brought before the court at the time appointed for the hearing of the charge; and if, after the commission of the offence has been proved, the employer proves to the satisfaction of the court— (a) that he has used due diligence to enforce the execution of such of the Acts aforesaid as relate to the offence with which he is charged; and (b) that the said agent or other person had committed the offence in question without his knowledge, consent or connivance; that agent or other person shall be summarily convicted of the offence, and the employer shall be exempt from any fine or punishment in respect of the offence, without prejudice, however, to the power of the court under sub-section (6) of section 15 of the Trade Boards Act (Northern Ireland), 1923, as applied for the purposes of the Holidays with Pay Act (Northern Ireland), 1938, to adjudge him to pay any sum which appears to the court to be due to the person on account of holiday remuneration. The agent or other person so convicted shall, in the discretion of the court, be liable to pay any costs incidental to the proceedings. (7) Where the immediate employer of any worker to whom a separate minimum rate of wages fixed under sub-section (1) of section 2 of the Holidays with Pay Act (Northern Ireland), 1938, applies is himself in the employment of some other person, and that worker is employed on the premises and for the purposes of the trade of that other person, that other person shall, for the purposes of sub-section (1) of

Section	Subject Matter.	Adapted Provisions.
15, contd.	Penalty for not paying holiday remuneration. — Continued.	section 15 of the Trade Boards Act (Northern Ireland), 1923, as applied for the purposes of the Holidays with Pay Act (Northern Ireland), 1938, be deemed to be the employer of the worker jointly with the immediate employer. (8) On the conviction of an employer for any offence under this section the court may by the conviction adjudge the employer convicted to pay, in addition to any fine, such sum as appears to the court to be due to the person employed on account of holiday remuneration, the holiday remuneration being calculated on the basis of the minimum rate; but the power to order the payment of holiday remuneration under this provision shall not be in derogation of any right of the person employed to recover holiday remuneration by any other proceedings. (9) On any prosecution of a person for failing to pay holiday remuneration at not less than the minimum rate or for failing to pay such remuneration at the times and subject to the conditions directed by the Trade Board, it shall lie on that person to prove that he has not paid holiday remuneration at less than the minimum rate or that he has not failed to pay holiday remuneration at the times and subject to the conditions directed by the Trade Board, as the case may be. (10) Any agreement for the payment of holiday remuneration in contravention of the provisions of this section shall be void. (11) It shall be the duty of every employer in a trade to which a separate minimum rate of wages fixed under sub-section (1) of section 2 of the Holidays with Pay Act (Northern Ireland), 1938, is applicable to keep such records of time worked and of wages paid as are necessary to show that the provisions of the Holidays with Pay Act (Northern Ireland), 1938, and of the Trade Boards Act (Northern Ireland), 1923, as applied for the purposes of that Act, are being complied with as respects all persons in his employment, and, if he fails to do so, he shall be liable on summary conviction in respect of each offence to a fine not exceeding two pounds, and also to a fine not exceeding one pound for every day during which the default continues after conviction.
16	Recovery of sums due to workers.	(1) Where an employer has been convicted under section 1 of the Holidays with Pay Act (Northern Ireland), 1938, of failing to allow to a worker a holiday in pursuance of a direction of a Trade Board or has been convicted under sub-section (1) of section 15 of the Trade Boards Act (Northern Ireland), 1923, as applied for the purposes of the Holidays with Pay Act (Northern Ireland), 1938, for failure to pay holiday remuneration at not less than the minimum rate to any worker or otherwise than at the times and subject to the conditions directed by the Trade