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day of April, 1924, made by the Ministry under Section 24 of the Trade Boards Act (Northern Ireland), 1923, are hereby repealed except in so far as they relate to notices already required to be given or posted up under and by virtue of the Trade Boards Act (Northern Ireland), 1923.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

Section	Subject Matter.	Adapted Provisions.
16 contd.	Recovery of sums due to workers. — Continued.	Board then, if notice of intention to do so has been served with the summons, warrant, or complaint, evidence may be given of any failure on the part of the employer to pay holiday remuneration or wages at not less than the minimum rate under the Holdays with Pay Act (Northern Ireland), 1938, or the Trade Boards Act (Northern Ireland), 1923, as the case may be, to that worker at any time during the two years immediately preceding the date on which the information was laid or the complaint was served, and on proof of the failure the court may order the employer to pay such sum as in the opinion of the court represents the difference between the amount which, having regard to the provisions of the Acts aforesaid, ought properly to have been paid to the worker by way of holiday remuneration or wages (as the case may be) during those years and the amount actually so paid. (2) Where it appears to a Trade Board, or to any officer appointed under the Trade Boards Act (Northern Ireland), 1923, or under that Act as applied for the purposes of the Holidays with Pay Act (Northern Ireland), 1938, that any sum is due by an employer to a worker by reason of the fact that holiday remuneration or holiday remuneration and wages have been paid to that worker at less than the minimum rate applicable, and that it is not possible to recover the sum so appearing to be due, or some part of that sum, by means of a prosecution under sub-section (1) of section 15 of the Trade Boards Act (Northern Ireland), 1923, or under that sub-section as applied for the purposes of the Holidays with Pay Act (Northern Ireland), 1938, the Trade Board, or that officer, if he is authorised in that behalf by special or general directions of the Ministry, may, if it appears expedient so to do by reason of the refusal or neglect of the worker to take the necessary proceedings, institute, on behalf of and in the name of the worker, civil proceedings before any court of competent jurisdiction for the recovery of the said sum ; Provided that the court before which such civil proceedings are instituted by a Trade Board, or by any such officer as aforesaid, shall have the same power to make an order for the payment of costs by that Board or officer as if that Board or officer were a party to the proceedings.
18	Powers and duties of District Trade Committees.	. . . (2) A Trade Board may refer to a District Trade Committee established under the Trade Boards Act (Northern Ireland), 1923, for their report and recommendations, any matter which they think it expedient so to refer, and may also, if they think fit, delegate to a District Trade Committee, or any sub-committee thereof, any of their powers and duties 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, other than the power to give directions as to holidays or the power to fix separate minimum rates of wages in respect of holidays.

Section	Subject Matter.	Adapted Provisions.
18 contd.	Powers and duties of District Trade Committees—Continued.	(3) Where a District Trade Committee has been established for any area, it shall be the duty of that Committee, if so requested by the Trade Board, to recommend to the Trade Board separate minimum rates of wages to be fixed under sub-section (1) of section 2 of the Holidays with Pay Act (Northern Ireland), 1938, applicable to the trade in that area, and also, if so requested by the Trade Board, to make recommendations with regard to any direction to be given under section 1 of that Act, and where any such recommendation has been made no such rates or directions, as the case may be, and no variation or cancellation thereof, shall have effect within that area unless the rate or direction or the variation or cancellation thereof, as the case may be, has been recommended by the District Trade Committee, or an opportunity has been given to the Committee to report thereon to the Trade Board and the Trade Board have considered the report (if any) made by the Committee.
19	Appointment of Officers.	The Ministry may appoint such officers as it thinks necessary for the purpose of investigating any complaints and otherwise securing the proper observance of the Holidays with Pay Act (Northern Ireland), 1938, and the Trade Boards Act (Northern Ireland), 1923, as applied for the purposes of that Act. Any officers so appointed shall act under the directions of the Ministry, or if the Ministry so determine, under the directions of any Trade Board, and any such officers may be appointed for the purpose of making any such special investigations as may be required from time to time as regards matters arising under the Holidays with Pay Act (Northern Ireland), 1938, or the Trade Boards Act (Northern Ireland), 1923, as applied for the purposes of that Act.
20	Powers of Officers.	(1) Any officer appointed by the Ministry under the Trade Boards Act (Northern Ireland), 1923, or under that Act as applied for the purposes of the Holidays with Pay Act (Northern Ireland), 1938, shall have power, for the performance of his duties— (a) to require the production of any records which an employer is required to keep by virtue of the provisions of sub-section (11) 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, including wages sheets and other records of time worked or of wages paid and records of payments made to outworkers by persons giving out work, and to inspect and examine the same and copy any material part thereof ; (b) to require any person giving out work and any outworker to give any information which it is in his power to give with respect to the names and addresses of the persons to whom the work is given out or from whom the work

Section	Subject Matter.	Adapted Provisions.
20 contd.	Powers of Officers.—Continued.	is received, respectively, and with respect to the payments made or to be made for the work; (c) at all reasonable times to enter any premises or place which he has reasonable cause to believe to be used for carrying on work within the jurisdiction of a Trade Board and to be occupied by an employer or worker within that jurisdiction, or any place used for giving out work to outworkers ; (d) to inspect and copy any material part of any list of outworkers kept by an employer or person giving out work to outworkers ; and (e) to examine, either alone or in the presence of any other person, as he thinks fit, with respect to any matters under the Holidays with Pay Act (Northern Ireland), 1938, or the Trade Boards Act (Northern Ireland), 1923, as applied for the purposes of that Act, any person whom he finds in any such place as aforesaid, or whom he has reasonable cause to believe to be or to have been a worker in any trade within the jurisdiction of a Trade Board and to require every such person to be so examined and to sign a declaration of the truth of the matters in respect of which he is so examined. (2) If any person fails to furnish the means required by an officer as necessary for any entry or inspection or the exercise of his powers under this section, or if any person hinders or molests any officer in the exercise of the powers given under this section, or refuses to produce any document or give any information which any officer is entitled to require him to produce or give under the powers given by this section, that person shall be liable on summary conviction in respect of each offence to a fine not exceeding five pounds. If any person makes or causes to be made or knowingly allows to be made any wages sheet, record of time worked or of wages payments or list of outworkers or other list, being a sheet, record or list which an employer is required to keep by virtue of the provisions of sub-section (11) of section 15 of this Act as applied for the purposes of the Holidays with Pay Act (Northern Ireland), 1938, which is false in any material particular, or produces or causes to be produced, or knowingly allows to be produced, any such sheet, record or list to any officer acting in exercise of the powers given by this section, knowing the same to be false, or furnishes any information to any such officer knowing the same to be false, he shall be liable on summary conviction to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding three months. (3) Any statement made by a person in answer to a question put to him on an examination under this

Section	Subject Matter.	Adapted Provisions.
20 contd.	Powers of Officers.—Continued.	section shall not, except in the case of criminal proceedings for perjury, be admissible in evidence against him in any proceedings, civil or criminal.
21	Officers to produce certificates when required.	Every officer appointed by the Ministry under the Trade Boards Act (Northern Ireland), 1923, or under that Act as applied for the purposes of the Holidays with Pay Act (Northern Ireland), 1938, shall be furnished by the Ministry with a certificate of his appointment under the Acts as aforesaid, and when acting under or exercising any power conferred upon him by the Trade Boards Act (Northern Ireland), 1923, as applied for the purposes of the Holidays with Pay Act (Northern Ireland), 1938, shall, if so required, produce the said certificate to any person or persons affected.
22	Power to take and conduct proceedings.	(1) Any officer appointed by the Ministry under the Trade Boards Act (Northern Ireland), 1923, or under that Act as applied for the purposes of the Holidays with Pay Act (Northern Ireland), 1938, shall have power in pursuance of any special or general directions of the Ministry to take 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, and a Trade Board may also take any such proceedings in the name of any officer appointed by the Ministry and for the time being acting under the directions of the Trade Board in pursuance of the Trade Boards Act (Northern Ireland), 1923, or of that Act as applied for the purposes of the Holidays with Pay Act (Northern Ireland), 1938, or in the name of their secretary or any of their officers authorised by them. (2) Any officer appointed by the Ministry under the Trade Boards Act (Northern Ireland), 1923, or under that Act as applied for the purposes of the Holidays with Pay Act (Northern Ireland), 1938, or the Secretary of the Trade Board, or any officer of a Trade Board authorised for the purpose, may, although not a barrister-at-law or a solicitor, prosecute or conduct before a court of summary jurisdiction any proceedings arising 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.
23	Provisions as to legal proceedings.	The following provisions shall have effect with respect to summary proceedings under the Trade Boards Act (Northern Ireland), 1923, or under that Act as applied for the purposes of the Holidays with Pay Act (Northern Ireland), 1938, namely :— (1) All offences under the Holidays with Pay Act (Northern Ireland), 1938, or under the Trade Boards Act (Northern Ireland), 1923, as applied for the purposes of the Holidays with Pay Act (Northern Ireland), 1938, shall be prosecuted and all fines

Section	Subject Matter.	Adapted Provisions.
23 contd.	Provisions as to legal proceedings.—Continued.	thereunder shall be recovered in the manner provided by the Summary Jurisdiction Acts (Northern Ireland) ; . . . . . . (5) Any person aggrieved by a conviction or order made by a court of summary jurisdiction on determining any information or complaint under the Holidays with Pay Act (Northern Ireland), 1938, or under the Trade Boards Act (Northern Ireland), 1923, as applied for the purposes of the Holidays with Pay Act (Northern Ireland), 1938, may appeal in the manner provided by the said Summary Jurisdiction Acts (Northern Ireland) ; (6) Any summons or document, required or authorised to be served for the purpose of any summary 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 the Holidays with Pay Act (Northern Ireland), 1938, may be served by post or by delivering the same to, or at the residence of, the person on whom it is to be served, or by delivering the same or a true copy thereof, to his agent ; (7) All fines imposed under the Holidays with Pay Act (Northern Ireland), 1938, or under the Trade Boards Act (Northern Ireland), 1923, as applied for the purposes of the Holidays with Pay Act (Northern Ireland), 1938, shall be applied in the manner directed by the Fines Act (Ireland), 1851, and any Act amending the same.
24	Regulation as to the mode of giving notice.	(1) The Ministry shall make regulations as to the notice to be given of any matter under the Holidays with Pay Act (Northern Ireland), 1938, and under the Trade Boards Act (Northern Ireland), 1923, as applied for the purposes of the Holidays with Pay Act (Northern Ireland), 1938, with a view to bringing the matter of which notice is to be given, so far as practicable, to the knowledge of persons affected. (2) Every occupier of any premises or place used for carrying on work within the jurisdiction of a Trade Board and occupied by an employer or worker within such jurisdiction, or of any place used for giving out work to outworkers, shall, in the manner directed by regulations under this section, fix, in such premises or place, such notices as may be required by the regulations, and shall give notice in any other manner, if required by regulations, to the persons employed by him of any matter of which he is required to give notice under the regulations. If any such occupier fails to comply with this provision, he shall be liable on summary conviction in respect of each offence to a fine not exceeding forty shillings.

Section	Subject Matter.	Adapted Provisions.
25	Regulations to be laid before Parliament.	Regulations made under the Trade Boards Act (Northern Ireland), 1923, as applied for the purposes of the Holidays with Pay Act (Northern Ireland), 1938, shall, as soon as may be after they are made, be laid before each House of Parliament. If either House within the statutory period next after such regulation made as aforesaid has been laid before such House, resolves that the regulation shall be annulled, the regulation shall, after the date of the resolution, be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new regulation. In this section the expression "statutory period" means a period comprising five days at least on which the Senate or House of Commons (as the case may require) has sat, but not being in any case shorter in duration than ten days, such days being reckoned without regard to the question whether they are comprised in one or in more than one session of Parliament.

UNEMPLOYMENT ASSISTANCE.

Appeal Tribunals, p. 398. | *Prevention and Relief of Distress*, p. 401.
Determination of Need, p. 399.

Appeal Tribunals.

REGULATIONS, DATED 29TH SEPTEMBER, 1939, MADE BY THE MINISTRY OF LABOUR UNDER THE UNEMPLOYMENT ASSISTANCE (EMERGENCY POWERS) ACT (NORTHERN IRELAND), 1939.

1939. No. 138.

Short Title and commencement

The Ministry of Labour for Northern Ireland, by virtue of the powers conferred on it by the Unemployment Assistance (Emergency Powers) Act (Northern Ireland), 1939, and of all other powers in that behalf, hereby, with the approval of the Ministry of Finance for Northern Ireland, makes the following Regulations :—

1.—(1) These Regulations may be cited as the Unemployment Assistance (Appeal Tribunals) Regulations (Northern Ireland), 1939, and shall come into force on the date hereof.

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

(3) In these Regulations the expression "the Act" means the Unemployment Assistance Act (Northern Ireland), 1934, as amended by any subsequent enactments.