

ORDER IN COUNCIL

XIII

ratifying a Projet de Loi

1959

ENTITLED

The Dock Workers (Regulation of Employment) (Guernsey) Law, 1959.

(Registered on the Records of the Island of Guernsey
on the 7th day of November, 1959.)



1959.

ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 7th day of November, 1959, before Sir Ambrose James Sherwill, C.B.E., M.C., Bailiff; present :—
Sir John Leale, William Robert Freake Clark, Esquire, Bertram Bartlett, Esquire, O.B.E., Donald Carey Brock, Esquire, C.B.E., Osmond Priaulx, Esquire, Wilfred John Corbet, Esquire, O.B.E., Théophile Le Messurier Allez, Bertram Guy Blampied, Claude Fortescue Nason, Henry Robin Bichard and Stanley Walter Gavey, Esquires, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 19th day of October, 1959, ratifying a *Projet de Loi* entitled "The Dock Workers (Regulation of Employment) (Guernsey) Law, 1959",—the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island, of which Order in Council the tenor followeth :—

At the Court at Buckingham Palace,

The 19th day of October, 1959.

PRESENT,

The Queen's Most Excellent Majesty.

LORD PRESIDENT
LORD PRIVY SEAL
LORD MILLS
MR. SECRETARY MACLEOD
SIR DAVID ECCLES
MR. MAUDLING
MR. WATKINSON
MR. REDMAYNE

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 24th day of September, 1959, in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February, 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

‘1. That, in pursuance of their Resolution of the 22nd day of April, 1959, the States of Deliberation at a meeting held on the 1st day of July, 1959, approved a Bill or “Projet de Loi” entitled “The Dock Workers (Regulation of Employment) (Guernsey) Law, 1959” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or “Projet de Loi” is in the words and figures set forth in the Schedule hereunto

annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey entitled "The Dock Workers (Regulation of Employment) (Guernsey) Law, 1959" and to order that the same shall have the force of Law in the Island of Guernsey.'

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

HER MAJESTY, having taken the said Report into consideration, is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Island of Guernsey.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant-Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers, for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. G. AGNEW.

Projet de Loi referred to in the foregoing
Order in Council.

PROJET DE LOI

ENTITLED

The Dock Workers (Regulation of Employment) (Guernsey) Law, 1959.

THE STATES, in pursuance of their Resolution of the twenty-second day of April, nineteen hundred and fifty-nine, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey.

Interpreta-
tion.

1. In this Law the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“ cargo ” includes anything carried or to be carried in a vessel;

“ dock worker ” means a person employed or to be employed in, or in the vicinity of, any port on work in connection with the loading, unloading, movement or storage of cargoes, or work in connection with the preparation of vessels for the receipt or discharge of cargoes or for leaving port;

“ employer ”, in relation to a dock worker, means the person by whom he is employed or to be employed as aforesaid;

“ the Island ” means the Island of Guernsey;

“port” includes any place at which vessels are loaded or unloaded;

“vessel” means anything made for the conveyance by water of human beings or of property.

2. (1) The States may from time to time by Ordinance make provision for ensuring greater regularity of employment for dock workers and for securing that an adequate number of dock workers is available for the efficient performance of their work and in particular but without prejudice to the generality of the foregoing—

Power of States to make provision by Ordinance for ensuring regular employment and supply of dock workers.

- (a) for prescribing the obligations of dock workers and employers and for prohibiting or restricting the employment of dock workers and the employment of dock workers by employers;
- (b) for regulating the recruitment and entry into the dock industry of dock workers and their allocation to employers, and for securing that, in respect of periods during which employment or full employment is not available for dock workers who are available for work, such workers will, subject to such conditions, receive not less than such pay, as may be prescribed by or under the Ordinance;
- (c) for securing that the rates of remuneration and conditions of service for dock workers, including conditions as to holidays and pay in respect thereof, will be in accordance with any agreement for the time being in force in the Island;
- (d) for making satisfactory provision for the training and welfare of dock workers;
- (e) for prescribing the manner in which, and the persons by whom, the cost of operating any

scheme for which provision has been made under the Ordinance is to be defrayed;

- (f) for constituting or prescribing a body of persons to be responsible for the administration of any such scheme; and
- (g) for such incidental and supplementary matters for which the States may deem it necessary or expedient for the purposes of the Ordinance to provide.

(2) Any body corporate shall have power, under any enactment, memorandum or articles of association or other document regulating the powers and duties of the body corporate, to perform any functions conferred on the body corporate by or under any Ordinance made under this Law.

(3) An Ordinance made under this Law may relate—

- (a) to any port in the Island or to any part of any such port;
- (b) to dock workers generally or to any class or description of dock worker; and
- (c) to employers generally or to any class or description of employer.

Offences.

3. (1) An Ordinance made under this Law may declare, as respects any provision of the Ordinance prohibiting or restricting the employment of dock workers, or the employment of dock workers by employers, that a contravention of that provision is an offence.

(2) Any person who contravenes or attempts to contravene any provision of any Ordinance made under this Law in relation to which such a declaration is in force shall be guilty of an offence under

this section and shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine or to both such imprisonment and fine:

PROVIDED that in the case of any person not being a body corporate the fine shall not exceed fifty pounds.

4. Where a person convicted of an offence under this Law is a body corporate, every person who, at the time of the commission of the offence, was a director or officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of the offence.

Offences
by body
corporate.

5. Without prejudice to any special provision contained in any Ordinance made under this Law, a notice to be served for the purposes of any Ordinance made under this Law may be served—

Service of
notices.

- (a) on any person by delivering it to him, by leaving it, or by sending it by post addressed to him, at his usual or last known place of abode;
- (b) on any firm by delivering it to any partner of the firm or by leaving it at, or sending it by post to, the principal or last known principal place of business of the firm;
- (c) on any body corporate by leaving it at, or by sending it by post to, its registered office if situated in the Island or, if its registered office is not so situated, its principal or last known principal place of business in the Island.

Variation or
repeal of
Ordinances.

6. Any power conferred by this Law to make any Ordinance shall be construed as including a power exercisable in the like manner to vary or repeal the Ordinance.

Citation.

7. This Law may be cited as the Dock Workers (Regulation of Employment) (Guernsey) Law, 1959.

R. H. VIDELO,

Her Majesty's Greffier.