



# Industrial Courts Act 1919

## 1919 CHAPTER 69

### PART I

#### INDUSTRIAL COURTS

#### **1 Constitution of Industrial Court**

- (1) For the purpose of the settlement of trade disputes in manner provided by this Act, there shall be a standing Industrial Court, consisting of persons to be appointed by the Minister of Labour (in this Act referred to as " the Minister "), of whom some shall be independent persons, some shall be persons representing employers, and some shall be persons representing workmen, and in addition one or more women,
- (2) A member of the Industrial Court shall hold office for such term as may be fixed by the Minister at the time of his appointment.
- (3) For the purpose of dealing with any matter which may be referred to it, the Court shall be constituted of such of the members of the Court as the president may direct.
- (4) The president of the Court, and the chairman of any division of the Court, shall be such person, being one of the independent persons aforesaid, as the Minister may by order, given either generally or specially, direct.

#### **2 Reference of disputes to Industrial Court or to arbitration**

- (1) Any trade dispute as denned by this Act, whether existing or apprehended, may be reported to the Minister by or on behalf of either of the parties to the dispute, and the Minister shall thereupon take the matter into his consideration and take such steps as seem to him expedient for promoting a settlement thereof.
- (2) Where a trade dispute exists or is apprehended, the Minister may, subject as hereinafter provided, if he thinks fit and if both parties consent, either—
  - (a) refer the matter for settlement to the Industrial Court; or
  - (b) refer the matter for settlement to the arbitration of one or more persons appointed by him ; or

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*Status: This is the original version (as it was originally enacted).*

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- (c) refer the matter for settlement to a board of arbitration consisting of one or more persons nominated by or on behalf of the employers concerned and an equal number of persons nominated by or on behalf of the workmen concerned, and an independent chairman nominated by the Minister, and, for the purpose of facilitating the nomination of persons to act as members of a board of arbitration, the Minister of Labour shall constitute panels of persons appearing to him suitable so to act, and women shall be included in the panels.
- (3) The Minister may refer to the Industrial Court for advice any matter relating to or arising out of a trade dispute, or trade disputes in general or trade disputes of any class, or any other matter which in his opinion ought to be so referred.
- (4) If there are existing in any trade or industry any arrangements for settlement by conciliation or arbitration of disputes in such trade or industry, or any branch thereof, made in pursuance of an agreement between organisations of employers and organisations of workmen representative respectively of substantial proportions of the employers and workmen engaged in that trade or industry, the Minister shall not, unless with the consent of both parties to the dispute, and unless and until there has been a failure to obtain a settlement by means of those arrangements, refer the matter for settlement or advice in accordance with the foregoing provisions of this section.

### **3 Procedure of Industrial Court and on arbitrations**

- (1) The Minister may make, or authorise the Industrial Court to make, rules regulating the procedure of that Court, and those rules may, amongst other things, provide for references in certain cases to a single member of the Court, and provide for enabling the Court to sit in two or more divisions, and to sit with assessors, who may be men or women, for enabling the Court or any division of the Court to act notwithstanding any vacancy in their number, and for enabling questions as to the interpretation of any award to be settled without any fresh report or reference.
- (2) The Minister may make rules regulating the procedure to be followed in cases where matters are referred for settlement to the arbitration of one or more persons appointed by the Minister.
- (3) The Arbitration Act, 1889, shall not apply to any reference to the Industrial Court, or to any reference to arbitration under this Act.
- (4) Where the members of the Industrial Court are unable to agree as to their award, the matter shall be decided by the chairman acting with the full powers of an umpire.
- (5) Where any trade dispute referred to the Industrial Court involves questions as to wages, or as to hours of work, or otherwise as to the terms or conditions of or affecting employment which are regulated by any Act other than this Act, the court shall not make any award which is inconsistent with the provision of that Act.