



# Docks and Harbours Act 1966

## 1966 CHAPTER 28

### PART II

#### WELFARE AMENITIES

#### 25 Welfare amenity schemes

- (1) The Board shall prepare for each port specified in Schedule 1 to this Act a scheme (hereafter in this Act referred to as a "welfare amenity scheme") for the provision and maintenance, whether by registered employers or by harbour authorities in the port, of such welfare amenities as the Board thinks ought to be provided and maintained for that port, and any such scheme—
  - (a) shall specify the persons who are to provide and maintain the several amenities to which the scheme relates and the area within which or, in the case of a supply of protective clothing, the persons for whom any such amenity is to be provided, and in any case the time within which it is to be provided ; and
  - (b) in relation to any amenity required to be provided within a specified area, may require the person who is to provide and maintain it to ensure that a suitable person is in attendance at specified times at the place where it is provided.
- (2) In deciding the area within which welfare amenities of any description are to be provided under a welfare amenity scheme, the Board shall secure so far as possible that those amenities are conveniently accessible to the persons who in the Board's opinion are likely to use them.
- (3) The Board shall submit any welfare amenity scheme prepared under subsection (1) of this section to the Minister and the Minister may make such modifications of the scheme as he thinks fit and shall give notice of the scheme as so modified to all persons on whom it is proposed to impose requirements, specifying the time within which objections may be made to the scheme and the place where a copy of the scheme may be inspected.
- (4) A person aggrieved by a requirement to provide or maintain welfare amenities which it is proposed to impose on him in a welfare amenity scheme may make an objection to the scheme to the Minister in the prescribed manner within forty days of the giving

of notice to him under the last foregoing subsection or such longer time as the Minister may allow.

- (5) After considering any objections duly made to any proposed welfare amenity scheme, the Minister may approve the scheme, with or without modifications, but shall only make further modifications of the scheme in the light of objections made to it.
- (6) On approving a welfare amenity scheme the Minister shall send a copy of the scheme to the Board and the Board shall give the persons on whom requirements are imposed by the scheme a written notice setting out the requirements imposed on them.
- (7) Any regulations made by the Minister under section 62 of the Factories Act 1961 (welfare regulations) may wholly or partly revoke any welfare amenity scheme.
- (8) A welfare amenity scheme which the Minister has approved for a port shall cease to have effect if the port is removed from Schedule 1 to this Act.
- (9) A copy of the welfare amenity scheme for any port shall be kept available for inspection at all reasonable times at the office of the local board.

## **26 Amendment of welfare amenity schemes at the instance of the Board**

The Board may at any time after a welfare amenity scheme has been approved prepare an amendment of the scheme, and subsections (2) to (6) of the last foregoing section shall apply in relation to an amendment prepared by the Board under this section as they apply in relation to a welfare amenity scheme prepared by the Board under subsection (1) of that section.

## **27 Amendment of welfare amenity schemes at the instance of other persons**

- (1) The Board may on the application of any person on whom any requirement is imposed by a welfare amenity scheme amend the scheme, so far as it affects the applicant, in accordance with the proposals specified in the application or with such modifications of those proposals as the Board thinks expedient, if the Board is satisfied that there has been a change of circumstances relating to the applicant or to the port to which the scheme relates since the scheme was made or since the scheme was last amended in some respect affecting the applicant.
- (2) The Board shall give notice in writing of its decision on an application under the foregoing subsection to the applicant and to the Minister, stating, in the case of a refusal to amend the scheme or a decision to amend it with modifications of the proposals specified in the application, the reasons for its decision.
- (3) If any person who has made an application under subsection (1) of this section is aggrieved by the decision of the Board on his application, he may appeal in the prescribed manner and within the prescribed time to the Minister who may make such decision in the matter as he thinks fit.
- (4) The Minister shall give notice in writing- of any decision of his under the last foregoing subsection, together with the reasons therefor, to the Board who shall do all things necessary for giving effect to the decision and, in particular, shall give the applicant notice in writing of the decision and of those reasons.
- (5) If the whole or part of a business or undertaking of a registered employer on whom requirements are imposed by a welfare amenity scheme is transferred from one person

to another, the Board may on the application of the transferee amend the scheme by substituting references to him for references to the transferor.

- (6) If an individual who is a registered employer dies, the Board may—
- (a) on the application of the surviving partners if he was a partner in a firm ; and
  - (b) on the application of his legal personal representatives in that or any other case ;
- amend the scheme by substituting references to the surviving partners or the legal personal representatives, as the case may be, for references to the deceased.

## **28 Power of harbour authorities to charge for welfare amenities**

- (1) A harbour authority who has provided or is maintaining welfare amenities in pursuance of a welfare amenity scheme may make and recover from the employers of persons using the amenities reasonable charges for their use by those persons.
- (2) This section shall, except as provided by subsections (4) and (5) thereof, be without prejudice to any other enactment or any instrument under an enactment which authorises a harbour authority to make and recover charges for the use of any welfare amenities.
- (3) For the purpose of defraying expenditure incurred by a harbour authority in providing or maintaining welfare amenities in pursuance of a welfare amenity scheme the authority may exercise any power conferred on it by any other enactment or any instrument made under an enactment to make and recover charges, whether by dues or otherwise, notwithstanding any limitation on the purposes for which the power is exercisable.
- (4) Any enactment or instrument made under an enactment which authorises a harbour authority to make and recover charges for the use of any welfare amenities shall on the coming into force of a welfare amenity scheme requiring the provision or maintenance of those amenities in the area of the authority, cease to have effect so far as it authorises their recovery from dock workers using those amenities.
- (5) Any enactment or instrument made under an enactment which confers power on a harbour authority to make or recover charges for the use of any welfare amenities, without imposing a requirement that the charges shall be reasonable, shall be construed as conferring power on the authority to make and recover reasonable charges for the use of those amenities.

## **29 Default orders**

- (1) If it appears to the Minister that any person has failed to comply with a requirement imposed on and notified to him under section 25 of this Act the Minister may, subject to the provisions of the next following subsection, make an order declaring that person to be in default and authorising the Board to execute any works or do any other thing necessary or expedient for the purpose of remedying the default.
- (2) The Minister shall not make an order under this section unless he has given one month's written notice of his intention to do so to the person who is alleged to be in default, giving particulars of the alleged default and of the works and other things which he proposes to authorise the Board to execute or do, and has considered any representations made by that person within one month of the receipt of the notice or such longer time as the Minister may allow.

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

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- (3) The Board may authorise its servants and agents to enter upon any land for the purpose of executing any works or doing any other thing thereon which has been authorised to be executed or done under subsection (1) of this section.
- (4) A person authorised under this section to enter upon any land shall, if so required, produce evidence of his authority before entering; and a person shall not under this section demand admission as of right to any land which is occupied unless at least seven days' notice of the intended entry has been given to the occupier.
- (5) A person who obstructs another person acting in the exercise of his powers under this section shall be liable on summary conviction to a fine not exceeding £20.
- (6) Any expenses incurred by the Board in carrying out an order under this section shall be a debt due from the person in default to the Board and shall be recoverable accordingly.
- (7) For the purpose of enabling the Board to carry out any works or do any other thing authorised by an order under this section the Minister may, out of moneys provided by Parliament, make loans to the Board on such terms and conditions as he may with the approval of the Treasury determine.

### **30 Revocation of licence on failure to comply with welfare amenity scheme**

- (1) If it appears to the Minister that there has been a serious or persistent failure on the part of any person to comply with one or more of the requirements imposed on and notified to that person under section 25 of this Act, the Minister may, after consultation with the Minister of Transport, revoke any licence for the time being held by that person. '
- (2) On deciding to act under the foregoing subsection the Minister shall give notice in writing of his decision to the holder of the licence, the Board and the licensing authority, stating the reasons for the proposed revocation and the date on which the decision will come into force in accordance with the next following subsection.
- (3) The decision shall come into force on the expiration of the period of six months from the date of the giving of the notice of the decision.

### **31 Punishment for failure to comply with welfare amenity schemes**

- (1) Without prejudice to the two last foregoing sections, a person who fails to comply with any requirement of a welfare amenity scheme shall be liable on summary conviction to a fine not exceeding £200.
- (2) Where any person is convicted of an offence under this section, the court may, in addition to or instead of inflicting a fine, order him, within the time specified in the order, to take such steps as may be so specified for remedying the matters in respect of which the contravention occurred, and may, on application, enlarge the time so specified, and where such an order is made, the occupier or owner shall not be liable under the foregoing subsection in respect of the continuation of the contravention during the time allowed by the court, but if, after the expiration of that time as originally specified or enlarged by subsequent order, the order is not complied with, he shall be liable on summary conviction to a fine not exceeding £10 for each day on which the non-compliance continues.

### **32 Powers of inspectors**

- (1) While a welfare amenity scheme is in force in a port a factory inspector may, for the purpose of ascertaining whether the requirements of the scheme are being complied with, enter and inspect at all reasonable times, by night and day, any place in the port where welfare amenities are required by the scheme to be provided or maintained and exercise such other powers as may be necessary for carrying this Part of this Act into effect.
- (2) On visiting any premises in the exercise of powers conferred by this section a factory inspector shall, if so required, produce to the occupier or some other person holding a responsible position of management at the premises the certificate of appointment furnished to him under section 150 of the Factories Act 1961.
- (3) A person who obstructs a factory inspector in the exercise of his powers under this section shall be liable on summary conviction to a fine not exceeding £20.
- (4) A factory inspector, if authorised under section 149 of the Factories Act 1961 to prosecute or conduct proceedings under that Act, may, although not of counsel or a solicitor, prosecute or conduct before a magistrates' court or before a sheriff proceedings for an offence under this Part of this Act.
- (5) Notwithstanding any rule of law in Scotland, it shall not be an objection to the competence of a factory inspector to give evidence as a witness in any prosecution for an offence under this section that the prosecution is brought at his instance or conducted by him.

### **33 Delegation of functions by the Board**

The Board may delegate to a committee of the Board any of its functions under this Part of this Act and may delegate to the local board for any port any of its functions under this Part of this Act so far as relating to welfare amenities in that port, except in either case the functions of submitting welfare amenity schemes and amendments thereof to the Minister for approval.

### **34 Modification of leases and agreements**

- (1) Any person who, by reason of the terms of a lease or other agreement relating to any premises, is prevented from erecting any building or structure or doing any structural or other alterations or other thing requisite in order to secure compliance with a requirement of a welfare amenity scheme may apply to the county court and the court may make such an order setting aside or modifying any terms of the agreement as the court considers just and equitable in the circumstances of the case.
- (2) Where as a result of the erection of any building or other structure or the carrying out or doing in any premises of any structural or other alterations or other thing requisite in order to secure such compliance as aforesaid any person having an interest in the premises incurs expense which he would not otherwise have incurred and alleges that that expense or some part thereof ought to be borne by some other person, he may apply to the county court and the court, having regard to the terms of any lease or other agreement relating to the premises, may by order give such directions with respect to the payment of the expense and for the modification of the terms of any agreement relating to rent payable in respect of the premises as the court considers just and equitable in the circumstances of the case.

- (3) This section applies to agreements entered into before as well as after the passing of this Act.
- (4) In the application of this section to Scotland, for references to the county court there shall be substituted references to the sheriff.

### **35 Meaning of expression "welfare amenities"**

In this Part of this Act the expression "welfare amenities" means—

- (a) sanitary conveniences;
- (b) baths and shower baths ;
- (c) washing facilities (including wash basins, hot and cold running water and soap and clean towels or other suitable means of cleaning and drying);
- (d) a supply of wholesome drinking water;
- (e) a supply of protective clothing, that is to say, clothing suitable for the protection of the wearer against inclement weather or against dirt from handling dirty cargoes;
- (f) accommodation and facilities for changing into clothing worn during working hours and for storing and drying clothing so worn and clothing not so worn;
- (g) canteens, and accommodation and facilities (including facilities for heating food and boiling water) for dock workers to partake of meals provided by themselves;
- (h) shelters for use during inclement weather.