



Docks and Harbours Act 1966

1966 CHAPTER 28

An Act to make further provision for regulating the employment of dock workers, including provision for compensating persons prohibited from employing, or working on their own account as, dock workers and for raising sums required for paying such compensation; to make provision for welfare amenities in ports; to confer additional powers on harbour authorities; to provide for the assumption by harbour authorities as successors to certain other harbour authorities of a proportion of the debts of those other authorities; to make further provision for giving financial assistance in connection with the construction and improvement of harbours and the carrying out of harbour operations, and with respect to the orders and schemes which may be made under the Harbours Act 1964, the charges which may be made by certain harbour authorities and lighthouse authorities, the policing of harbours and the furnishing of information and forecasts and the promotion of research, training and education under that Act; and for purposes connected with the matters aforesaid. [9th August 1966]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

CONTROL OF EMPLOYMENT OF DOCK WORKERS

Licensing of employers

1 Additional control of employment of dock workers

- (1) No person shall engage any other person for employment, or employ any other person, as a dock worker in a port specified in Schedule 1 to this Act unless he holds a licence for the purpose and except in accordance with the terms of the licence:

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Provided that the foregoing provision shall not apply—

- (a) to the engagement for employment, or the employment, of a person in any port by the licensing authority for the port; or
 - (b) to the employment of a person by the Board in pursuance of the provisions of any labour scheme.
- (2) A licensing authority shall not engage any person for employment, or employ any person, as a dock worker in a port so specified for which it is the licensing authority unless the authority has in accordance with the following provisions of this Part of this Act made a proposal to employ dock workers in that port and is entitled under those provisions to carry out the proposal.
- (3) No person shall work as a dock worker in a port so specified unless—
- (a) he does so in the employment of another person ; or
 - (b) at the time he does so, he employs some other person as a permanent worker in that port.
- (4) Any person who contravenes any of the foregoing provisions of this section shall be liable on summary conviction—
- (a) if an individual, to imprisonment for a term not exceeding three months or to a fine not exceeding £50 or both ;
 - (b) if a body corporate, to a fine not exceeding £500.

2 Licensing authorities and their ports

- (1) Subject to subsection (3) of this section, for the purposes of this Act the licensing authority having the function of issuing licences authorising the employment of dock workers in any port specified in Schedule 1 to this Act shall be the body specified in relation to that port in column 2 of that Schedule.
- (2) For the purposes of this Act the area of a port shall, subject to the provisions of any order made under paragraph (d) of the next following subsection, be taken to be the area of the port as designated for the purposes of any labour scheme for the time being applicable to the port.
- (3) The Minister may by order—
- (a) substitute for any body specified in relation to any port in Schedule 1 to this Act any other body specified in the order;
 - (b) add to that Schedule a port to which a labour scheme for the time being applies, specifying the body which is to be the licensing authority therefor ;
 - (c) remove a port from that Schedule ;
 - (d) vary the limits of a port specified in that Schedule.

3 Applications for licences

- (1) An application for a licence shall be made in the prescribed manner and shall be accompanied by the prescribed particulars.
- (2) Any such application made before the commencement of section 1 of this Act shall be made within the prescribed time, and any such application made after that time shall not be entertained until after the commencement of that section and shall be treated

for the purposes of this Part of this Act as having been made after the commencement of that section.

- (3) An applicant for a licence shall give the licensing authority such information in addition to the prescribed particulars as the licensing authority may reasonably require for enabling the authority to come to a decision on the application.
- (4) The particulars which may be prescribed by regulations made for the purposes of this section may be particulars which are to accompany all applications for a licence or applications of a prescribed class, and any such regulations may prescribe different times for the purposes of subsection (2) of this section for different ports.

4 Consideration of applications for licences, etc.

- (1) The licensing authority shall consider every application for a licence made to the authority and shall make a decision on every such application in accordance with the following provisions of this section and the provisions of the next following section.
- (2) Where it appears to the Minister that a licensing authority has failed to deal with any application for a licence within a reasonable time, he may by notice given to the licensing authority direct that that application and, if that application is made before the commencement of section 1 of this Act, all the other applications for a licence so made for the port in question, be referred to him instead of being dealt with by the licensing authority; and—
 - (a) any decisions taken or other things done by a licensing authority in relation to those applications shall be of no effect; and
 - (b) the Minister shall have the like powers and duties in relation to all applications so made for the port in question as he has in relation to appeals from decisions on applications for licences and the like consequences shall ensue as in the case of such appeals.
- (3) In deciding whether or not to grant a licence to an applicant and in deciding the conditions on which a licence is to be granted to him the licensing authority shall have regard to any material considerations and in particular to the following considerations:
 - (a) whether the applicant efficiently manages or is likely so to manage his business or undertaking so far as it relates to the employment of dock workers and, in particular, whether he makes or is likely to make efficient use of the services of the dock workers employed by him and whether he provides or is likely to provide all necessary and proper equipment for use in connection with their work;
 - (b) in the case of an application made before the commencement of section 1 of this Act, whether the applicant is willing and able to employ as permanent workers, in accordance with the provisions of any labour scheme for the time being applicable to the port to which the licence will relate, such a proportion of the registered dock workers in that port (other than supplementary workers and unavailable workers) as is proper and reasonable having regard to the authority's obligation under section 5(4) of this Act to secure that all dock workers (other than as aforesaid) in the port are employed there as permanent workers and to the extent (if any) to which the applicant has as a registered employer employed registered dock workers (other than supplementary workers) and to his future capacity to employ dock workers ;
 - (c) whether the applicant is willing and able—

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- (i) to give employment as a permanent worker to every dock worker (other than a supplementary worker) employed by him and to employ every such worker at the rates of remuneration and on the conditions of service for the time being applicable in the port in question under any national or local agreement; and
- (ii) except where the licensing authority is satisfied that it is the normal practice in the port to which the licence will relate to transfer to a substantial extent dock workers employed there to work temporarily in another port, to give such employment for such a proportion of the working time of every worker (other than supplementary workers) employed by the applicant that no such worker is likely to be made available in any period of twelve months for temporary transfer to work for another employer for more than one-fifth of that time in that period ;
- (d) the desirability of securing that the number of employers of dock workers (including the licensing authority) in the port to which the licence will relate is brought or kept within a limit which in the opinion of the licensing authority is the maximum number which is compatible with the efficient working of the port having regard to all the circumstances, including—
 - (i) the need for any special provision for the efficient handling of particular descriptions of cargo and for the efficient performance of particular descriptions of cargo handling operations ;
 - (ii) the need for the provision of services ancillary to the handling of cargoes ;
 - (iii) the possibility of special difficulties being caused to an applicant if he is not allowed to engage in the handling of cargoes for use for the purposes of a business or undertaking carried on by him.
- (4) The Minister may by regulations—
 - (a) prescribe other considerations in addition to those specified in the last foregoing subsection as considerations to which the licensing authority is to have regard in deciding whether to grant a licence ; and
 - (b) modify any considerations specified in the last foregoing subsection.
- (5) No regulations shall be made under the last foregoing subsection unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House of Parliament.

5 Conditions and duration of licences

- (1) Without prejudice to subsection (4) of this section, but subject to section 10(2) of this Act, a licence for any port may be granted subject to conditions—
 - (a) specifying the number of dock workers (other than supplementary workers) who are to be employed by the applicant as permanent workers in that port on the relevant date;
 - (b) restricting the employment of dock workers by the applicant to a specified berth or a specified part of that port;
 - (c) restricting the operations in which the applicant may engage to—
 - (i) the handling of cargoes of a specified description ;
 - (ii) cargo handling operations of a specified description;
 - (iii) the provision of ancillary services of a specified description; or

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- (iv) without prejudice to the foregoing provisions of this paragraph, the handling of cargoes for use for the purposes of a business or undertaking carried on by the applicant.
- (2) The Minister may by regulations—
 - (a) prescribe conditions in substitution for or in addition to those specified in the foregoing subsection as conditions subject to which licences may be granted;
 - (b) vary any description of condition so specified or prescribed; or
 - (c) prohibit the inclusion in a licence of any description of condition so specified or prescribed.
- (3) Where regulations under the last foregoing subsection prohibit the inclusion of any description of condition in a licence, any condition of that description subject to which any licence has been granted shall cease to have effect on the coming into force of the regulations.
- (4) It shall be the duty of the licensing authority, on granting licences for any port on applications made before the commencement of section 1 of this Act, to grant them subject to conditions which will secure that all dock workers in that port (other than supplementary workers and unavailable workers) will not later than the commencement of that section be employed as permanent workers by one or more of the employers to whom the licences are to be granted or by the licensing authority.
- (5) A licence shall be granted for a period specified in the licence, being not less than three years nor more than seven years from the date of the coming into force of the licence.
- (6) In this section " the relevant date", in relation to a licence, means—
 - (a) in the case of a licence issued before the commencement of section 1 of this Act, the commencement of that section; and
 - (b) in any other case, a date specified in the licence, not being more than three months from the coming into force of the licence.
- (7) Before deciding whether to grant or refuse a licence or deciding the conditions to be included in a licence the licensing authority shall consult with the Board.

6 Notification of decisions and proposals

- (1) The licensing authority shall, on making a decision on an application for a licence to the authority, give notice in writing of the decision to the applicant, the Council and the Board and, in the case of an application made before the commencement of section 1 of this Act, to all other persons by whom applications have been so made for licences for the port in question, stating—
 - (a) in the case of a decision to grant a licence, any conditions subject to which and the period for which the licence is to be granted ;
 - (b) in the case of a decision to refuse a licence, the reasons for the refusal.
- (2) The licensing authority for any port shall so far as practicable secure that all the notices required by the foregoing subsection to be given on decisions on applications made before the commencement of section 1 of this Act for licences for that port are given on the same day.
- (3) If the licensing authority for any port proposes before the commencement of section 1 of this Act to employ dock workers in that port on the commencement of that section or proposes after the commencement of that section to employ dock workers there, not

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having previously employed them there, the authority shall give notice in writing of the proposal in any event to the Council and the Board, in the case of a proposal made before the commencement of section 1 of this Act to all persons by whom applications for a licence for the port have been made before the commencement of that section and in the case of a proposal made after the commencement of that section to every holder of a licence for the port and any person who has made an application for such a licence which has not been disposed of, stating—

- (a) the number of dock workers (other than supplementary workers) it proposes to employ as permanent workers there on the relevant date; and
 - (b) whether or not it proposes to employ dock workers only at a particular berth or in a particular part of the port and, if it so proposes, the berth or part of the port where it proposes to employ them.
- (4) Where a proposal is made before the commencement of section 1 of this Act for any port and any application has been made for a licence for that port before the commencement of that section, the notice of the proposal required to be given to any person under the last foregoing subsection shall be combined with the notice of the licensing authority's decision on that application required to be given to that person under subsection (1) of this section; and where no proposal has been so made, but an application has been so made for any port, the notice under the said subsection (1) shall state that the authority does not propose to employ dock workers in that port.
- (5) If after the commencement of section 1 of this Act the licensing authority for any port which is entitled to employ permanent workers only at a particular berth or in a particular part of the port proposes to employ permanent workers at a berth or in a part of the port where it was not previously entitled to employ them, the authority shall give notice in writing of the proposal to the persons specified in subsection (3) of this section specifying the berth or part of the port.
- (6) In this section "the relevant date" in relation to a proposal means—
- (a) in the case of a proposal made before the commencement of section 1 of this Act, the commencement of that section; and
 - (b) in any other case, a date specified in the proposal, being not earlier than twenty-eight days nor later than three months from the giving of notice of the proposal.

7 Appeals and objections

- (1) Any applicant for a licence who is aggrieved by a decision of the licensing authority on his application, or an applicant for or holder of a licence who is aggrieved by a proposal of the licensing authority with respect to the employment of dock workers, may within twenty-eight days of the giving of notice of the decision or proposal under the last foregoing section appeal in the prescribed manner, giving the prescribed particulars, to the Minister.
- (2) On an appeal being made to the Minister under the foregoing subsection the Minister shall give notice of the appeal and of the grounds thereof to the licensing authority and the Council.
- (3) The Council may within twenty-eight days of the giving of notice of a decision or proposal under the last foregoing section make an objection in writing to the Minister to the decision or proposal stating the grounds thereof, being an objection to the decision or proposal, generally or to particular matters stated in the notice, and shall give a copy of the objection to the licensing authority.

- (4) In the case of decisions on applications for licences made before the commencement of section 1 of this Act the Council may, within twenty-eight days of the giving of notice of the last of the decisions for any port, make a general objection in writing to the Minister to the decisions for that port on the ground that in the opinion of the Council the number of licences which the licensing authority proposes to grant for the port exceeds the maximum number which is compatible with the efficient working of the port having regard to all the circumstances, stating the reasons for its opinion, and shall give a copy of the objection to the licensing authority; and an objection under this subsection shall be treated for the purposes of the following provisions of this Part of this Act as an objection to all the decisions to grant licences for that port.
- (5) The Council may within twenty-eight days of the giving of notice to it of an appeal under subsection (1) of this section make representations with respect to the appeal to the Minister and shall give a copy of the representations to the licensing authority.
- (6) The Minister may in any particular case extend the time for giving notice of appeal or making an objection or representations under the foregoing provisions of this section and, where he does so, shall give notice of the extension to the licensing authority.
- (7) Where the licensing authority receives notice of an appeal against a decision on an application or proposal made before the commencement of section 1 of this Act or a copy of an objection to a decision or proposal so made or of representations made with respect to any such appeal, the authority shall give copies of the notice of appeal, objection or representations to all applicants for a licence in the port in question, but need not give a copy of the notice to the appellant who gave the notice.
- (8) Where the licensing authority receives notice of an appeal against a proposal made after the* commencement of section 1 of this Act, or a copy of an objection to a proposal so made or of representations with respect to such an appeal, the authority shall give copies of the notice of appeal, objection or representations to all persons then holding licences for the port in question and any applicants for licences whose applications are then awaiting disposal, but need not give a copy of the notice to the appellant who gave the notice.
- (9) Where the licensing authority receives a copy of an objection to a decision on an application made after the commencement of section 1 of this Act or of representations with respect to an appeal against such a decision, it shall give a copy of the objection or representations to the applicant.
- (10) Where an appeal is brought under this section against, or an objection is made thereunder to, a decision of the licensing authority on an application for a licence or a proposal of the licensing authority with respect to the employment of dock workers, the authority shall if so required by the Minister give the Minister a copy of the notice given under the last foregoing section to the applicant and—
 - (a) in the case of an appeal against or objection to a decision or proposal made at any time, such information in the possession of the authority relating to the application or proposal as the Minister may require ; and
 - (b) in the case of an appeal against or objection to a decision or proposal made before the commencement of section 1 of this Act, copies of the notices given to the other applicants for licences in the port in question, together with such information in the possession of the authority relating to their applications as the Minister may require.

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- (11) If after receiving a notice under the last foregoing section of any decision on an application or proposal the Council by notice in writing so requests a licensing authority, the authority shall give the Council a copy of the application or proposal, together with such information in the possession of the authority relating to the application or proposal as the Council may require.
- (12) Where the Minister gives a notice under section 4(2) of this Act directing that any application be referred to him, he shall give a copy of the notice to the Council; and—
- (a) the Council may, within twenty-eight days of the giving of the said copy to it, make representations to the Minister with respect to—
 - (i) any application to which the notice relates;
 - (ii) where the notice was given before the commencement of section 1 of this Act, any proposal made by the licensing authority for the port in question; and
 - (iii) whenever the notice was given, the maximum number of licences which the Council considers should be granted for the port in question;
 and shall give a copy of the representations to the licensing authority;
 - (b) subsection (6) of this section shall apply in relation to any representations under the foregoing paragraph as it applies in relation to representations under subsection (5) of this section;
 - (c) the Minister shall give copies of any notice under section 4(2) of this Act and any representations under paragraph (a) of this subsection to all applicants whose applications are referred to the Minister; and
 - (d) if after receiving a copy of a notice under section 4(2) of this Act relating to any application the Council by notice in writing so requests a licensing authority, the authority shall give the Council a copy of the application and, in the case of a notice given before the commencement of section 1 of this Act, of any proposal of the authority made in relation to the port in question, with such information in the possession of the authority relating to the application or proposal as the Council may require.

8 Determination of appeals and objections

- (1) Where an appeal is brought under the last foregoing section against, or an objection is made thereunder to, the decision of a licensing authority on an application for a licence, the Minister shall consider the matter and, after consultation with the Minister of Labour, give such decision in the matter as he thinks fit.
- (2) For the purpose of disposing of any such appeal or objection the Minister—
- (a) shall have the like powers and duties in relation to the appeal or objection as the licensing authority had in relation to the application which gave rise to the decision appealed from or objected to (except the duty under section 5(7) of this Act to consult the Board); and
 - (b) where the appeal is brought against, or the objection is made to, a decision on an application in relation to any port made before the commencement of section 1 of this Act, may direct that all applications so made in relation to that port be referred to him and may reconsider any decision on those applications and any proposal so made in relation to that port by the licensing authority, and shall accordingly have the like powers and duties in relation to those applications as the licensing authority had (except the said duty).

- (3) Where an appeal is brought against, or an objection made to, any proposal of a licensing authority for any port under section 6(3) of this Act, the Minister shall, after consultation with the Minister of Labour, decide whether or not the authority should employ dock workers in that port and, if so—
 - (a) the number of permanent workers which it should employ there;
 - (b) the date by which it should employ them (which, in the case of a proposal made before the commencement of section 1 of this Act, shall be the commencement of that section); and
 - (c) whether or not it should employ dock workers only at a particular berth or in a particular part of the port and, if the Minister decides that it should, the berth or part of the port where it should employ them.
- (4) For the purpose of disposing of any appeal against, or objection to, any such proposal made before the commencement of section 1 of this Act, the Minister may direct that all applications so made in relation to the port in question be referred to him and may reconsider any decision on those applications, and shall accordingly have the like powers and duties in relation to those applications as the licensing authority had (except the duty under section 5(7) of this Act to consult the Board).
- (5) Where an appeal is brought against, or an objection made to, any proposal of a licensing authority for any port to employ dock workers at a berth or in a part of the port where it was not previously entitled to employ them, the Minister shall decide whether or not the authority should employ them there.
- (6) Where the Minister makes a decision under this section on an appeal or objection, he shall give notice in writing of the decision and the reasons therefor—
 - (a) in the case of a decision relating to an appeal on an application made before the commencement of section 1 of this Act, or on a proposal so made by a licensing authority, to all the applicants for a licence for the port in question;
 - (b) in the case of a decision relating to any subsequent application for a licence, to the applicant; and
 - (c) in every case to the licensing authority, the Council and the Board.
- (7) A licensing authority who is notified of a decision of the Minister under this section on a proposal of the licensing authority made after the commencement of section 1 of this Act shall give notice in writing of the decision to every holder of a licence for the port and any person who has made an application for such a licence which has not been disposed of.

9 Implementation of decisions

- (1) A licence shall, subject to the next following subsection, be issued before, and shall come into force on, a date specified in the licence which, in the case of a licence for which application is made before the commencement of section 1 of this Act, shall be the commencement of that section.
- (2) No licence shall be issued until the expiration of the time limited by section 7 of this Act for appealing against or objecting to the decision on the application for the licence, or where an appeal is brought against or an objection is made to that decision, until the appeal or objection and, in the case of a licence for which application is made before the commencement of section 1 of this Act, any appeals against or objections to decisions on other applications so made in the port in question and any proposal

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of the licensing authority with respect to the employment of dock workers there have been finally disposed of.

- (3) On issuing a licence, the licensing authority shall send a copy of the licence to the Council and the Board.
- (4) If an appeal is brought against or an objection made to a proposal made after the commencement of section 1 of this Act, the proposal shall not have effect until the appeal or objection is disposed of and, whether or not the Minister decides the appeal or objection, he may substitute another date for the relevant date specified in the proposal.
- (5) It shall be the duty of the licensing authority to do all things necessary for the purpose of giving effect to any decision of the Minister under the last foregoing section on any appeal or objection and, in particular, forthwith after receiving notice of the decision to issue licences to applicants to whom it has been decided to grant them.

10 Renewal of licences

- (1) An application for the renewal of a licence may be made during the two years or such other period as may be prescribed preceding the expiration of the licence.
- (2) The foregoing provisions of this Act, other than section 5(1)(a) thereof, shall apply in relation to such an application as they apply in relation to an application for a licence made after the commencement of section 1 of this Act.
- (3) When an application is made for the renewal of a licence, the licence sought to be renewed shall, notwithstanding the expiration of the period for which it was granted, continue in force—
 - (a) where the licensing authority renews the licence without alteration, until the date when the renewal takes effect;
 - (b) where the licensing authority decides to alter the conditions of the licence, until the expiration of the period of three months from the time limited for appealing against or objecting to the decision or, where an appeal is brought against or an objection is made to the decision, from the disposal of the appeal or objection;
 - (c) where the licensing authority decides not to grant the licence, until the expiration of the period of six months from the time so limited or, where an appeal is brought against or an objection is made to a decision, from the disposal of the appeal or objection.

11 Variation and revocation of conditions of licences and revocation of licences

- (1) While a licence is in force a licensing authority may, subject to and in accordance with the following provisions of this section, of its own motion—
 - (a) revoke any condition of the licence;
 - (b) vary any condition of the licence or impose any additional condition (in either case without exceeding the powers conferred by or by virtue of section 5 of this Act and in the latter case without imposing a condition with respect to the number of dock workers to be employed by the holder of the licence);
 - (c) if the authority is satisfied that there has been a serious or persistent failure on the part of the holder of the licence to comply with one or more of the conditions of the licence or it appears to the authority that the licence was granted to him, renewed or transferred to him in reliance on a statement or

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document in respect of which any person has been convicted of an offence under section 23 of this Act, revoke the licence.

- (2) The licensing authority shall not revoke a licence on the ground that the holder of the licence has failed to comply with a condition with respect to the number of dock workers to be employed by the applicant if the authority is satisfied that the failure was due solely to the failure of the Board to transfer sufficient numbers of dock workers to or from the holder of the licence under the labour scheme applicable to the port in question, or to circumstances beyond his control, or to both.
- (3) A licensing authority shall not act under subsection (1) of this section unless it has given one month's written notice of its proposal so to act to the holder of the licence, giving particulars of and the reasons for the proposal, and has considered any representations in writing made by the holder within one month of the receipt of that notice or such longer time as the authority may allow.
- (4) On deciding to act under subsection (1) of this section the licensing authority shall give notice in writing of its decision to the holder of the licence, the Council and the Board stating—
 - (a) in the case of a decision to revoke a licence, the reasons for the proposed revocation ; and
 - (b) in any case, the date on which the decision will come into force in accordance with the provisions of the next following subsection.
- (5) The decision shall come into force on the expiration of the period of three months or, in the case of a decision to revoke a licence, six months from the date of the giving of notice of the decision or if an appeal is brought or an objection made to the decision, from the disposal of the appeal or objection.
- (6) Before deciding to act under subsection (1) of this section the licensing authority shall consult with the Board.
- (7) While a licence is in force, the licensing authority may on the written application of the holder of the licence vary or revoke any condition of the licence or rectify the licence.
- (8) The licensing authority shall consider and make a decision on every application under the last foregoing subsection, and shall give notice in writing of its decision to the holder of the licence, the Council and the Board stating—
 - (a) in the case of a decision to refuse the application, the reasons for the refusal;
 - (b) in the case of a decision to vary or revoke a condition of a licence, the date on which the decision will (if no objection is made there(a) come into force in accordance with the provisions of subsection (10) of this section.
- (9) A holder of a licence who is aggrieved by a decision to which this subsection applies shall have the like right of appeal against the decision as a person applying for a licence after the commencement of section 1 of this Act has against a decision of the licensing authority on his application, and the Council shall have the like right of making objections to a decision to which this subsection applies and of making representations with respect to any appeal against such a decision as it has against a decision on an application for a licence and an appeal against that decision; and sections 7, 8 and 9(5) of this Act shall apply in relation to any decision to which this subsection applies or any appeal or objection under this section as they apply in relation to any decision, appeal or objection on an application for a licence made after the commencement of section 1 of this Act—

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- (a) with the substitution for any reference in section 7 of this Act to a notice of a decision under section 6 of this Act of a reference to a notice of a decision under subsection (4) or, as the case may be, subsection (8) of this section ; and
- (b) with all other necessary modifications.

This subsection applies to any decision of the licensing authority under this section, except a decision to rectify or not to rectify a licence.

- (10) A decision under subsection (8) of this section to vary or revoke any condition of a licence shall come into force on a date not earlier than the expiration of the period of twenty-eight days from the giving of notice of the decision; and if an objection is made by the Council to the decision, the decision shall not have effect until the objection is disposed of and, whether or not the Minister decides the objection, he may substitute another date for that specified in the notice of the decision.
- (11) Where a registered employer is suspended from a labour scheme, any licence held or obtained by him shall be of no effect while the suspension continues.

12 Transfer of licences

- (1) With the consent of the licensing authority a licence may be transferred from one person to another or from a person in one capacity to the same person in another capacity.
- (2) Any application for consent under this section shall be made in writing and the applicant shall give the licensing authority such information as the authority may reasonably require for enabling it to come to a decision on the application.
- (3) The licensing authority shall consider and make a decision on every such application and shall give notice in writing of its decision to the applicant, the Council and the Board stating, in the case of a decision to refuse the application, the reasons for the refusal; and sections 7, 8 and 9(5) of this Act shall apply in relation to a decision on any such application as they apply in relation to a decision on an application for a licence made after the commencement of section 1 of this Act—
 - (a) with the substitution for any reference in section 7 of this Act to notice of a decision under section 6 of this Act of a reference to notice of a decision under this section; and
 - (b) with all other necessary modifications.
- (4) Where an individual who is the sole holder of a licence dies, the licence shall be deemed to have been transferred on his death to his legal personal representatives, but shall not remain in force, unless previously transferred under subsection (1) of this section, after whichever of the following events is relevant, that is to say, the expiration of the period of forty days from the grant of probate or letters of administration or such later date as the licensing authority may during that period allow.
- (5) Where an individual who is joint holder of a licence dies, the licence shall be deemed to have been transferred on his death to the other joint holder or holders of the licence.

Compensation of employers

13 Compensation for refusal, etc., of licence

- (1) Subject to the provisions of this and the two next following sections, if an application for a licence made before the commencement of section 1 of this Act or a subsequent application for the renewal of a licence made by the holder of a licence is refused, the applicant shall be entitled to receive from the licensing authority compensation computed in accordance with the following provisions of this section in respect of—
 - (a) any diminution in the value of the assets of his dock business in the port to which the application relates; and
 - (b) any expenditure, other than payments of income tax (including surtax), capital gains tax or corporation tax, incurred in winding up his dock business in that port,which is directly attributable to the refusal.
- (2) Subject as aforesaid, if a person who was both a registered employer and a registered dock worker immediately before the commencement of section 1 of this Act is not granted a licence before the commencement of that section, he shall, notwithstanding that he has made no application for a licence, be entitled to compensation computed in accordance with the following provisions of this section in respect of any such diminution or expenditure as aforesaid which is directly attributable to the omission to grant him a licence.
- (3) The amount of compensation payable under this section in respect of the diminution in value of the assets of a person's dock business shall be an amount equal to the difference between their market value immediately before the refusal or omission to grant a licence and their market value immediately after the refusal or omission; and the market value immediately before the refusal or omission shall be computed—
 - (a) in the case of a refusal or omission before the commencement of section 1 of this Act, on the assumption that this Part of this Act had not been enacted ; and
 - (b) in the case of a subsequent refusal to renew a licence, on the assumption that the licence would have been renewed on the same terms as before, but without any condition as to the number of dock workers to be employed by the holder of the licence.
- (4) No compensation shall be given in respect of any expenditure incurred in winding up a person's dock business, in so far as that expenditure is taken into account in computing the amount of compensation payable to him under the last foregoing subsection.
- (5) For the purposes of subsection (3) of this section a refusal or omission to grant a licence before the commencement of section 1 of this Act shall be treated as taking place on the date on which notice is given of the final decision on all applications for licences and proposals for the port in question, and a refusal to renew a licence after the commencement of that section shall be treated as taking place on the date on which notice is given of the final decision on the application for the renewal of the licence.
- (6) In this section—
 - " assets " means assets of any description, including goodwill ;
 - " market value ", in relation to any assets, means the amount which they would have fetched if sold in the open market by a willing seller to a willing buyer.

14 Qualification for compensation

- (1) No person shall be entitled to compensation under the last foregoing section unless he has as a registered employer employed dock workers in the port in question for some time during each of not less than eighty weeks during the qualifying period or for not less than five hundred man-days during that period.
- (2) In this section—
 - " the qualifying period " means the period of one hundred and four weeks ending with whichever of the following dates is relevant, that is to say—
 - (a) in the case of a person whose application for a licence was made, or a person who was both a registered employer and a registered dock worker, before the commencement of section 1 of this Act, the date of the expiration of the prescribed time for making the application for the licence;
 - (b) in the case of a person whose application for the renewal of a licence is refused, the date of the expiration of the period for which the licence was granted;
 - " week " means the period between midnight on any Saturday night and midnight on the following Saturday night.
- (3) For the purposes of this section the number of man-days for which a registered employer employs dock workers in any period shall be taken to be the aggregate of the number of dock workers employed by him on each of the days during that period, and without prejudice to the foregoing provision a person shall be treated for the purposes of this section as employing a dock worker on any day if on that day he works for himself on dock work or he or a partner of his works on dock work for a firm in which both are partners.
- (4) If within the qualifying period the dock business of any person has been transferred by agreement or operation of law to another person, the person in whom it is vested at the end of that period shall be treated for the purposes of this section as if he had been a registered employer on those days on which any person in whom the business was vested during that period was a registered employer and as if he had employed the dock workers employed in the business on any of those days or, as the case may be, as if he had done any work done on any of those days by any registered employer in whom the business was then vested.

15 Applications for compensation

- (1) An application for compensation under section 13 of this Act shall be made to the licensing authority within twenty-eight days, or such longer time as the licensing authority may allow, of whichever of the following dates is relevant, that is to say—
 - (a) where the applicant was both a registered employer and a registered dock worker before the commencement of section 1 of this Act but did not apply for a licence within the prescribed time for making an application for a licence, the day on which that time expires ;
 - (b) where the applicant made an application for a licence or the renewal of a licence which was refused, and there has been no appeal against or objection to the refusal, the last day on which an appeal or objection could have been brought or made without an extension of the time for appealing or objecting;

- (c) where the applicant made such an application and there has been such an appeal or objection, the date on which the Minister gives notice of his decision on the appeal or objection.
- (2) An application for compensation shall be made in the prescribed manner and shall be accompanied by the prescribed particulars.

16 Determination of amount of compensation

- (1) Within six months of the making of an application for compensation under section 13 of this Act the licensing authority shall determine whether any compensation is payable under that section and, if it determines that compensation is so payable, shall seek to agree or, in default of agreement, shall determine the amount of compensation payable.
- (2) Where the licensing authority agrees or determines the amount of any compensation it shall give the applicant notice in writing of the amount agreed or determined, and where the authority determines that no compensation is payable as aforesaid it shall give the applicant notice of the determination, together with the reasons therefor.
- (3) Any applicant for compensation who is aggrieved by a determination whether compensation is payable to him or as to the amount of compensation payable may, within twenty-eight days of the authority's giving him notice of the determination, give the authority notice in writing that he disputes the determination.
- (4) Upon receipt of such a notice the authority shall refer the dispute to the Minister and he shall refer it to the arbitration of an arbitrator or arbiter, as the case may be, appointed by him.
- (5) Where no notice is given under subsection (3) of this section, the amount of compensation, if any, agreed or determined under this section shall be a debt due from the licensing authority to the person to whom compensation is to be paid, and shall be recoverable accordingly.
- (6) In relation to an arbiter appointed under subsection (4) of this section the following provisions shall apply—
 - (a) any arbiter so appointed shall have the like powers for securing the attendance of witnesses and the production of documents, and with regard to the examination of witnesses on oath and the awarding of expenses, as if the arbitration were under a submission;
 - (b) the arbiter may, and if so directed by the Court of Session shall, state a case for the opinion of that Court on any question of law arising in the proceedings ; and
 - (c) any award of an arbiter so appointed in pursuance of this section may be recorded in the Books of Council and Session for execution, and may be enforced accordingly.

17 Loans to licensing authorities

- (1) A licensing authority may borrow from the Minister or otherwise any sums required by the authority for the purpose of making payments of compensation and interest thereon and of meeting any costs and expenses of and incidental to any arbitration under the last foregoing section, and the Minister may, out of moneys provided by Parliament, lend such sums to the authority.

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

- (2) Any loan made by the Minister under this section shall be repaid to him at such times and by such methods, and interest thereon shall be paid to him at such rates and at such times, as he may, with the approval of the Treasury, from time to time direct.
- (3) Any loan so made shall be disregarded in determining whether any limit imposed by any enactment or any instrument under an enactment on the amount which the licensing authority may borrow has been exceeded.

18 Levy on licensed employers

- (1) A licensing authority which has made any payment of compensation or interest thereon, or of any costs and expenses of and incidental to any arbitration under section 16 of this Act, may, subject to the following provisions of this section, recover the whole or any part of the sums so paid, together with a reasonable amount in respect of interest thereon from the date of payment, by means of a levy imposed on the persons holding licences for the port in question at the end of the relevant period.

The aggregate of the sums so paid and of the said amount of interest is hereafter in this section referred to as the potential amount of the levy.

- (2) A person whose licence is revoked during the relevant period shall be treated for the purposes of this section as if the licence were in force at the end of that period.
- (3) A levy imposed under this section—
 - (a) may be required to be paid either in one sum or by instalments over such period, not exceeding five years, as the licensing authority thinks fit; and
 - (b) shall be charged with interest at a reasonable rate on the amount outstanding from the date of the decision to impose the levy;
 and interest on the levy shall be payable on the date of payment of the levy or each instalment thereof, as the case may be.
- (4) Before determining whether to require a levy under this section to be paid in one sum or by instalments and, if by instalments, the period over which it is to be paid the licensing authority shall consult the persons liable to contribute to the levy.
- (5) The amount payable by any person under the levy shall be calculated by reference to the total amount of gross wages paid by him during the relevant period to registered dock workers employed by him in the port in question and shall bear the same proportion to the potential amount of the levy as the total amount of those wages bears to the total amount of gross wages paid by all registered employers during that period in the port to registered dock workers employed by them there.
- (6) If during the relevant period the dock business of any person has been transferred by agreement or by operation of law to another person, the person in whom it is vested at the end of that period shall be treated for the purposes of this section as if he had employed in the port in question the dock workers employed there in the business during that period and had paid the wages paid to them during that period.
- (7) Not less than twenty-eight days before the levy or the first instalment thereof is to become payable the licensing authority shall serve on each person who is liable to pay the levy a notice stating—
 - (a) the potential amount of the levy, showing separately the amounts of compensation or interest paid, of any costs and expenses paid, and of any interest on any such payments;

- (b) the total amount of the gross wages paid during the relevant period in the port in question by all registered employers to registered dock workers employed by them there, the total amount of the gross wages paid during that period by the person on whom the notice is served to registered dock workers employed by him there and the proportion which the latter amount bears to the former;
 - (c) the total amount of the gross wages paid during that period by the licensing authority to registered dock workers employed by it in the port in question;
 - (d) the amount of the levy to be paid by the person on whom the notice is served and the share of the potential amount of the levy which is to be borne by the licensing authority;
 - (e) the date by which payment of the levy is required to be made or, if payment is to be allowed by instalments, the amount of each instalment, the date of payment of the first instalment and the intervals thereafter on which subsequent instalments are to be paid and the rate of interest payable on the levy.
- (8) If it appears to the licensing authority that any amount specified in a notice served on any person under the last foregoing subsection has been incorrectly calculated, the licensing authority may by a subsequent notice served on that person correct the amount so specified.
- (9) Any sum payable under the levy shall be a debt due to the licensing authority from the person liable to pay it and shall be recoverable accordingly.
- (10) A licensing authority shall keep a separate account in respect of each levy imposed by it, and every such account shall be open to inspection at all reasonable times by any person who is liable to contribute to the levy to which it relates.
- (11) In this section " relevant period " means—
- (a) in relation to a levy to recover an amount paid for compensation for refusal or omission to grant a licence before the commencement of section 1 of this Act, or for interest thereon or costs and expenses incidental thereto, the period of twelve months beginning with the commencement of that section; and
 - (b) in relation to a levy to recover the amount paid for compensation for refusal to renew a licence, or for interest thereon or costs and expenses incidental thereto, the period of twelve months beginning with the date of the refusal;
- and the amount of any gross wages paid by a registered employer during any period shall be taken for the purposes of this section to be the amount specified in the return of gross wages paid by him during that period made by him to the local board in pursuance of any labour scheme.

19 Certificates

- (1) The following certificates shall be evidence of the facts stated in them—
- (a) a certificate signed by an officer of the Board as to any of the matters mentioned in section 14(1) of this Act;
 - (b) a certificate signed by an officer of the Board as to the total amount of gross wages paid by any person during the relevant period within the meaning of the last foregoing section to registered dock workers employed by him in any port; and
 - (c) a certificate signed by an officer of a licensing authority that a copy of a notice under subsection (7) of the last foregoing section of this Act is a true copy.

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- (2) A document purporting to be such a certificate as is mentioned in the foregoing subsection shall be taken to be such a certificate as aforesaid and received in evidence accordingly unless it is proved not to be such a certificate.

Miscellaneous

20 Duty of the Board

Without prejudice to its functions under any labour scheme, the Board shall take all reasonably practicable steps, to secure—

- (a) that a person to whom a licence is granted is able to comply with any conditions of his licence with respect to the number of permanent workers to be employed by him; and
- (b) that a licensing authority is able to carry out any proposal (in the form in which it is to be carried out) with respect to the number of such workers to be employed by the authority.

21 Records and information

- (1) A licensing authority shall keep at its office—

- (a) a record of all licences issued by it under this Act, showing the name and address of each licence holder, the date on which each licence came or will come into force, the conditions subject to which it is from time to time held, the period for which it was issued and such other particulars of the licence as may be prescribed; and
- (b) a record of any proposal of the authority which has come into force and the terms of the proposal as it is to be carried out from time to time;

and the record shall be open to inspection by any person at any reasonable hour free of charge.

- (2) The Board shall give a licensing authority such information¹ as the licensing authority may from time to time require for the purpose of any of its functions under this Act as to the number of dock workers and licensed employers on the registers under the labour scheme relating to any port for which it is the licensing authority and such other particulars which the Board can provide as the licensing authority may require for that purpose.

22 Delegation of functions of licensing authority

A licensing authority may delegate to a committee of the authority any of the authority's functions under this Act, except the authority's power to decide whether to grant, renew or revoke a licence and to decide the period for which a licence is to be granted or renewed.

23 False statements

Any person who, for the purpose of procuring the issue, renewal, transfer or revocation of a licence or the variation or revocation of a condition imposed on a licence—

- (a) makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular; or

- (b) produces, furnishes, sends or otherwise makes use of a document which he knows to be false in a material particular or recklessly produces, furnishes, sends or otherwise makes use of a document which is false in a material particular;

shall be liable on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding £100 or both.

24 Inter-relation of requirements of this Part of this Act and other Acts and instruments

- (1) Nothing in this Part of this Act shall be construed as prejudicing the obligation of any person to comply with a requirement imposed by or under any labour scheme.
- (2) Nothing in any other Act or any instrument made under any other Act shall be construed as derogating from any requirement imposed by this Part of this Act.
- (3) A licence shall be sufficient authority to employ dock workers in a port to which the licence relates, notwithstanding any restriction on the carrying out of dock work or the employment of dock workers in that port, or in ports generally, imposed by any other enactment or any instrument made under an enactment, other than a labour scheme.

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

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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.

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- (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.
- (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.

PART III

HARBOURS

36 Power of harbour authorities to provide inland clearance depots

- (1) A harbour authority may provide, maintain and operate, either alone or together with any other person and either on harbour land or with the consent of the Minister elsewhere, depots for the sorting of goods, with facilities for the reception, storage, weighing and handling of goods, and may do anything appearing to the authority to be requisite, convenient or advantageous for or in connection with the discharge of the foregoing function.
- (2) Notwithstanding anything in section 14(2)(b) or section 16(5) of the 1964 Act (conditions precedent for making harbour revision orders and harbour empowerment orders) a harbour revision order or a harbour empowerment order may be made if the Minister proposing to make it is satisfied that the making of the order is desirable in the interests of securing the efficient operation of a depot for the sorting of goods which are to be loaded or have been unloaded in the harbour to which the order relates and, in the case of a harbour revision order, that there has been such an application for the order as is mentioned in section 14(2)(a) of that Act.

- (3) A harbour authority which is maintaining a depot for the sorting of goods may make and recover from the persons using the depot or any services or facilities provided thereat reasonable charges for their use.
- (4) In the following provisions of the 1964 Act, that is to say, sections 14 (harbour revision orders) and 18 (harbour reorganisation schemes) and Schedule 2 (objects for which harbour revision orders may be made), references to a harbour shall be construed as including references to a depot provided under this section.
- (5) Nothing in this section shall affect the power of the Commissioners of Customs and Excise under the enactments relating to customs and excise to approve places for the loading, unloading, deposit, keeping or securing of goods or the conditions and restrictions subject to which approval may be given to any such places.

37 Power of harbour authorities to acquire a harbour business or shares in a harbour business

- (1) Subject to the provisions of this section, a harbour authority, not being one of the Boards, may acquire by agreement any business or undertaking which consists wholly or mainly of the carrying out of harbour operations or of the provision, maintenance or operation of any such depot as is mentioned in the last foregoing section, or so much of any business or undertaking as consists of the carrying out of such operations or of the provision, maintenance or operation of any such depot.
- (2) Subject as aforesaid, a harbour authority, not being one of the Boards, may subscribe for or acquire any securities of a body corporate which is wholly or mainly engaged or which it is proposed should become wholly or mainly engaged in carrying out harbour operations or in providing, maintaining or operating any such depot.
- (3) A harbour authority shall not by virtue of this section acquire a business or undertaking which consists of or includes the provision, maintenance or operation of any such depot, or subscribe for or acquire any securities of a body corporate which is engaged or which it is proposed should become engaged in providing, maintaining or operating any such depot, without the consent of the Minister.
- (4) In this section "securities ", in relation to a body corporate, means any shares, stock, debentures, debenture stock, and any other security of a like nature, of the body corporate.

38 Miscellaneous powers of harbour authorities

- (1) A harbour authority may for the purpose of any of its statutory powers or statutory duties acquire by agreement any land wherever situated.
- (2) A harbour authority may carry out any harbour operations except the marking or lighting of a harbour or any part thereof, either within the limits within which the authority has jurisdiction or on harbour land.

39 Borrowing powers of harbour authorities

- (1) The purposes for which a harbour authority, not being one of the Boards, may borrow money under any statutory provision shall include power to borrow it for any of the following purposes:—

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- (a) meeting any expenses properly chargeable to capital, being expenses incurred in connection with the provision or improvement of assets in connection with any activity in which the authority has power to engage;
 - (b) acquiring a business or undertaking or part of a business or undertaking in the exercise of powers conferred by section 37 of this Act or any other statutory provision ;
 - (c) subscribing for or acquiring any securities (within the meaning of that section) of a body corporate in the exercise of any such powers as aforesaid.
- (2) So much of any statutory provision of local application as limits the rate of interest at which a harbour authority may borrow money shall cease to have effect; and accordingly section 28 of the Sea Fish Industry Act 1962 (power of appropriate Minister to authorise harbour authorities for fishery harbours and marine works to borrow money at a rate above that specified in any such provision) shall cease to have effect.

40 Extension of power to make grants and loans for execution of harbour works, etc.

- (1) The power of the Minister to give assistance by way of grant under section 12(1) of the 1964 Act (grants to harbour authorities for execution of harbour works, etc.) shall include power to give such assistance to any person (whether or not a harbour authority) engaged in, or proposing to become engaged in, the improvement, maintenance or management of a harbour or the carrying out of harbour operations, and references in that section to a harbour authority shall be construed accordingly.
- (2) The expenses in respect of which such assistance may be given under the said section 12(1) shall include—
- (a) expenses incurred, by any person proposing to become engaged in the improvement, maintenance or management of a harbour, in executing works for the construction of the harbour;
 - (b) expenses incurred, by any person so engaged or proposing to become so engaged, in executing works for the improvement, maintenance or management of the harbour or in acquiring plant or equipment required for the carrying out at the harbour of harbour operations ;
 - (c) expenses incurred, by a harbour authority which is or proposes to become so engaged in the exercise and performance of statutory powers and duties, in acquiring land required for the purposes of the harbour or an extension thereof or in constructing a harbour;
 - (d) expenses incurred, by any person engaged or proposing to become engaged in carrying out harbour operations at a harbour, in executing works required for the carrying out of harbour operations there or in acquiring plant or equipment so required.
- (3) In accordance with the last foregoing subsection paragraph (a) of section 12(1) of the 1964 Act (expenses in respect of which assistance may be given) shall cease to have effect, and in paragraph (b) of that subsection for the words " that paragraph " there shall be substituted the words " paragraph (a) of section 11(1) of this Act as amended by any subsequent enactment ".
- (4) Any grant under the said section 12 may be made on such terms and conditions (including conditions for repayment in specified circumstances) as the Minister may think fit to impose.

- (5) The expenses in respect of which loans may be made to a harbour authority under section 11(1) of the 1964 Act (loans to harbour authorities for the execution of harbour works, etc.) shall include expenses incurred by a harbour authority—
- (a) in executing works for the construction, in the exercise and performance of statutory powers and duties, of a harbour which the authority proposes to become engaged in improving, maintaining or managing;
 - (b) in acquiring plant or equipment required for the carrying out of harbour operations at a harbour which the authority is constructing or proposing to construct as aforesaid;
 - (c) in acquiring land for the purpose of so constructing a harbour.

41 Transfer of the Boards' debts to other harbour authorities

- (1) Where a harbour revision order or harbour reorganisation scheme provides for the transfer of property, rights and liabilities of one of the Boards (hereafter in this section referred to as "the Board ") to some other authority or body (hereafter in this section referred to as "the new authority "), the Minister may, with the approval of the Treasury, direct that the new authority shall assume, as from the date of the transfer, a debt to him of an amount determined under the next following subsection.
- (2) The amount of the said debt—
- (a) shall be determined by the Minister ; and
 - (b) shall be equal to so much of the amounts outstanding of the Board's commencing capital debt, as determined under section 39 of the Transport Act 1962, and of the principal of any loan made to the Board by the Minister under section 20 of that Act as the Minister may think proper having regard to the property, rights and liabilities transferred from the Board by the order or scheme.
- (3) Where the Minister gives a direction under this section for the assumption of a debt by a new authority, the commencing capital debt of the Board under section 39 of the said Act of 1962 and the principal of any loan made to the Board by the Minister under section 20 of that Act shall be deemed to have been reduced, as from the date of the transfer of the property, rights and liabilities to which the order or scheme relates, by amounts equal in the aggregate to the amount of the debt assumed by the new authority.
- (4) A direction under subsection (1) of this section may include such provision as the Minister thinks appropriate for making consequential alterations of the Board's obligations with respect to its commencing capital debt or any such loan as aforesaid or such provision as could be included in a direction under section 39(6) or, as the case may be, section 20(2) of the said Act of 1962 (terms of repayment and the like) or provisions of both descriptions.
- (5) Subject to subsection (7) of this section, the rate of interest payable on the debt so assumed by the new authority, the time when the principal is to be paid off and the other terms of the debt shall be such as the Minister may with the approval of the Treasury from time to time direct.
- (6) The Minister may require a new authority by whom a debt is so assumed to give such security for the debt as he may require, and the new authority may give such security.
- (7) The Minister may, before giving any direction under this section for the assumption of a debt by a new authority, estimate the amount of the debt to be assumed by the

authority and require the authority to make him, on dates specified in the requirement, provisional repayments of the principal of the debt and provisional payments by way of interest on the estimated amount of the debt; and the liability of the Board to make payments of principal or interest under sections 39(6) or 20(2) of the Transport Act 1962 shall be reduced on those respective dates by amounts equal respectively to the amounts of the payments on those dates.

- (8) Provisional payments under the last foregoing subsection shall be on account of the repayments of the principal and payments of interest under subsection (5) of this section; and directions under this section may impose such requirements on the Board and the new authority as appear to the Minister expedient for the purpose of making adjustments of sums underpaid or overpaid by way of principal or interest.
- (9) Any sums received by the Minister by way of repayment of, or interest on, the debt assumed by the new authority under this section shall be paid into the Exchequer and shall be issued out of the Consolidated Fund at such times as the Treasury may direct and be applied by the Treasury as follows, that is to say—
- (a) so much thereof as represents principal shall be applied in redeeming or paying off debt of such description as the Treasury thinks fit;
 - (b) so much thereof as represents interest shall be applied towards meeting such part of the annual charges for the national debt as represents interest.
- (10) The Minister shall, as respects each financial year, prepare in such form and manner as the Treasury may direct an account of any debt assumed by a new authority under this section and of the sums to be paid into the Exchequer under the last foregoing subsection and of the disposal by him of any sum so paid, and send it to the Comptroller and Auditor General not later than the end of November following that year; and the Comptroller and Auditor General shall examine, certify and report on the account and lay copies of it, together with his report, before each House of Parliament.

42 Further provision as to harbour reorganisation schemes

- (1) A harbour reorganisation scheme may include, as respects any harbour authority (including a body which is to be a harbour authority under the scheme) to which statutory powers or duties are transferred by the scheme or as respects any harbour which under the scheme is to be managed by that authority—
- (a) provisions imposing duties or conferring powers for any of the objects specified in sub-paragraphs (a) to (c) of paragraph 3 of Schedule 2 to the 1964 Act (objects for which harbour revision orders may be made), including powers to make byelaws;
 - (b) provisions for any of the objects specified in paragraphs 6 to 17 of that Schedule ; and
 - (c) provisions which may be included in a harbour revision order by virtue of section 14(3) of that Act (consequential and incidental provisions).
- (2) A provision authorising the compulsory acquisition of land which is included by virtue of this section in a harbour reorganisation scheme shall be treated for the purposes of section 18(3) of the 1964 Act (maps) and Schedule 4 to that Act (submission and confirmation of such schemes) as a provision transferring an interest in land ; and—
- (a) the Minister may, if an objection is made to any provision authorising the compulsory purchase of land, instead of causing an inquiry to be held under sub-paragraph (3) or (5) of paragraph 3 of that Schedule, afford an opportunity to the objector, and if the latter avails himself of the opportunity, to the

person who submitted the scheme and any other persons to whom it appears to the Minister expedient to afford it, of appearing before and being heard by a person appointed by the Minister for the purpose, and the said sub-paragraph (3) or (5), as the case may be, shall apply in relation to the report of a person so appointed as it applies in relation to the report of a person who held an inquiry under that sub-paragraph ; and

- (b) paragraph 6 of Schedule 3 to that Act (provision for compulsory acquisition of land of statutory undertakers in harbour revision orders) shall apply in relation to a submission of a harbour reorganisation scheme as it applies in relation to an application for a. harbour revision order.
- (3) If a provision authorising the execution of works on any land is included in a harbour reorganisation scheme by virtue of this section, the notice required to be published by paragraph 2(a) of Schedule 4 to that Act (publication of notice of such a scheme) shall contain, in addition to the other matters required to be contained in the notice, a general description of the nature of the works and the land on which it is proposed to execute them.
- (4) In accordance with subsection (1) of this section—
- (a) the reference in paragraph (f) of section 18(2) of the 1964 Act to the foregoing paragraphs of that subsection shall be construed as including a reference to subsection (1) of this section ; and
 - (b) the references in section 52 (application to the Crown) and section 53 (saving for telegraphic lines) of that Act to a harbour revision order shall be construed as including references to a harbour reorganisation scheme.

43 Provisions for pensions in, or in consequence of, harbour reorganisation schemes

- (1) In paragraph (h) of section 18(2) of the 1964 Act (preservation (with or without adjustment) of pension and similar rights) after the word " adjustment)" there shall be inserted the words " or otherwise securing ".
- (2) The reference in that paragraph to rights as respects pensions, gratuities or other like benefits and any reference to pension rights in section 19 of that Act (compensation, among other things, for loss of pension rights) shall be construed as including a reference to all forms of right to or eligibility for the present or future payment of a pension, gratuity or other like benefit, and any expectation of the accruer of such a benefit under any customary practice, and any right of allocation in respect of the present or future payment of such a benefit and to the return of contributions to a pension fund.
- (3) The provisions which may be contained in a harbour revision order or harbour reorganisation scheme by virtue of section 14(3) or 18(2)(i) of the 1964 Act (power to include supplementary provisions in such orders and schemes, including provisions repealing or amending statutory provisions of local application) shall include such provisions repealing or amending any general Act, or varying or revoking any order made under any general Act, or any trust or other arrangement, as appear to the Minister making or confirming the order or scheme to be necessary or expedient for the purpose of any provision of the order or scheme made by virtue of paragraph 15 of Schedule 2 to that Act (welfare and pensions and similar benefits of harbour authority's staff) or section 18(2)(h) of that Act, as the case may be.

44 Right to challenge harbour revision "orders, etc., in legal proceedings

- (1) Section 44 of the 1964 Act (which entitles persons to question certain orders and schemes under that Act on the ground that a requirement of the Act was not complied with in relation to a provision authorising compulsory acquisition of land, but limits the right to challenge those orders and schemes) shall be amended as provided by this section.
- (2) In subsection (1), for the word " or " in the third place where it occurs there shall be substituted the words " on the ground that there was no power to make the order or that a requirement of this Act was not complied with in relation to the order or who desires to question ";
and after the word " ground " there shall be inserted the words " that there was no power to make the order or ".
- (3) After subsection (1) there shall be inserted the following subsection:—
“(1A) On an application under the foregoing subsection relating to a harbour revision or empowerment order, the court—
(a) may, by interim order, suspend the operation of the order or of any provision thereof, either generally or so far as may be necessary for the protection of the interests of the applicant, until the final determination of the proceedings; and
(b) if satisfied that there was no power to make the order or that the interests of the applicant have been substantially prejudiced by a failure to comply with a requirement of this Act, may quash the order, or any provision thereof, either generally or so far as may be necessary as aforesaid.”
- (4) In subsection (2) for the words " the foregoing subsection " there shall be substituted the words " subsection (1) of this section relating to an order under section 20 of this Act " and after the word " satisfied " there shall be inserted the words " that there was no power to make the order or ".
- (5) In subsection (3), for the word " or " in the second place where it occurs there shall be substituted the words " shall not, either before or after it is made, be questioned in any legal proceedings whatever, and ".
- (6) For subsection (4) there shall be substituted the following subsection—
“(4) The foregoing provisions of this section shall apply to a harbour reorganisation scheme confirmed by the Minister as they apply to a harbour revision order, with the substitution for references to the making of the order and to its being made of references respectively to the confirmation of the scheme and to its being confirmed.”
- (7) In subsection (5), for the word "subsection" there shall be substituted the words " subsections (1A)(a) and ".
- (8) The said section 44 shall accordingly have effect as set out in Schedule 2 to this Act.

45 Settlement of disputes under harbour revision orders, etc.

It is hereby declared for the avoidance of doubt that the consequential or incidental provisions which may be included in a harbour revision order by virtue of section 14(3)

of the 1964 Act, in a harbour empowerment order by virtue of section 16(6) of that Act or in a harbour reorganisation scheme by virtue of section 18(2)(i) of that Act include provision for the settlement by a court or otherwise of any dispute or other matter arising in connection with any of the other provisions of the order or scheme.

46 Harbour charges and local light dues

- (1) It is hereby declared that the first reference in section 27(1) of the 1964 Act (relaxation of limitations on harbour charges) to any limitation imposed on the discretion of a harbour authority as to charges of any description is a reference to such a limitation imposed by specifying or providing for specifying the charges to be levied, or fixing or providing for fixing charges, or otherwise, and the reference in section 29(1) of that Act (relaxation of limitations on local light dues) to limiting the like discretion of a local lighthouse authority shall be similarly construed.
- (2) The repeal effected by the said section 29(1) in any statutory provision limiting any such discretion of a local lighthouse authority which is not a harbour authority shall extend to any statutory provision limiting any such discretion of a local lighthouse authority which is a harbour authority.
- (3) Any charge exigible or imposed by a local lighthouse authority by virtue of or under a statutory provision not contained in the 1964 Act shall be treated for the purposes of the following provisions of that Act, that is to say, section 30 (keeping lists of charges), section 35 (objections to, and revision of, charges) and the provisions applied by the said section 35, as if it were exigible or imposed, as the case may be, by virtue of or under section 29 of that Act.
- (4) In accordance with the foregoing provisions of this section the following words in the 1964 Act shall cease to have effect, that is to say—
 - (a) in section 29(1), the words "if the authority are not a harbour authority " ;
 - (b) in section 30(2), the words " who are not a harbour authority " ;
 - (c) in section 35, the words " who are not a harbour authority ", wherever occurring.

47 Policing of harbour premises by British Transport Police Force

- (1) Where a harbour revision order or a harbour reorganisation scheme transfers any premises used by one of the Boards in connection with its statutory powers and duties relating to harbours to some other authority or body the British Railways Board may make an agreement with that authority or body for making available the services of the British Transport Police Force to that authority or body for such period, to such extent and on such terms as may be specified in the agreement.
- (2) Where such an agreement has been made members of the British Transport Police Force may act, in accordance with the terms of the agreement, as constables in, on and in the vicinity of the premises transferred by the order or scheme, notwithstanding the provisions of section 53(1) of the British Transport Commission Act 1949 (which restricts them to so acting in, on and in the vicinity of premises belonging to, leased to or worked by one of the Boards).
- (3) In this section "the British Transport Police Force" means the force established by a scheme made under section 69 of the Transport Act 1962.

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48 Extension of the Council's power to obtain information and forecasts

The power of the Council under section 41(1) of the 1964 Act to require a person engaged in improving, maintaining or managing a harbour to furnish information or forecasts to the Council shall extend to any such information or forecasts as may be specified in the notice, and accordingly in paragraph (a) of that section the words from " relating " to " harbour " in the third place where it occurs shall cease to have effect.

49 Council's power to give awards

It is hereby declared for the avoidance of doubt that the power of the Council under section 3(1) of the 1964 Act (research, training and education) to promote research, training and education of any description includes power to give awards of any kind to any person for any activity connected with research, training and education of that description, and any reference in section 3(2) of that Act to the promotion of research or training or education shall be construed as including a reference to the giving of any such award.

50 Supplementary

- (1) This Part of this Act and the 1964 Act shall have effect as if this Part of this Act were part of that Act.
- (2) The powers conferred by this Part of this Act on harbour authorities shall be in addition to and not in derogation from any powers conferred on harbour authorities otherwise than by this Part of this Act.

PART IV

MISCELLANEOUS AND GENERAL

51 References of disputes about the meaning of "dock work " to a tribunal

- (1) Where it appears to the Board or a licensing authority that there is a dispute between the Board or the licensing authority, as the case may be, and any other person about a question to which this section applies, or it appears to any person other than the Board or a licensing authority that there is such a dispute between him and the Board or a licensing authority about such a question, and—
 - (a) there are for the time being no legal proceedings (including arbitrations) with reference to that question ; and
 - (b) there has been no previous reference of that question the decision on which is binding under this section on the person to whom it appears as aforesaid;
 the question may, subject to the provisions of the next following subsection, be referred by the last-mentioned person to, and if so referred shall be determined by, a tribunal established under section 12 of the Industrial Training Act 1964.
- (2) Where the last-mentioned person is neither the Board, nor a licensing authority nor a person who employs others on dock work in, or in the vicinity of, a port or on work of any description to which, or at a place to which, the dispute relates, the question to which the dispute relates may only be referred to any such tribunal as aforesaid by a trade union on behalf of that person, but the fact that the question is so referred

shall not make the trade union a party to the dispute or prevent that person from being such a party.

- (3) This section applies to the following questions, that is to say—
 - (a) whether any work is dock work ;
 - (b) whether any place is in, or in the vicinity of, a port to which a labour scheme for the time being applies.
- (4) Where any question to which this section applies arises in any proceedings before a magistrates' court or a sheriff or on an appeal to quarter sessions from a magistrates' court, the court shall, if there has been no previous reference of that question the decision on which is binding under this section on both parties to the proceedings, stay the proceedings and refer it to such a tribunal as aforesaid and the tribunal shall decide it.
- (5) In addition to the parties to the dispute or proceedings, the following persons may appear and be heard before the tribunal on a reference under this section:—
 - (a) the Board;
 - (b) the licensing authority for the port in question ;
 - (c) where the question referred is whether work of any description is dock work, any person who employs others on work of that description and any person employed on such work;
 - (d) where the question referred is whether any place is in, or in the vicinity of, a port, any person who employs others or works at that place.
- (6) The tribunal's decision on any reference under this section shall be binding on the following persons:—
 - (a) the parties to the dispute or proceedings which occasioned the reference;
 - (b) the Board;
 - (c) the licensing authority for the port in question ;
 - (d) any other persons entitled to appear and be heard on the reference who did so appear ;
 - (e) any court which or sheriff who referred the question to the tribunal and any court of quarter sessions having cognizance of the matter on appeal from any magistrates' court which so referred the question;but the foregoing provision shall not preclude any of the persons mentioned in paragraphs (a) to (d) of this subsection from challenging the decision on a subsequent reference under this section by any person not so mentioned or by any court.
- (7) Where a question is referred under this section to the tribunal, the tribunal shall state the facts which it finds and the reasons for its decision.
- (8) Subsection (4) of this section shall not apply to proceedings instituted before the day appointed for the coming into operation of this section.
- (9) In this section "trade union " has the same meaning as in the Trade Union Act 1913.

52 Inquiries

- (1) Subject to the next following subsection, the relevant Minister shall direct an inquiry to be held in connection with—
 - (a) the consideration and determination by him of appeals or objections made under any provision of Part I or II of this Act; and

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- (b) any proposal to exercise his power to revoke a licence under section 30 of this Act;
- and may direct an inquiry to be held in connection with any other matter about which he has functions under either of those Parts.
- (2) The relevant Minister need not direct an inquiry to be held in connection with any appeal or objection if he obtains consent in writing to dispense with the inquiry—
- (a) in the case of an appeal or objection under Part I of this Act, from all the persons prescribed by regulations under this section as persons entitled to appear at the inquiry;
 - (b) in the case of an objection under section 25(4) of this Act to a welfare amenity scheme or any amendment of such a scheme, from the person who made the objection, the Board and all other persons whose obligations under the scheme might in the opinion of the relevant Minister be varied by any modifications of the scheme likely to be made in the light of the objection ;
 - (c) in the case of an appeal under section 27(3) of this Act, from the appellant and the Board.
- (3) Any number of matters may be dealt with at one inquiry.
- (4) An inquiry held in pursuance of a direction under this section shall be held by a competent person appointed by the relevant Minister and that person may conduct the inquiry either alone or with the assistance of an assessor or assessors so appointed.
- (5) The person appointed to hold an inquiry under this section shall, after holding it, report to the relevant Minister on his findings at the inquiry and shall recommend to the Minister what decision the Minister should make in the matter.
- (6) The relevant Minister shall by regulations make such provision as appears to him to be necessary or expedient with respect to the proceedings at or in connection with inquiries under this section including, in particular, provision—
- (a) for requiring notice to be given of the appointment of any person to hold any such inquiry, and of the date, time and place on which it will be held, to such persons as may be determined by or under the regulations;
 - (b) for prescribing or providing for determining the persons who may appear and be heard at any such inquiry;
 - (c) for requiring persons to attend to give evidence and produce documents (except evidence or documents which those persons could not be compelled to give or produce in proceedings before the High Court);
 - (d) for authorising the administration of oaths to witnesses;
 - (e) for requiring copies of documents to be furnished by persons entitled to appear at any such inquiry to other such persons;
 - (f) for prescribing the procedure to be followed at any such inquiry;
 - (g) for authorising the recovery by the relevant Minister of the whole or part of the expenses incurred by him in relation to any such inquiry from all or any of the following persons:—
 - (i) the persons appearing at the inquiry ;
 - (ii) any appellant or objector, whether appearing or not, whose appeal or objection occasioned the inquiry ;
 - (iii) in the case of an inquiry into a matter arising under Part I of this Act, the licensing authority;

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- (iv) in the case of an inquiry into a matter arising under Part II of this Act, the Board;
 - (h) for the award of costs and expenses; and
 - (i) for taxing or otherwise settling any costs or expenses awarded by virtue of the last foregoing paragraph (and, in particular, in England and Wales, for enabling such costs to be taxed in the county court) and for the enforcement of any award of costs and expenses.
- (7) Any person who without reasonable excuse fails to comply with any requirement imposed by regulations made by virtue of paragraph (c), (d) or (e) of the last foregoing subsection shall be liable on summary conviction to a fine not exceeding £50 or imprisonment for a term not exceeding three months or both.
- (8) The relevant Minister' may out of moneys provided by Parliament pay to persons appointed to hold inquiries under this Act and to assessors at such inquiries such fees and allowances, and to persons giving evidence before such inquiries such allowances, as he may with the consent of the Treasury determine.
- (9) In this section " the relevant Minister " means, in relation to any matter or an inquiry into any matter arising under Part I of this Act, the Minister of Transport and, in relation to any matter or an inquiry into any matter arising under Part II of this Act, the Minister of Labour.

53 Penalties for contravention of labour schemes

The punishment which may be imposed on summary conviction under section 1(5) of the 1946 Act on a person guilty of an offence under that section (contravention of labour schemes) shall, instead of being that specified in that subsection, be—

- (a) in the case of an individual, imprisonment for a term not exceeding three months or a fine not exceeding £50 or both;
- (b) in the case of a body corporate, a fine not exceeding £500;

and accordingly in that subsection the words from " and shall " onwards shall cease to have effect.

54 Offences by bodies corporate

- (1) Where an offence under this Act or section 1(5) of the 1946 Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) In the foregoing subsection the expression " director ", in relation to any body corporate which is established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking and whose affairs are managed by the members thereof, means a member of that body.

55 Notices

- (1) Subject to the provisions of this section, any notice required or authorised by or by virtue of Part I or II of this Act to be served on or given to any person may be served

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or given by delivering it to him, or by leaving it at his proper address, or by sending it to him by registered post or the recorded delivery service.

- (2) Any such notice required or authorised to be served on or given to a corporation or firm shall be duly served or given if it is served on or given to, as the case may be, the secretary or clerk of the corporation or a partner in the firm.
- (3) For the purposes of this section and of section 26 of the Interpretation Act 1889 in its application to this section the proper address of a person on or to whom any such notice as aforesaid is to be served or given shall, in the case of the secretary or the clerk of a corporation, be that of the registered or principal office of the corporation, in the case of a partner in a firm, be that of the principal office of the firm, and in any other case, be the last known address of the person to be served :

Provided that, where the person on or to whom the notice is to be served or given has, in accordance with arrangements agreed, furnished an address for the service or giving of the notice, if an address in the United Kingdom, his proper address for the purposes aforesaid shall be the address furnished.

- (4) Any such notice required or authorised to be served on or given to the Board may be served or given by serving it on or giving it to their General Manager, whose proper address for this purpose shall be the principal office of the Board.
- (5) The foregoing provisions of this section shall apply to the sending of a document as they apply to the giving of a notice.

56 Regulations and orders

- (1) The Minister of Transport and the Minister of Labour respectively may make regulations for any purpose for which regulations may be made under Part I or Part II of this Act, for prescribing anything which may be prescribed under the said Part I or the said Part II and generally for the purpose of carrying those Parts of this Act into effect.
- (2) Without prejudice to the generality of the foregoing subsection, regulations under this section may make provision with respect to any of the following matters:
 - (a) the forms of licences, notices and other documents to be used for the purposes of Parts I and II of this Act and the particulars to be contained therein ;
 - (b) application for, and the issue of, licences ;
 - (c) the issue of replacements for licences lost or defaced ;
 - (d) the extension of any period of time prescribed by the regulations;
 and different provision may be made by the regulations for different cases.
- (3) Any power to make an order or regulations under this Act, other than a power conferred by section 29, 31 or 34 of this Act, shall be exercisable by statutory instrument, and any statutory instrument containing any such order or regulations shall, except in the case of regulations under section 4(4) or an order under section 60 of this Act, be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Any order made by the Minister of Transport or the Minister of Labour under any provision of this Act may be varied or revoked by a subsequent order so made.

57 Expenses

There shall be defrayed out of moneys provided by Parliament—

- (a) any expenses incurred by any Minister in carrying this Act into effect; and
- (b) any increase attributable to this Act in the sums payable out of moneys so provided by way of Rate Deficiency Grant or Exchequer Equalisation Grant under the enactments relating to local government in England and Wales or in Scotland.

58 Interpretation

(1) In this Act, except so far as the context otherwise requires—

" the Board ", except in Part III of this Act, means the National Dock Labour Board or any other body for the time being constituted or prescribed under the 1946 Act to be responsible for the administration of any labour scheme;

" cargo " includes anything carried or to be carried in a ship or other vessel;

" the Council " means the National Ports Council established under the 1964 Act;

" dock business " means so much of a business or undertaking as relates to dock work, including any ancillary activities which it is necessary to carry on in connection with dock work;

" dock work ", in relation to any port, means work which is treated for the purposes of any labour scheme as dock work at that port;

" dock worker " means a person employed or to be employed on dock work ;

" factory inspector " means an inspector appointed under section 145 of the Factories Act 1961 ;

" harbour authority ", except in Part III of this Act, means any person engaged (whether or not in the exercise and performance of statutory powers and duties), or proposing to become engaged, in the improvement, maintenance or management of a harbour within the meaning of the 1964 Act;

" labour scheme " means a scheme for the time being in force under the 1946 Act;

" licence " means a licence under this Act;

" local board " means a board constituted under the 1946 Act to be responsible for the local administration of any labour scheme;

" the Minister " means in Part I and, without prejudice to section 50 of this Act, in Part III of this Act the Minister of Transport and in Part II of this Act the Minister of Labour;

" the 1946 Act " means the Dock Workers (Regulation of Employment) Act 1946;

" the 1964 Act " means the Harbours Act 1964;

" permanent worker " means a registered dock worker (other than a supplementary worker) who is employed under a contract which requires at least one week's notice for its termination;

" registered dock worker " means a dock worker whose name is for the time being entered in the register of dock workers kept under a labour scheme and " registered employer " means an employer of dock workers whose name is for the time being entered in the employers' register kept under any such scheme;

" supplementary worker " means a registered dock worker whose name is entered in the said register of dock workers for a limited period ;

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" unavailable worker " means a worker who under a labour scheme is not required to be allocated to, and taken into employment as a permanent worker by, a registered employer.

- (2) Before making an order under section 2(3) of this Act as respects any port, or exercising as respects any port any functions under Part I of this Act or so much of this Part of this Act as relates to the said Part I, the Minister of Transport shall—
 - (a) if the port is a marine work within the meaning of the 1964 Act, consult the Secretary of State; and
 - (b) if the port is a fishery harbour within the meaning of that Act, consult the Minister of Agriculture, Fisheries and Food;
 and Part I and this Part of this Act shall have effect accordingly.
- (3) In this Act, except so far as the context otherwise requires, any reference to employment shall be construed as a reference to employment on dock work, and cognate expressions shall be construed accordingly.
- (4) Any reference to a port in the provisions of Part I of this Act (other than section 2(2) or (3)) or of Part II of this Act or the next following section shall be construed as including a reference to any place in the vicinity of that port; but a place shall not be treated for the purposes of this Act as being in the vicinity of a port if it is in the area of another port.
- (5) Where an appeal is brought or an objection is made to the Minister of Transport under any provision of Part I of this Act and is subsequently withdrawn, the appeal or objection shall be treated for the purposes of this Act as disposed of at the time it is withdrawn.
- (6) References in this Act to any enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended, extended or applied by or under any other enactment, including any enactment contained in this Act.

59 Power to amend Acts of local application

- (1) The appropriate Minister may, after consultation with any harbour authority appearing to him to be concerned, by order repeal or amend any provision contained in a local Act passed before or in the same Session as this Act or in a provisional order confirmed or made before this Act, where it appears to him that the provision is inconsistent with, or has become unnecessary in consequence of, any provision of Part I or II of this Act.
- (2) An order under this section may contain such transitional, supplemental or incidental provisions as appear to the appropriate Minister to be expedient.
- (3) In this section " appropriate Minister " means, in relation to an order containing repeals or amendments consequential on a provision of Part I of this Act, the Minister of Transport and, in relation to an order containing repeals or amendments consequential on a provision of Part II of this Act, the Minister of Labour.

60 Short title, commencement and extent

- (1) This Act may be cited as the Docks and Harbours Act 1966.
- (2) Part I of this Act shall come into operation on a day appointed by an order made by the Minister of Transport and Part II and section 51 of this Act shall come into operation

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on a day appointed by an order made by the Minister of Labour, and different days may be appointed under this section for different purposes and, in particular, different days may be so appointed for the coming into operation of the same provision in different ports.

- (3) Any reference in Part I or II of this Act to the commencement of any provision thereof shall, in relation to any port, be construed as a reference to the day appointed for the coming into operation of that provision in that port.
- (4) In determining the day to be appointed for the coming into operation of section 1 of this Act in any port the Minister of Transport shall have regard to any representations made to him by any person who has applied for, but will not be granted, a licence for that port.
- (5) This Act shall not extend to Northern Ireland.

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SCHEDULES

SCHEDULE 1

Sections 1, 2, 25.

PORTS AND LICENSING AUTHORITIES

<i>Port</i>	<i>Licensing Authority</i>
Blyth	Blyth Harbour Commissioners.
Dunston	Tyne Improvement Commissioners.
Gateshead	Tyne Improvement Commissioners.
Newcastle	Tyne Improvement Commissioners.
South Shields	Tyne Improvement Commissioners.
North Shields	Tyne Improvement Commissioners.
Sunderland	River Wear Commissioners.
Seaham Harbour	Seaham Harbour Dock Company.
Middlesbrough	Tees Conservancy Commissioners.
The Hartlepoons	British Transport Docks Board.
Hull	British Transport Docks Board.
Goole	British Transport Docks Board.
Grimsby	British Transport Docks Board.
Immingham	British Transport Docks Board.
Boston	Boston Corporation.
Sutton Bridge	Wisbech Corporation.
Wisbech	Wisbech Corporation.
King's Lynn	King's Lynn Conservancy Board.
Great Yarmouth	Great Yarmouth Port and Haven Commissioners.
Lowestoft	British Transport Docks Board.
Ipswich	Ipswich Dock Commission.
London	Port of London Authority.
The area of the Conservators of the River Medway	Conservators of the River Medway.
The area of the Commissioners of the Faversham Navigation.	Conservators of the River Medway.

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<i>Port</i>	<i>Licensing Authority</i>
The area of the Conservators of Milton Creek.	Conservators of the River Medway.
The harbour area of the Queen-borough Corporation.	Conservators of the River Medway.
Whitstable	Whitstable Urban District Council.
Southampton,	British Transport Docks Board.
Poole and Hamworthy	Poole Harbour Commissioners.
Weymouth	Weymouth Corporation.
Plymouth	Cattewater Harbour Commissioners.
Charlestown	Charlestown Estate Limited.
Falmouth	Falmouth Harbour Commissioners.
Fowey	Fowey Harbour Commissioners.
Hayle	Harvey and Co. Limited.
Newlyn	Newlyn Pier and Harbour Commissioners.
Par	Port of Par Limited.
Penryn	Penryn Borough Council
Penzance	Penzance Borough Council.
Porthleven	Porthleven Harbour and Dock Co. Limited.
Portreath	A. C. Reynolds and Sons.
Truro	Truro City Council.
Bristol	Bristol Corporation.
Sharpness	British Waterways Board.
Gloucester	British Waterways Board.
Newport	British Transport Docks Board.
Cardiff and Penarth	British Transport Docks Board.
Barry	British Transport Docks Board.
Port Talbot	British Transport Docks Board.
Swansea	British Transport Docks Board.
Birkenhead	Mersey Docks and Harbour Board.
Bromborough	Mersey Docks and Harbour Board.
Liverpool	Mersey Docks and Harbour Board.
Garston	Mersey Docks and Harbour Board.
Widnes	Mersey Docks and Harbour Board.
Ellesmere Port	Manchester Ship Canal Company.
Manchester	Manchester Ship Canal Company.

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<i>Port</i>	<i>Licensing Authority</i>
Partington	Manchester Ship Canal Company.
Runcorn	Manchester Ship Canal Company.
Weston Point	British Waterways Board.
Preston	Preston Corporation.
Fleetwood	British Transport Docks Board.
Barrow-in-Furness	British Transport Docks Board.
Silloth	British Transport Docks Board.
Whitehaven	Whitehaven Harbour Commissioners.
Workington	Workington Harbour and Dock Co. Limited.
Maryport	Maryport Harbour Commissioners.
Ayr	British Transport Docks Board.
Troon	British Transport Docks Board.
Irvine	Irvine Harbour Company.
Ardrossarn	Ardrossan Harbour Company.
Greenock	Clyde Port Authority.
Glasgow	Clyde Port Authority.
Aberdeen	Aberdeen Harbour Board.
Dundee	Dundee Harbour Trustees.
Tayport	Dundee Harbour Trustees.
Kirkcaldy	Kirkcaldy Royal Burgh Council.
Methil	British Transport Docks Board.
Burntisland	British Transport Docks Board.
Grangemouth	British Transport Docks Board.
Granton	The Commissioners for the Harbour and Docks of Leith.
Leith	The Commissioners for the Harbour and Docks of Leith.

SCHEDULE 2

Section 44.

SECTION 44 OF 1964 ACT AS AMENDED

“44 (1) A person who desires to question any such order as follows, namely, a harbour revision or empowerment order (not being one confirmed by Act of Parliament under section 6 of the Statutory Orders (Special Procedure) Act 1945, or under section 2(4), as read with section 10, of that Act) on the ground that there was no power to make the order or that a requirement of this Act was not complied with in relation to the order, or who

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desires to question an order under section 20 of this Act, on the ground that there was no power to make the order or that a requirement of this Act was not complied with in relation to the order so far as regards the inclusion therein of a provision authorising the compulsory acquisition of a parcel of land may, within six weeks from the date on which the order becomes operative under the said Act of 1945 (or, in the case of an order under the said section 20, six weeks from the date on which it is made), make an application for the purpose to the High Court or the Court of Session, as the case may be.

- (1A) On an application under the foregoing subsection relating to a harbour revision or empowerment order, the court—
- (a) may, by interim order, suspend the operation of the order or of any provision thereof, either generally or so far as may be necessary for the protection of the interests of the applicant, until the final determination of the proceedings; and
 - (b) if satisfied that there was no power to make the order or that the interests of the applicant have been substantially prejudiced by a failure to comply with a requirement of this Act, may quash the order, or any provision thereof, either generally or so far as may be necessary as aforesaid.
- (2) On an application under subsection (1) of this section relating to an order under section 20 of this Act, the court—
- (a) may, by interim order, suspend the operation of the provision in question, either generally or so far as may be necessary for the protection of the interests of the applicant, until the final determination of the proceedings ; and
 - (b) if satisfied that there was no power to make the order or that the interests of the applicant have been substantially prejudiced by failure to comply with a requirement of this Act so far as regards the inclusion in the order of that provision, may quash the order, or any provision thereof, either generally or so far as may be necessary as aforesaid.
- (3) Except as provided by this section, a harbour revision or empowerment order shall not, either before or after it is made, be questioned in any legal proceedings whatever, and an order under section 20 of this Act shall not, either before or after it is made, be questioned in any legal proceedings whatever so far as regards the inclusion therein of a provision authorising the compulsory acquisition of a parcel of land.
- (4) The foregoing provisions of this section shall apply to a harbour reorganisation scheme confirmed by the Minister as they apply to a harbour revision order, with the substitution for references to the making of the order and to its being made of references respectively to the confirmation of the scheme and to its being confirmed.
- (5) In relation to proceedings in Scotland, subsections (1A)(a) and (2)(a) of this section shall have effect as if the words " by interim order " were omitted."