



Docks and Harbours Act 1966

1966 CHAPTER 28

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:

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 ;

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- (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

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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—
 - (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—

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- (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
 - (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

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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 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

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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.

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- (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.
- (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;

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- (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).

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- (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 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.

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- (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 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—

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- (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—
 - (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.

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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.