



# Docks and Harbours Act 1966

## 1966 CHAPTER 28

### PART I

#### CONTROL OF EMPLOYMENT OF DOCK WORKERS

##### *Licensing of employers*

#### **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

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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—
- (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

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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.