
*Changes to legislation: There are currently no known outstanding effects for the Dock Work Act 1989,
Cross Heading: Temporarily unattached or suspended workers. (See end of Document for details)*

SCHEDULES

SCHEDULE 2

TRANSITIONAL PROVISIONS AND SAVINGS

Temporarily unattached or suspended workers

- 4 (1) This paragraph applies to an employee who, immediately before the commencement date—
- (a) was a temporarily unattached worker and was not in the employment of a registered employer, or
 - (b) was a registered dock worker under a period of suspension from the 1967 Scheme imposed in accordance with that Scheme;
- but does not apply to any employee falling within paragraph (b) who was at that time a supplementary worker.

- (2) Where the previous employer of an employee to whom this paragraph applies was, immediately before the commencement date, a registered employer carrying on a dock business—
- (a) the employee shall for all purposes be taken to have entered into a contract of employment on the commencement date with his previous employer on the same terms and conditions as those of his previous contract of employment, and
 - (b) subsection (3) of section 6 of this Act shall apply in relation to the employee as it applies in relation to an employee to whom that section applies.

- (3) Where—
- (a) by virtue of sub-paragraph (2)(a) an employee to whom this paragraph applies is taken to have entered into a new contract of employment with his previous employer, and
 - (b) the employer subsequently dismisses the employee,
- then, in determining for any purpose whether the reason for the dismissal was such as to justify the dismissal of an employee holding the position which the employee held and whether the employer acted reasonably or unreasonably in treating it as a sufficient reason for dismissing the employee, account may be taken of the employee's conduct during his employment with the employer under his previous contract of employment.

^{F1}(4)

^{F2}(5)

- (6) In this paragraph—
- (a) “the commencement date” means the date of the passing of this Act;
 - (b) references to “dismissal” and “dismiss” shall be construed in accordance with section 55 of the 1978 Act;

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- (c) “dock business” means any business or undertaking which consists of or includes the carrying out of dock work (within the meaning of the 1967 Scheme); and
- (d) in relation to an employee to whom this paragraph applies—
 - (i) “previous employer” means the person (other than the Board) by whom he was last employed under the 1967 Scheme; and
 - (ii) “previous contract of employment” means the contract of employment under which he was employed by the previous employer immediately before that employment ended.

Textual Amendments

- F1** Sch. 2 para. 4(4) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 8**
- F2** Sch. 2 para. 4(5) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 8**

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