

Changes to legislation: There are currently no known outstanding effects for the Dock Work Act 1989, SCHEDULE 2. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Section 7(5).

TRANSITIONAL PROVISIONS AND SAVINGS

Transfer of rights and liabilities of local boards

F1 1

Textual Amendments

F1 Sch. 2 para. 1 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 8

Effect of documents relating to National Dock Labour Board or local boards as from dissolution date

- 2 Every agreement (whether written or not), and every instrument or other document, which relates to—
- (a) any property, right or liability of the Board which vests in the Secretary of State by virtue of section 2(6) of this Act, or
 - (b) any such right or liability as is mentioned in paragraph 1(1) above,
- shall have effect, so far as may be required for continuing its effect on or after the dissolution date, as if—
- (i) where the Board is (or immediately before that date was treated as) a party to it, the Secretary of State were substituted as that party,
 - (ii) for any reference to the Board (including any reference which was then to be construed as such a reference) there were substituted a reference to the Secretary of State,
 - (iii) for any reference (however worded and whether express or implied) to the chairman or vice chairman or any member of the Board (including any reference which was then to be construed as such a reference) there were substituted a reference to such officer or officers as the Secretary of State shall appoint for the purpose, and
 - (iv) for any reference to the office or place of business of the Board (including any reference which was then to be construed as such a reference) there were substituted a reference to the principal office of the Secretary of State.

Legal proceedings by or against the Board

F2 3

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Textual Amendments

F2 Sch. 2 para. 3 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 8

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.

^{F3}(4)

^{F4}(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;
- (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

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(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

- F3** Sch. 2 para. 4(4) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 8
- F4** Sch. 2 para. 4(5) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 8

Workers on temporary transfer

5 A permanent worker who, immediately before the date of the passing of this Act—

- (a) was, in accordance with the 1967 Scheme, on temporary transfer from the registered employer by whom he was employed as a permanent worker (“the permanent employer”), and
- (b) was, by virtue of Clause 8(10) of that Scheme, deemed for the purposes of that Scheme to have remained in the employment of the permanent employer,

shall for all purposes (including the purposes of sections 5 and 6 of this Act and any scheme made under section 5) be deemed to have remained in the employment of the permanent employer.

Application of certain provisions of the 1978 Act

F56

Textual Amendments

- F5** Sch. 2 para. 6 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, Sch. 3 Pt. I (with ss. 191-195, 202)

F67

Textual Amendments

- F6** Sch. 2 para. 7 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, Sch. 3 Pt. I (with ss. 191-195, 202)

Preservation of liability of registered employer to contribute to costs of 1967 Scheme

F78

Textual Amendments

- F7** Sch. 2 para. 8 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 8

Extinguishment of certain rights and liabilities arising under Part I of Docks and Harbours Act 1966

F89

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Textual Amendments

F8 [Sch. 2 para. 9](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 8](#)

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