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STATUTORY INSTRUMENTS

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1974 No. 1820

**HARBOURS, DOCKS, PIERS AND FERRIES****The Docks and Harbours Act 1966 (Modification)  
Regulations 1974**

<i>Made</i> - - - -	1st November 1974
<i>Laid before Parliament</i>	12th November 1974
<i>Coming into Operation</i>	1st January 1975

The Secretary of State in exercise of the powers conferred on him by sections 80(1) and (3) of the Health and Safety at Work etc. Act 1974(a) and of all other powers enabling him in that behalf, and after consultation with such bodies as appeared to him to be appropriate, hereby makes the following Regulations:—

*Citation, commencement and interpretation*

1.—(1) These Regulations may be cited as the Docks and Harbours Act 1966 (Modification) Regulations 1974 and shall come into operation on 1st January 1975.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

*Modification of the Docks and Harbours Act 1966*

2. In the Docks and Harbours Act 1966(c)—

- (a) in section 25(7), for the words “section 62 of the Factories Act 1961 (welfare regulations)”, there shall be substituted the words “section 15 of the Health and Safety at Work etc. Act 1974 (health and safety regulations)”;
- (b) in section 32, for the references to a factory inspector, there shall be substituted references to an inspector appointed by the Health and Safety Executive under section 19 of the Health and Safety at Work etc. Act 1974;
- (c) in section 32(2), for the words from “the certificate of appointment” to the end of the subsection, there shall be substituted the words “his instrument of appointment or a duly authenticated copy thereof provided under section 19(2) of the Health and Safety at Work etc. Act 1974.”;
- (d) in section 32(4), for the words “section 149 of the Factories Act 1961” there shall be substituted the words “section 39 of the Health and Safety at Work etc. Act 1974” and the words “or before a sheriff” shall be omitted;
- (e) section 32(5) shall be omitted; and
- (f) section 58(1) shall have effect as if the definition of “factory inspector” were omitted.

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(a) 1974 c. 37.  
(c) 1966 c. 28.

(b) 1889 c. 63.

*Modification of the Ports Welfare Amenities (Inquiries Procedure) Regulations 1968*

3. In the Ports Welfare Amenities (Inquiries Procedure) Regulations 1968(a)—  
(a) in Regulations 4(a)(v) and 8(4)(a)(i), for the references to the Chief Inspector of Factories appointed under the Factories Act 1961 there shall be substituted references to the Health and Safety Executive; and  
(b) in Regulation 6, for paragraph (4) there shall be substituted the following paragraph:—

“(4) The Health and Safety Executive may be represented by any officer of the said Executive or by counsel or solicitor.”

Signed by order of the Secretary of State.  
1st November 1974.

*Harold Walker,*  
Joint Parliamentary Under Secretary of State,  
Department of Employment.

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EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

Part II of the Docks and Harbours Act 1966 provides for the making of welfare amenity schemes for the ports specified in Schedule 1 to that Act and gives to factory inspectors powers for enforcing the requirements of the schemes.

Objections and appeals may be made to the Secretary of State before schemes are approved or amended and the procedure to be followed in connection with inquiries held into such objections and appeals is set out in the Ports Welfare Amenities (Inquiries Procedure) Regulations 1968 which give to the Chief Inspector of Factories the right to be heard and represented at those inquiries.

On the establishment, on 1st January 1975, of the Health and Safety Executive inspectors of factories will become inspectors appointed by the Executive. These Regulations make the necessary consequential modifications to provisions of the Docks and Harbours Act 1966 and of the Ports Welfare Amenities (Inquiries Procedure) Regulations 1968.

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(a) S.I. 1968 /1062 (1968 II, p. 2859).

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