STATUTORY INSTRUMENTS

1966 No. 1234

HARBOURS, DOCKS, PIERS AND FERRIES

The Licensing of Port Employers (Initial Applications for Licences Regulations 1966

Made - - - -	21*st September* 1966
Laid before Parliament	4*th October* 1966
Coming into Operation	17*th October* 1966

The Minister of Transport, in exercise of the powers conferred on her by sections 3 and 56 of the Docks and Harbours Act 1966(a), and of all other enabling powers hereby makes the following Regulations:—

Citation and Commencement

1. These Regulations may be cited as The Licensing of Port Employers (Initial Applications for Licences) Regulations 1966, and shall come into operation on the 17th October 1966.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires, the following expressions shall have the meanings hereby assigned to them respectively, that is to say:—

"the Act" means the Docks and Harbours Act 1966;
"the commencement of section 1" means, in relation to any port, the day appointed for the coming into operation of section 1 of the Act in that port;
"licensing authority" means the body specified in Schedule 1 to the Act (as amended by any order made under section 2(3) of the Act) as the licensing authority for the port in respect of which the application is made.

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

Applications for Licences

3. Every application for a licence under Part I of the Act made before the commencement of section 1 thereof shall be made in the form set out in the Schedule to these Regulations or in a form substantially to the like effect and shall be accompanied by the particulars required by the form set out in the said Schedule.

Signing of Applications

4. Every such application shall be submitted in duplicate and shall be signed by the person requiring the licence, or if made by any corporate body or partnership firm, shall be signed by a person duly authorised in that behalf by such body, or a partner of the partnership firm as the case may be.

(a) 1966 c. 28. (b) 1889 c. 63.

Time for, and submission of Applications

5. Every such application shall be sent to the licensing authority not later than the 1st December 1966, or such later date as the Minister of Transport may, on the application of the licensing authority, approve for the particular port, and the provisions of section 55 of the Act shall apply in relation to the sending of such application to the licensing authority.

Copies of Applications available for inspection

6. A copy of every such application shall be available for inspection at the principal office of the licensing authority at the port in respect of which such application is made until the application has been determined by the licensing authority.

Given under the Official Seal of the Minister of Transport the 21st September 1966.

(L.S.)

Barbara Castle,
Minister of Transport.

SCHEDULE

DOCKS AND HARBOURS ACT 1966

APPLICATION FOR AN EMPLOYER'S LICENCE UNDER PART I

To the.....[name of licensing authority] [I,]....., hereby apply/applies for a licence for the employment of persons as dock workers in the port of.....in accordance with this application and I hereby declare that to the best of my knowledge and belief all the statements in this application are true.

1. Full name. (If a partnership firm state full names of all partners and all business names used by the firm.) .....

.....

2. Address. (In the case of a limited company state also the address of the registered office if other than that from which the application is made.) .....

.....

3. Address from which the dock business (see note 1) is or is proposed to be carried on. .....

4. If you already operate a dock business in, or in the vicinity of the port:—

(*a*) State the kind of operations now carried on as part of that business, including .....

(i) the descriptions of cargo handled, (e.g. general cargo, coal etc.). .....

(ii) the descriptions of cargo handling operations and services ancillary to cargo handling now carried on (e.g. general stevedoring, lighterage etc.). .....

.....

(iii) the extent (if any) to which you handle cargoes for use in your own business. .....

(*b*) Has your business normally been carried on in the port generally, or only in particular parts of the port or at particular berths? In the latter cases give details of the parts or berths concerned. .....

(*c*) State the number and kinds of employees (*other* than dock workers (see note 1)) employed by you in connection with the management of your dock business and on activities ancillary to the dock work (see note 1) carried out by the business. .....

(*d*) State the type and quantity of any equipment which you provide for use by dock workers in connection with their work. .....

(*e*) If your business consists in whole or in part of a business which has been in any way acquired by you during the two years preceding the application, state the nature and extent of that transferred business, its previous name, the address from which it was previously carried on, and the date of the transfer. .....

5. For what period is the licence requested? (See note 2). .....

6. As far as you can forecast at present, how many registered dock workers (other than supplementary workers (see note 3)) do you wish to employ on a permanent basis? .....

7. Do you propose to restrict your dock business to a specified berth or a specified part of the port? If so state the berths or parts concerned. .....

8. Do you propose to restrict your dock business in any of the following ways:— .....

(i) to the handling of cargoes of a specified description? .....

(ii) to cargo handling operations of a specified description? .....

(iii) to the provision of ancillary services of a specified description? .....

(iv) to the handling of cargoes for use in your own business? .....

If so, state full particulars. .....

9 If you proposed to engage in the handling of cargoes for use in your own business, will any special difficulties be caused if a licence is refused? .....

10. If you own a freehold or leasehold interest in any land or buildings in the port or in the vicinity of it, state particulars including the length of term and date of expiry of any lease. .....

(*Signature of Applicant*)

Notes

1. The expression "dock business" means so much of a business as relates to dock work, including any necessary activities ancillary to dock work (e.g. clerical work). The expression "dock work" means work treated as such for the purposes of the dock labour scheme at the particular port. (Broadly it is work concerned with loading, unloading, movement or storage of cargoes, but the details vary from port to port.) "Dock worker" means a person employed or to be employed on dock work. Section 51 of the Act provides for the reference to a tribunal established under the Industrial Training Act 1964 of disputes about what constitutes dock work and whether any place is in, or in the vicinity of, a port to which a dock labour scheme applies.

2. A licence may be granted for not less than three nor more than seven years from the date of its coming into force. (See section 5(5) of the Act).

3. The expression "supplementary worker" means a registered dock worker (e.g. seasonal worker) whose name is entered for a limited period in the register of dock workers kept under a dock labour scheme.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order prescribes the 1st December 1966 as the date by which initial applications for employer's licences under Part I of the Docks and Harbours Act 1966 must be made (with provision for extension in certain cases) and the form of particulars to be supplied with each such application, and makes provision for the signature and submission of such applications.