STATUTORY INSTRUMENTS

1966 No. 1391

HARBOURS, DOCKS, PIERS AND FERRIES

The Licensing of Port Employers (Licences and Compensation Procedure) Regulations 1966

Made - - -	*7th November* 1966
Laid before Parliament	18*th November* 1966
Coming into Operation	30*th November* 1966

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1. Form of Application for Grant, Renewal, Variation or Rectification of a Licence.
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The Minister of Transport, in exercise of the powers conferred on her by sections 3, 7, 10, 11, 12, 15 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 (Licences and Compensation Procedure) Regulations 1966, and shall come into operation on the 30th November 1966.

(a) 1966 c. 28.

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 licensing authority" in relation to any port 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 that port;

"the Minister" means the Minister of Transport.

(2) The Interpretation Act 1889(a) 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 after the commencement of section 1 thereof in the port in respect of which such application is made shall be made in the form set out in Schedule 1 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 provided that applicants for such licences need not complete parts C, D and E of such form nor need they supply the particulars required by the said parts C, D and E.

Applications for Renewal of Licences

4. Every application for renewal of a licence under Part I of the Act shall be made in the form set out in Schedule 1 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 provided that applicants for renewal of licences need not complete parts B, D and E of such form nor need they supply the particulars required by the said parts B, D and E.

Applications for variation or revocation of conditions of Licences

5. Every application by the holder of a licence for variation or revocation of any condition of such licence shall be made in the form set out in Schedule 1 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 provided that applicants for variation or revocation of conditions need not complete parts B, C and E of such form nor need they supply the particulars required by the said parts B, C and E.

Applications for rectification of Licences

6. Every application by the holder of a licence for rectification of such licence shall be made in the form set out in Schedule 1 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 provided that applicants for rectification of licences need not complete parts B, C and D of such form nor need they supply the particulars required by the said parts B, C and D.

Appeals against decisions of Licensing Authorities

7.—(1) Every appeal against a proposal of a licensing authority to employ dock workers (whether made before or after the commencement of section 1 of the Act in the port in respect of which such proposal is made) and every appeal against a decision of a licensing authority:—

(*a*) on an application for the grant of a licence (whether made before or after the commencement of section 1 of the Act in the port in respect of which such application is made);

(a) 1889 c. 63.

(*b*) on an application for renewal of a licence;

(*c*) to vary or revoke any condition of a licence (whether or not on an application by the holder of the licence);

(*d*) to revoke a licence; or

(*e*) on an application for consent to the transfer of a licence

shall be made within twenty-eight days of the giving of notice of the decision or proposal and shall be in accordance with this Regulation and shall be accompanied by the particulars required by this Regulation.

(2) Every such appeal shall be made to the Minister, and shall be in writing, and shall—

(i) state the name and address of the person appealing, and

(ii) indicate precisely the decision or proposal (or the part of the decision or proposal as the case may be) by which the person appealing is aggrieved, and

(iii) state the grounds on which the appeal is made, and

(iv) state the alteration in the decision or proposal sought by the person appealing

and shall in the case of an appeal against a decision be accompanied by a copy of the application (if any) on which such decision was made.

Applications for Compensation

8. Every application for compensation under Part I of the Act shall be made in the form set out in Schedule 2 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.

Notice of Amount of Compensation

9. Every notice of the amount of compensation agreed or determined given by a licensing authority under section 16(2) of the Act shall be given in the form set out in Schedule 3 to these Regulations or in a form substantially to the like effect.

Notice of Levy on Licensed Employers

10. Every notice giving particulars of a levy served by a licensing authority under section 18(7) of the Act shall be given in the form set out in Schedule 4 to these Regulations or in a form substantially to the like effect.

Signing and submission of Applications and Appeals

11. Every application and appeal mentioned in Regulations 3, 4, 5, 6, 7 and 8 of these Regulations shall be submitted in triplicate and shall be signed by the person applying for the licence, variation, revocation or rectification, or the person appealing or applying for compensation as the case may be, or if made by any body corporate or partnership firm by a person duly authorised in that behalf by such body, or a partner in the partnership firm as the case may be. Every such application shall be sent to the licensing authority and every such appeal shall be sent to the Minister. The provisions of section 55 of the Act shall apply in relation to the sending of such applications to a licensing authority.

Given under the Official Seal of the Minister of Transport the 7th November 1966.

(L.S.)

Barbara Castle,
Minister of Transport.

SCHEDULE 1 Regulations 3, 4, 5 and 6

FORM OF APPLICATION FOR GRANT, RENEWAL, VARIATION OR REVOCATION OF A LICENCE

DOCKS AND HARBOURS ACT 1966
APPLICATION FOR GRANT*/RENEWAL*/VARIATION*/RECTIFICATION* OF EMPLOYER'S LICENCE UNDER PART I

To the..... (name of licensing authority)

(I)..... hereby apply/applies for grant*/renewal*/variation*/rectification* of a licence for the employment of persons as dock workers in the port of ..... and 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.

**Delete where inapplicable*

A—TO BE COMPLETED BY ALL APPLICANTS

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. In the case of a partnership state the address of the principal office if different from 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. Are you already a licence holder in the port? If so, give particulars of licence.

   If not a licence holder in the port, give a general description of business and particulars of any licences held in other ports.

Licence No.:
Valid from ..... to .....
Issued on .....

B—TO BE COMPLETED FOR GRANT OF LICENCE

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

6. What is the approximate number of registered dock workers required?

7. Do you wish 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 wish 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 wish 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 of the land or buildings, and in the case of any lease with seven years or less to run, its date of expiry.

C—TO BE COMPLETED FOR RENEWAL OF LICENCE

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

12. Do you wish the new licence to be
   (*a*) unconditional?
   (*b*) subject to the same conditions as the previous licence (except as to number of workers)?
   (*c*) subject to different conditions? (State in detail, giving reasons.)

D—TO BE COMPLETED FOR VARIATION OF LICENCE

13. Do you wish any condition or conditions to be revoked? If so, give reasons in detail.

14. Do you wish any condition or conditions to be varied? If so, give proposed changes and reasons in detail.

E—TO BE COMPLETED FOR RECTIFICATION OF LICENCE

15. Which section or sections of licence are incorrect?

16. Give proposed changes and reasons.

.....
(Signature of Applicant)

Date .....

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. If the licensing authority requests information additional to that given by the applicant on this form, the applicant is bound to give such information as the authority may reasonably require for enabling it to come to a decision. (See section 3(3) of the Act).

SCHEDULE 2

Regulation 8.

Form of Application for Compensation

DOCKS AND HARBOURS ACT 1966
APPLICATION FOR COMPENSATION UNDER PART I

To the ..... (licensing authority)

(1) ....., hereby apply/applies for compensation under Section 13(1) of the Docks and Harbours Act 1966 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 name 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. If you wish correspondence on this claim to be conducted with valuers or other professional advisers, give their name and address here.

4. If applicable, give the references of your application for a licence or renewal of a licence and the notice of refusal.

5. In support of your claim to be qualified for compensation please state:—

(*a*) for how long you have been a registered employer employing dock workers in the port?

(*b*) have you for some time during each of not less than 80 weeks (see note 2) in the qualifying period (see note 3) employed dock workers in the port? If so state the weeks concerned.

(*c*) if you have not employed dock workers for each of not less than 80 weeks as above, or if you prefer to base your claim on the alternative qualification, have you employed dock workers for not less than 500 man-days (see note 4) during the qualifying period? (See note 2).

6. What is the compensation claimed for diminution in the value of the assets of your dock business attributable to the refusal or omission to grant or renew the licence?
State how this sum is made up.

7. Do you claim for the expenses of winding up your dock business? If so, state when such winding up is expected to be complete and the main types of expenditure anticipated. A detailed claim for these expenses must be submitted as soon as possible.

.....
(Signature of Applicant)

For and on behalf of.....

.....

Date .....

NOTES

1. Applications for compensation under section 13 of the Act should be made within 28 days of the relevant date as detailed in Section 15 of the Act, i.e.
   (i) in the case of a self-employed dock worker who did not apply for a licence, the last date for making licence applications in the port;
   (ii) in any other case, the last date for appealing against the refusal, or if an appeal or objection was made, the date on which it was finally disposed of.
   Applications made more than 28 days after the relevant date will not be entertained unless the licensing authority has within the 28-day period already granted an extension.

2. "Week" means the period between midnight on any Saturday night and midnight on the following Saturday night.

3. The "qualifying period" is defined in section 14(2) of the Act as the period of 104 weeks ending with whichever of the following dates is relevant:—
   (*a*) in the case of a person whose application for a licence was made, or a person who was both a registered employer and a registered dock worker, before the commencement of section 1 of the Act in the port, the date of the expiration of the prescribed time for making the application for the licence. (This will be 1st December 1966 except in the case of any port where the time was extended by the Minister of Transport);
   (*b*) in the case of a person whose application for the *renewal* of a licence is refused, the date of the expiration of the period for which the licence was granted.

4. If within the qualifying period (see note 3) the dock business (see note 5) of any person has been transferred by agreement or operation of law to another person, the person in whom it is vested at the end of that period shall be treated for the purposes of section 14 of the Act (qualification for compensation) as if he had been a registered employer on those days on which any person in whom the business was vested during that period was a registered employer and as if he had employed the dock workers employed in the business on any of those days or, as the case may be, as if he had done any work done on any of those days by any registered employer in whom the business was then vested. (See section 14(4) of the Act).

5. The number of man-days for which a registered employer employs dock workers in any period shall be taken to be the aggregate of the number of dock workers employed by him on each of the days during that period. A person shall be treated as employing a dock worker on any day if on that day he works for himself on dock work or he or a partner of his works on dock work for a firm in which both are partners. 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.

SCHEDULE 3 Regulation 9.

FORM OF NOTICE OF DETERMINATION OR AGREEMENT OF AMOUNT OF COMPENSATION

DOCKS AND HARBOURS ACT 1966
NOTICE OF COMPENSATION UNDER PART I

..... (licensing authority) in accordance with Sections 16(1) and 16(2) of the Docks and Harbours Act 1966 hereby gives you notice that the amount agreed*/determined* as the compensation payable to you under Section 13 of the Act attributable to the omission*/refusal* to grant*/renew* a licence is as follows:—

Diminution in the value of the assets of the business ...	£	
Winding up expenditure	£	
Total	£	

If the determination is that no compensation is payable, the reasons for the determination are as follows:—

Signature .....

(Rank of signatory).....

For and on behalf of the (name of licensing authority)

To:— Date .....

**Delete where inapplicable.*

NOTE

An applicant who disputes a determination should give notice in writing to the licensing authority within 28 days of the giving of this notice. If no notice is given

within 28 days, the amount (if any) quoted above will become a debt due from the authority to the applicant and recoverable accordingly.

Regulation 10

SCHEDULE 4

FORM OF NOTICE OF PARTICULARS OF LEVY

DOCKS AND HARBOURS ACT 1966
NOTICE OF PAYMENT DUE UNDER LEVY ON PORT EMPLOYERS

1. ..... (licensing authority) as licensing authority for the port of ..... in accordance with Section 18 of the Docks and Harbours Act 1966 hereby gives you notice that they have imposed on licensed employers a levy in respect of compensation payments made by them under sections 13 to 16 of the said Act.

Such levy is made up as follows:—

(*a*) **Potential amount of levy**

Compensation	£
Interest on compensation	£
Costs and expenses of and incidental to compensation arbitrations	£
Interest on the above amounts	£
Total ...	£

(*b*) **Calculation of employer's share:—**

Total gross wages paid by all registered employers to registered dock workers employed by them in the port during 12 months beginning ..... (date) ... ... £

Total gross wages paid by you to registered dock workers employed by you in the port in the same period ... £

Proportion paid by you

(*c*) **Amount of levy to be paid by you** ... ... £

(*d*) Total gross wages (if any) paid by the licensing authority to registered dock workers employed by the licensing authority in the port ... ... £

(*e*) **Share of levy (if any) to be borne by licensing authority** ... ... £

2. The payment due from you is to be made in full on ..... (date) or* by ..... instalments of £..... each commencing on ..... (date) and thereafter at intervals of ..... together with interest on the amount outstanding at a rate of % per annum from the date of decision to impose the levy, which was ..... (date), until the date of payment.

Signature .....

(Rank of signatory).....

For and on behalf of the (name of licensing authority)

To:— **Date** .....

NOTES

1. The amount of any gross wages paid by a registered employer during any period shall be taken to be the amount specified in the return of gross wages paid by him during that period made by him to the local Dock Labour Board in pursuance of any dock labour scheme. (See section 18(11) of the Act.)

2. If it appears to the licensing authority that any amount specified in this notice has been incorrectly calculated, the licensing authority may by subsequent notice served on you correct the amount so specified. (See Section 18(8) of the Act.)

* *Delete if inapplicable.*

EXPLANATORY NOTE

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

These Regulations make detailed provisions in connection with the system of licensing of port employers introduced by the Docks and Harbours Act 1966.

Regulations 3 to 6 prescribe the form of particulars to be submitted with applications for the grant of licences made after the commencement of section 1 of the Act in the particular port, the renewal and rectification of licences and for variation or revocation of conditions of licences.

Regulation 7 prescribes the manner in which persons aggrieved by a decision of a licensing authority may appeal to the Minister of Transport and prescribes the particulars to be supplied to the Minister.

Regulations 8 and 9 prescribe the form of particulars to be submitted with applications for compensation by employers whose applications for licences are refused (and by self-employed dock workers), and the form of notice of the amount of compensation agreed or determined.

Regulation 10 prescribes the form of notice of a compensation levy to be served by a licensing authority on each employer liable to pay the levy.

Regulation 11 makes provision for the signature and submission of applications and appeals.

These Regulations are complementary to the Licensing of Port Employers (Initial Applications for Licences) Regulations 1966 (S.I. 1966/1234) which prescribe the form of particulars to be submitted with applications for licences made before the commencement of section 1 of the Act in the particular port.