



# Docks and Harbours Act 1966

## 1966 CHAPTER 28

### PART I

#### CONTROL OF EMPLOYMENT OF DOCK WORKERS

##### *Compensation of employers*

### **13 Compensation for refusal, etc., of licence**

- (1) Subject to the provisions of this and the two next following sections, if an application for a licence made before the commencement of section 1 of this Act or a subsequent application for the renewal of a licence made by the holder of a licence is refused, the applicant shall be entitled to receive from the licensing authority compensation computed in accordance with the following provisions of this section in respect of—
  - (a) any diminution in the value of the assets of his dock business in the port to which the application relates; and
  - (b) any expenditure, other than payments of income tax (including surtax), capital gains tax or corporation tax, incurred in winding up his dock business in that port,which is directly attributable to the refusal.
- (2) Subject as aforesaid, if a person who was both a registered employer and a registered dock worker immediately before the commencement of section 1 of this Act is not granted a licence before the commencement of that section, he shall, notwithstanding that he has made no application for a licence, be entitled to compensation computed in accordance with the following provisions of this section in respect of any such diminution or expenditure as aforesaid which is directly attributable to the omission to grant him a licence.
- (3) The amount of compensation payable under this section in respect of the diminution in value of the assets of a person's dock business shall be an amount equal to the difference between their market value immediately before the refusal or omission to grant a licence and their market value immediately after the refusal or omission; and the market value immediately before the refusal or omission shall be computed—

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (a) in the case of a refusal or omission before the commencement of section 1 of this Act, on the assumption that this Part of this Act had not been enacted ; and
  - (b) in the case of a subsequent refusal to renew a licence, on the assumption that the licence would have been renewed on the same terms as before, but without any condition as to the number of dock workers to be employed by the holder of the licence.
- (4) No compensation shall be given in respect of any expenditure incurred in winding up a person's dock business, in so far as that expenditure is taken into account in computing the amount of compensation payable to him under the last foregoing subsection.
- (5) For the purposes of subsection (3) of this section a refusal or omission to grant a licence before the commencement of section 1 of this Act shall be treated as taking place on the date on which notice is given of the final decision on all applications for licences and proposals for the port in question, and a refusal to renew a licence after the commencement of that section shall be treated as taking place on the date on which notice is given of the final decision on the application for the renewal of the licence.
- (6) In this section—
- " assets " means assets of any description, including goodwill ;
  - " market value ", in relation to any assets, means the amount which they would have fetched if sold in the open market by a willing seller to a willing buyer.