



Dock Work Act 1989

1989 CHAPTER 13

Abolition of Dock Labour Scheme

1 Abolition of Dock Labour Scheme

- (1) The Dock Workers Employment Scheme 1967 made under the Dock Workers (Regulation of Employment) Act 1946 shall, together with that Act, cease to have effect on the date of the passing of this Act.
- (2) Any local dock labour board or other body constituted in accordance with the 1967 Scheme shall accordingly cease to exist on that date.
- (3) Notwithstanding that Clause 3(1)(g) of the 1967 Scheme (functions of the National Dock Labour Board as to training and welfare) is, by virtue of subsection (1), no longer to apply to the Board, the Board shall continue during the transitional period to have power to make provision for the training and welfare of dock workers (within the meaning of the Scheme), including provision for port medical services.
- (4) In this Act “the transitional period” means the period beginning with the date of the passing of this Act and ending on the date on which the Board is dissolved in accordance with section 2.

Dissolution of National Dock Labour Board

2 Dissolution of National Dock Labour Board

- (1) As from the date of the passing of this Act it shall be the duty of the Board to wind up its affairs as expeditiously as possible.
- (2) The power conferred on the Board by section 1(3) shall accordingly be exercisable by the Board in such manner as appears to it to be consistent with the performance of its duty under subsection (1).
- (3) The Board shall comply with such directions as may be given to it by the Secretary of State with respect to—

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- (a) the performance by it of its duty under subsection (1), or
 - (b) the exercise by it of the power conferred by section 1(3).
- (4) If the Secretary of State and the Treasury consent, any disposal by the Board of any of its assets in the performance of its duty under subsection (1) may be made for a consideration which is less than the market value of the assets in question or for no consideration.
- (5) The Board shall be dissolved on such date as the Secretary of State may specify by order made by statutory instrument.
- (6) On that date all the property, rights and liabilities to which the Board was entitled or subject immediately before that date shall become property, rights and liabilities of the Secretary of State.
- (7) References in this Act to property, rights and liabilities of the Board are references to all such property, rights and liabilities, whether or not capable of being transferred or assigned by the Board.

3 Appointment by Secretary of State of person to act in place of members of Board

- (1) If it appears to the Secretary of State that the Board has failed to comply with any directions given by him under section 2(3), the Secretary of State may—
- (a) by notice in writing given to each of the members of the Board terminate their appointments as from a date specified in the notice, and
 - (b) appoint a person to act in place of the members of the Board during the remainder of the transitional period.
- (2) During the remainder of that period any person so appointed may accordingly do anything in relation to the conduct of the activities of the Board that could have been done by the members of the Board.
- (3) A person appointed under this section shall comply with such directions as may be given to him by the Secretary of State with respect to the manner in which he is to act in relation to the conduct of the winding up of the Board's affairs or the conduct of any other activities of the Board.
- (4) The terms of service and remuneration of any such person shall be such as the Secretary of State may determine; and, where the appointment of any such person terminates for any reason, the Secretary of State may appoint some other person under this section to replace him.

4 Financial provisions relating to winding up of Board's affairs

- (1) Any liability of the Board to the Secretary of State immediately before the date of the passing of this Act in respect of loans made under—
- (a) section 3(3) of the Dock Work Regulation Act 1976 (finances of the Board), or
 - (b) section 4 of the Dock Workers (Regulation of Employment) Act 1946 (loans for purposes of schemes),
- shall be extinguished on that date.
- (2) During the transitional period the Secretary of State may, with the consent of the Treasury, make payments to the Board for the purpose of meeting—

- (a) any expenses incurred during that period by the Board in connection with the winding up of the Board's affairs or any other activities of the Board, or
 - (b) any outstanding liabilities of the Board to persons other than the Secretary of State.
- (3) Any sums required by the Secretary of State—
- (a) for making payments under subsection (2), or
 - (b) for making payments of remuneration to a person appointed under section 3,
- shall be paid out of money provided by Parliament.

Compensation schemes and employment protection

5 Compensation for former registered dock workers who become redundant

- (1) The Secretary of State shall by regulations make a scheme providing—
- (a) for payments of compensation to be made to persons to whom this section applies by their former registered employers, and
 - (b) for contributions towards such payments to be made by the Secretary of State; and section 81 of the Employment Protection (Consolidation) Act 1978 (right to redundancy payment) shall not apply to persons to whom this section applies.
- (2) This section applies to a person if—
- (a) immediately before the date of the passing of this Act he was a permanent worker or a temporarily unattached worker, and
 - (b) he is, within such period beginning with that date as may be prescribed, dismissed by reason of redundancy by his former registered employer, and
 - (c) where he is so dismissed at any time after that date, he has been in the employment of that employer since that date.
- (3) Regulations under this section may make provision—
- (a) for a person falling within subsection (2)(a)—
 - (i) whose contract of employment with his former registered employer has, as a result of one or more transfers to which the Transfer of Undertakings (Protection of Employment) Regulations 1981 apply, taken effect as a contract of employment with a person other than that employer (“the successor employer”), and
 - (ii) who is dismissed by reason of redundancy by the successor employer within the period referred to in subsection (2)(b),to be treated, for the purposes of this section and any scheme made under it, as if he were a person to whom this section applies; and
 - (b) for the successor employer to be treated, for those purposes, as if he were the former registered employer of that person.
- (4) Regulations under this section may, in particular, make provision with respect to—
- (a) circumstances in which a person is or is not, for the purposes of this section and any scheme made under it—
 - (i) to be taken to be dismissed or dismissed by reason of redundancy, or
 - (ii) to be taken to be dismissed within the period referred to in subsection (2)(b);

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- (b) any conditions which must be fulfilled by a person to whom this section applies in order for him to be entitled to a compensation payment;
 - (c) the amounts payable by way of compensation payments and the manner in which they are to be calculated;
 - (d) the amount payable by the Secretary of State by way of contribution towards any such payment and the manner in which it is to be calculated;
 - (e) any conditions which must be fulfilled, and the procedure which must be followed, by a person liable to make a compensation payment in order for him to be entitled to receive a contribution towards that payment from the Secretary of State;
 - (f) the rights and remedies of a person who is entitled to, but has not received, a compensation payment in the event of the insolvency (as defined by the regulations) of the person liable to make it;
 - (g) the reference to, and determination by, industrial tribunals of questions arising under a scheme under this section;
 - (h) such incidental, consequential, transitional or supplemental matters as appear to the Secretary of State to be necessary or expedient for the purposes of any such scheme.
- (5) Regulations under this section may make provision in connection with compensation payments for any of the matters for which provision is made in connection with redundancy payments by—
- (a) sections 81 to 102 and 106 to 108 of the 1978 Act, or
 - (b) Schedule 4 to that Act,
- and may do so whether by applying any provision of those sections or that Schedule, subject to any prescribed modifications, or otherwise.
- (6) Without prejudice to the generality of paragraphs (b) and (c) of subsection (4), any regulations made in pursuance of either of those paragraphs may be framed by reference to any of the following matters, namely—
- (a) the age of a person to whom this section applies,
 - (b) the length of the period of time during which such a person has been continuously employed (as defined in the regulations) as an employee of any prescribed description,
 - (c) the length of the period of time during which such a person's name was entered in any statutory register of dock workers,
- and any regulations made in pursuance of paragraph (c) of that subsection may provide for the amount payable to a person by way of compensation payment to be abated by reference to the length of the period of time between the date of the passing of this Act and the date of his dismissal by reason of redundancy.
- (7) Any regulations made in pursuance of subsection (4)(d) shall require the consent of the Treasury.
- (8) Without prejudice to the generality of paragraph (h) of subsection (4), regulations under this section may provide for the form in which applications are to be made, or other things are to be done, for the purposes of any provision of a scheme under this section to be such as the Secretary of State may direct.
- (9) Regulations under this section—
- (a) may make different provision for different cases or circumstances; and

- (b) may be made so as to have effect as from the date of the passing of this Act or any later date.
- (10) The power to make regulations under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (11) The Secretary of State may require the Board to give him such information as he may reasonably require for the purposes of his functions under this section or under any scheme made under it; and section 3(1) shall have effect in relation to any requirement imposed by him under this subsection as it has effect in relation to any directions given by him under section 2(3).
- (12) Any sums required by the Secretary of State for making contributions in accordance with a scheme under this section shall be paid out of money provided by Parliament.
- (13) In this section—
- “compensation payment” means a payment of compensation in accordance with a scheme under this section;
 - “former registered employer”—
 - (a) in relation to a person who was in the employment of a registered employer immediately before the date of the passing of this Act, means that registered employer;
 - (b) in relation to a person to whom paragraph 4 of Schedule 2 to this Act applies, means—
 - (i) the person by whom he is taken to be employed on that date by virtue of sub-paragraph (2) of that paragraph, or
 - (ii) the person by whom he is treated as dismissed on that date by virtue of sub-paragraph (4) of that paragraph,
- as the case may be; and
- “prescribed” means prescribed by regulations under this section.

6 Employment protection for dock workers

- (1) This section applies to any employee who immediately before the date of the passing of this Act was a registered dock worker in the employment of a registered employer and is in the same employment on that date.
- (2) Section 1 of the 1978 Act (right to written particulars of terms of employment) shall have effect in relation to any employee to whom this section applies as if it required the employer by whom he is employed on the date of the passing of this Act to give to the employee a written statement in accordance with that section not later than the end of the period of thirteen weeks beginning with that date.
- (3) In computing for the purposes of any provision of the 1978 Act the period of continuous employment of an employee to whom this section applies—
- (a) any period during which the employee’s name was entered in any statutory register of dock workers (whether or not he was in the employment of a registered employer) shall be treated for the purposes of section 151 of, and Schedule 13 to, that Act as if it had been a period of employment under a contract of employment with the employer by whom he is employed on the date of the passing of this Act, and

- (b) any week during the whole or part of which his name was entered in any statutory register of dock workers (whether or not he was in the employment of a registered employer) shall, without prejudice to paragraph 15 of Schedule 13, be treated as if it were such a week as is mentioned in paragraph 4 of that Schedule.

Supplementary

7 Repeals etc

- (1) The enactments mentioned in Schedule 1 to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (2) In Regulation 13 of the Transfer of Undertakings (Protection of Employment) Regulations 1981, paragraphs (3) and (4) are hereby revoked.
- (3) In section 58 of the Docks and Harbours Act 1966 (interpretation), for subsection (1) there shall be substituted—
- “(1) In this Act “the 1964 Act” means the Harbours Act 1964.”
- (4) In Schedule 2 to the 1978 Act (supplementary provisions relating to maternity)—
- (a) in paragraph 2(4), for “144(2) and 145(2)” there shall be substituted “and 144(2)”, and
- (b) in paragraph 6(3), for “144(2) and 145” there shall be substituted “and 144(2)”.
- (5) The transitional provisions and savings contained in Schedule 2 to this Act shall have effect.

8 Short title, interpretation, commencement and extent

- (1) This Act may be cited as the Dock Work Act 1989.
- (2) In this Act—
- “the 1978 Act” means the Employment Protection (Consolidation) Act 1978;
- “the Board” means the National Dock Labour Board;
- “the dissolution date” means the date specified by the Secretary of State under section 2(5);
- “permanent worker”, “registered dock worker”, “registered employer”, “supplementary worker” and “temporarily unattached worker” have the same meaning as in the 1967 Scheme;
- “the 1967 Scheme” means the Scheme referred to in section 1(1);
- “statutory register of dock workers” means—
- (a) any register of dock workers kept under the 1967 Scheme, or
- (b) any such register kept before the commencement of that Scheme under the scheme made under the Dock Workers (Regulation of Employment) Act 1946 (whether as originally made or as varied from time to time);
- and
- “the transitional period” has the meaning given by section 1(4).

- (3) Subject to subsection (4), this Act shall come into force on the date of its passing.
- (4) Part II of Schedule 1, and section 7(1) so far as relating thereto, shall come into force on the dissolution date.
- (5) This Act does not extend to Northern Ireland except in so far as it repeals any enactment extending there.