

SCHEDULES

SCHEDULE 1

Section 1(5).

REPLACEMENT OF OLD DOCK LABOUR BOARD BY NEW BOARD

PART I

CONSTITUTION, ADMINISTRATION ETC. OF NEW BOARD

Membership

- 1 (1) A person shall hold or vacate office as chairman, vice-chairman or other member of the Board in accordance with the terms of the instrument appointing him.
- (2) A member shall be appointed for such period, not exceeding two years, as the Secretary of State may determine ; and the appointment of a member who fills a casual vacancy shall be for the unexpired period of his predecessor's appointment.
- 2 A person may at any time resign office as chairman, vice-chairman or other member of the Board.
- 3 (1) The Secretary of State, if satisfied in the case of any member, that—
- (a) he has been absent from meetings of the Board for a period of longer than six months without permission of the Board ; or
 - (b) he has become bankrupt or has made an arrangement with his creditors (or, in Scotland, sequestration of his estate has been awarded or he has made a trust deed for behoof of his creditors or a composition contract) ; or
 - (c) he is incapacitated by physical or mental illness ; or
 - (d) he is otherwise unable or unfit to discharge the functions of a member of the Board,
- may remove that member from office and declare his place on the Board to be vacant
- (2) Before removing a member on any of those grounds, the Secretary of State shall, in the case of a member appointed on the nomination of any organisation, inform that organisation of his intentions with regard to that member.

Remuneration etc. of members

- 4 (1) The Secretary of State may—
- (a) pay to the chairman and vice-chairman of the Board such salaries and fees, and such allowances, as he may determine ; and
 - (b) in the case of any such person who is or has been chairman or vice-chairman of the Board as he may determine, make provision for, or pay to or in respect of that person, such pensions, allowances and gratuities as he may determine.
- (2) If a person ceases to be chairman or vice-chairman of the Board and it appears to the Secretary of State that there are special circumstances which make it right that the

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person should receive compensation, the Secretary of State may pay to that person such sum as he may determine.

- (3) The approval of the Minister for the Civil Service shall be required for any determination by the Secretary of State under this paragraph.
- 5 (1) In the case of Board members other than the chairman and vice-chairman, the Board may pay to them fees and allowances in accordance with such scales and rates as the Board may determine.
- (2) These scales and rates must be approved by the Secretary of State, and that approval be given with the consent of the Minister for the Civil Service.

Staff

- 6 (1) The Board may appoint and pay such officers and servants as appear to them necessary for the performance of their functions.
- (2) The Board shall, in the case of such of the persons employed by them as they may determine, pay such pensions, allowances or gratuities to or in respect of them as they may determine, make such payments towards the provision of such pensions, allowances or gratuities as they may determine or provide and maintain such schemes (whether contributory or not) for the payment of such pensions, allowances or gratuities as they may determine.

Procedure etc.

- 7 (1) The procedure and quorum of the Board shall be such as they may from time to time determine.
- (2) The decision of the Board shall be the decision of a majority of the members present and voting at a meeting of the Board.
- 8 The validity of any proceedings of the Board shall not be affected by any defect in the appointment of a member or a vacancy in the office of chairman or vice-chairman, or among the members.
- 9 A document purporting to be duly executed under the seal of the Board, or to be signed on behalf of the Board, shall be received in evidence and shall be deemed to be so executed or signed unless the contrary is proved.

Annual accounts and report

- 10 It shall be the duty of the Board—
- (a) to keep proper accounts and proper records in relation thereto ;
 - (b) to prepare in respect of each accounting year a statement of accounts in such form as the Secretary of State may with Treasury approval direct; and
 - (c) to submit the accounts and statement for audit by auditors appointed by the Secretary of State on such terms and conditions as he may determine.
- 11 (1) A person is not qualified to act as auditor of the Board unless he is a member of one of the following bodies—
- (a) the Institute of Chartered Accountants in England and Wales ;
 - (b) the Institute of Chartered Accountants of Scotland;
 - (c) the Association of Certified Accountants ;

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- (d) the Institute of Chartered Accountants in Ireland ;
 - (e) any other body of accountants established in the United Kingdom and for the time being recognised by the Secretary of State for the purposes of section 161(1)(a) of the Companies Act 1948,
or is a person for the time being authorised under section 161(1)(b) of that Act as having similar qualifications obtained outside the United Kingdom.
- (2) A Scottish firm may act as auditor of the Board only if every partner of the firm is qualified so to act.
- 12 (1) The Board shall, as soon as practicable after the end of each accounting year, make to the Secretary of State a report on the performance of their functions during the year and include in their report a reference to any specific matters on which he may have requested to be informed.
- (2) The Board's report in respect of any year shall be accompanied by a copy of their statement of accounts for that year, and a copy of the auditors' report on the accounts.
- (3) There shall also be included in the Board's report for the year details—
- (a) of the remuneration paid to members of the Board for their services during the year; and
 - (b) of the number of officers and servants employed as on the last day of that year.
- (4) The Secretary of State shall lay before each House of Parliament a copy of the Board's report, together with copies of then-statement of accounts and the auditors' report on the accounts.

PART II

TRANSITIONAL PROVISIONS

Functions, property, contracts and proceedings

- 13 Without prejudice to section 1(6) of this Act—
- (a) any functions of the old Board under the 1967 Scheme or otherwise shall, as from the appointed day be functions of the new Board;
 - (b) anything begun by, to or before the old Board before that day may on and after that day be continued by, to or before the new Board.
- 14 (1) On the appointed day all the property, rights, liabilities and obligations which were, immediately before that day, the property, rights, liabilities and obligations of the old Board are, by virtue of this Act, transferred to the new Board.
- (2) If immediately before the appointed day a company incorporated under the Companies Act 1948 is trustee for the old Board in respect of property, rights or otherwise, all such powers and duties as were then exercisable by, or imposed on, that company and its members in relation to the old Board shall as from that day continue exercisable or imposed (as the case may be) in relation to the new Board instead of the old.
- 15 (1) Every agreement, whether in writing or not, including any agreement for the performance of personal services, to which the old Board were a party immediately before the appointed day, shall have effect on and after that day as if the new Board

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had been a party to the agreement and for any reference to the old Board there were substituted, as respects anything falling to be done or occurring on or after that day, a reference to the new Board.

- (2) Any other agreement (whether in writing or not) or document referring to the old Board shall be construed in accordance with the provisions of sub-paragraph (1) above as far as they are applicable.
- 16 In any legal proceedings pending immediately before the appointed day by or against the old Board and continued on or after that day, the new Board shall on and after that day be substituted for the old Board as a party to the proceedings.

Employees

- 17 (1) For the purposes of computing the period of employment of any person (other than a dock worker registered under the 1967 Scheme) who, immediately before the appointed day, was an employee of the old Board and by virtue of paragraph 15(1) above becomes an employee of the new Board on that day, the provisions of Schedule 1 to the Contracts of Employment Act 1972 shall apply as if the old Board and the new Board were one employer.
- (2) The references to that Schedule in—
- (a) section 8(2) of, and paragraphs 1 and 9 of Schedule 1 to, the Redundancy Payments Act 1965 ;
 - (b) paragraph 30 of Schedule 1 to the Trade Union and Labour Relations Act 1974 ; and
 - (c) section 126(5) of the Employment Protection Act 1975,
- shall, for the purposes of any provisions of those Acts as they may from time to time apply to any such person as is mentioned in sub-paragraph (1) above, be construed as references to that Schedule applied as provided by that sub-paragraph.