



Dockyard Services Act 1986

1986 CHAPTER 52

1 **Transfer of persons engaged in dockyard services.** **E+W+S**

- (1) This section applies in relation to such services for or in connection with ships or vessels or related establishments in the service of the Crown, provided at such dockyards, as may, in accordance with subsection (12) below, be designated by the Secretary of State by order ; and in this section, in relation to a designated dockyard—

“the dockyard undertaking” means the provision by the Crown of designated dockyard services at the dockyard ; and

“the qualified dockyard service employees” means the persons employed in or in connection with the dockyard undertaking in the civil service of the Crown on such day as the Secretary of State appoints by order.

- (2) If, as regards a designated dockyard, the Secretary of State makes arrangements—
- (a) for a company to provide designated dockyard services at the dockyard under contract with him, and
 - (b) for that or another company—
 - (i) to become the employer of such of the qualified dockyard service employees at the dockyard as are employees to whom the arrangements apply, and
 - (ii) to acquire from him rights in or over the dockyard or any part of it and any property used for the purposes of the dockyard undertaking,
- subsections (4) to (11) below shall have effect in relation to the employees to whom the arrangements apply.
- (3) The arrangements made by the Secretary of State as regards a designated dockyard may include the formation of a company with a view to, or for any purpose of, the provision of designated dockyard services at the dockyard.
- (4) [^{F1}The Transfer of Undertakings (Protection of Employment) Regulations 2006] shall, subject to subsection (5) below, apply to transfer of the dockyard undertaking or any part of it whether or not, apart from this provision, the undertaking would be treated as [^{F2}an undertaking to whose transfer those Regulations apply], and, for those purposes the services of the qualified dockyard service employees together with the

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Changes to legislation: There are currently no known outstanding effects for the Dockyard Services Act 1986, Section 1. (See end of Document for details)

rights in or over the dockyard and property used for the purposes of the undertaking shall be treated as ^[F3]a part of that undertaking to whose transfer those Regulations apply] whether or not the company which is to become their employer also provides designated dockyard services.

- (5) ^[F4]The Transfer of Undertakings (Protection of Employment) Regulations 2006], in their application to the transfer of the dockyard undertaking or any part of it, shall have effect as if, for ^[F5]regulation 13] (duty to inform and consult trade union representatives), there were substituted the provisions of subsections (6) to (9) below, and (unless the remedy provided by section 2 is invoked) the remedies by way of complaint to an ^[F6]employment tribunal] provided for by, and other provisions of, ^[F7]regulations 15 and 16] shall be available and shall apply in relation to those subsections as they would in relation to ^[F5]regulation 13] or any corresponding provision of it.
- (6) Long enough before the transfer to enable consultations to take place between the Secretary of State and the representatives of the independent trade unions recognised by him in accordance with subsection (13) below, inform those representatives of—
- (a) the fact that the transfer is to take place, when approximately it is to take place, and the reasons for it ;
 - (b) the legal, economic and social implications of the transfer for the employees ;
 - (c) the measures which he envisages he will, in connection with the transfer, take in relation to those employees or, if he envisages that no measures will be so taken, that fact ; and
 - (d) the measures which the company which is to become their employer envisages that it will, in connection with the transfer, take in relation to those employees or, if the company envisages that no measures will be so taken, that fact.
- (7) The company which is to become their employer shall give to the Secretary of State such information at such a time as will enable him to perform the duty imposed on him by virtue of subsection (6)(d) above.
- (8) The Secretary of State, where he envisages that he will, in connection with the transfer, be taking measures in relation to employees in respect of whom an independent trade union is recognised by him, shall enter into consultations with the representatives of the trade unions and in the course of those consultations shall—
- (a) consider any representations made by the trade union representatives, and
 - (b) reply to those representations, and, if he rejects any of those representations, give his reasons.
- (9) If in any case there are special circumstances which render it not reasonably practicable for the Secretary of State to perform a duty imposed on him by subsection (6) or (8) above, he shall take all such steps towards performing that duty as are reasonably practicable in the circumstances.
- (10) Where in pursuance of the arrangements referred to in subsection (2)(b) above a company is to become the employer of any person none of the agreed redundancy procedures applicable to persons employed in the civil service of the Crown shall apply to him.
- (11) Where in pursuance of the arrangements referred to in subsection (2)(b) above—
- (a) a person ceases to be employed in the civil service of the Crown on becoming employed by a company, and
 - (b) he would not have so ceased if it were not for those arrangements,

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he shall not, on so ceasing, be treated for the purposes of any scheme under section 1 of the Superannuation Act 1972 as having retired on redundancy.

(12) The power to make an order under subsection (1) above is exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament and the dockyards that may be designated by such an order are those dockyards which are Royal Dockyards when this Act comes into force.

(13) In this Act—

[^{F8}“company” means a company as defined in section 1(1) of the Companies Act 2006 and “formed”, in relation to a company, includes the alteration of the company’s articles so as to add, remove or alter a statement of the company’s objects;]

^{F9} ...

“designated”, with reference to a dockyard or services, means designated under subsection (1) above ; and

“dockyard contractor” means a company which for the time being provides services which are designated dockyard services at a designated dockyard under contract with the Secretary of State or, by making the services of employees or property available, enables those services to be provided, whether by a company or, by the Secretary of State ;

“trade union” and “independent trade union” have the same meaning as in the ^{M1}Trade Union and Labour Relations Act 1974 and “recognised”, in relation to an independent trade union, means recognised to any extent for the purpose of collective bargaining (within the meaning of the ^{M2}Employment Protection Act 1975) ;

and any information which is to be given to the representatives of a trade union shall be delivered to them or sent by post to an address notified by them to the employer, or sent by post to the union at the address of its head or main office.

Extent Information

E1 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Subordinate Legislation Made

P1 5.4.1987 appointed by S.I.s 1986/2243, art. 4, 1986/2244, art. 4 for the purposes of s. 1(1)

Textual Amendments

F1 Words in s. 1(4) substituted (with application in accordance with reg. 21(1) of the commencing S.I.) by [The Transfer of Undertakings \(Protection of Employment\) Regulations 2006 \(S.I. 2006/246\)](#), reg. 1(2), [Sch. 2 para. 4\(2\)\(a\)](#)

F2 Words in s. 1(4) substituted (with application in accordance with reg. 21(1) of the commencing S.I.) by [The Transfer of Undertakings \(Protection of Employment\) Regulations 2006 \(S.I. 2006/246\)](#), reg. 1(2), [Sch. 2 para. 4\(2\)\(b\)](#)

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F4 Words in s. 1(5) substituted (with application in accordance with reg. 21(1) of the commencing S.I.) by [The Transfer of Undertakings \(Protection of Employment\) Regulations 2006 \(S.I. 2006/246\)](#), reg. 1(2), [Sch. 2 para. 4\(3\)\(a\)](#)

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- F5** Words in s. 1(5) substituted (with application in accordance with reg. 21(1) of the commencing S.I.) by [The Transfer of Undertakings \(Protection of Employment\) Regulations 2006 \(S.I. 2006/246\)](#), reg. 1(2), [Sch. 2 para. 4\(3\)\(b\)](#)
- F6** Words in s. 1(5) substituted (1.8.1998) by 1998 c. 8, s. 1(2)(a) (with s. 16(2)); S.I. 1998/1658, art. 2(1), [Sch. 1](#)
- F7** Words in s. 1(5) substituted (with application in accordance with reg. 21(1) of the commencing S.I.) by [The Transfer of Undertakings \(Protection of Employment\) Regulations 2006 \(S.I. 2006/246\)](#), reg. 1(2), [Sch. 2 para. 4\(3\)\(c\)](#)
- F8** Definition "company" in s. 1(13) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), [Sch. 1 para. 86\(a\)](#) (with art. 10)
- F9** Definition "the Companies Acts" in s. 1(13) omitted (1.10.2009) by virtue of [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), [Sch. 1 para. 86\(b\)](#) (with art. 10)

Marginal Citations

- M1** 1974 c. 52.
M2 1975 c. 71.

1 Transfer of persons engaged in dockyard services. **N.I.**

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- “the dockyard undertaking” means the provision by the Crown of designated dockyard services at the dockyard ; and
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- (2) If, as regards a designated dockyard, the Secretary of State makes arrangements—
- (a) for a company to provide designated dockyard services at the dockyard under contract with him, and
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- (a) consider any representations made by the trade union representatives, and
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(b) he would not have so ceased if it were not for those arrangements, he shall not, on so ceasing, be treated for the purposes of any scheme under section 1 of the Superannuation Act 1972 as having retired on redundancy.

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- M3** 1974 c. 52.
M4 1975 c. 71.

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