



Dock Work Act 1989

1989 CHAPTER 13

An Act to abolish the Dock Workers Employment Scheme 1967 and repeal the Dock Workers (Regulation of Employment) Act 1946; to make provision for the dissolution of the National Dock Labour Board; and for connected purposes. [3rd July 1989]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Abolition of Dock Labour Scheme

^{F1} Abolition of Dock Labour Scheme.

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Textual Amendments

F1 Ss. 1-5 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 8](#)

Dissolution of National Dock Labour Board

^{F12} Dissolution of National Dock Labour Board.

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Textual Amendments

F1 Ss. 1-5 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 8](#)

Changes to legislation: There are currently no known outstanding effects for the Dock Work Act 1989. (See end of Document for details)

F13 Appointment by Secretary of State of person to act in place of members of Board.

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Textual Amendments
F1 Ss. 1-5 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 8

F14 Financial provisions relating to winding up of Board’s affairs.

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Textual Amendments
F1 Ss. 1-5 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 8

Compensation schemes and employment protection

F15 Compensation for former registered dock workers who become redundant.

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Textual Amendments
F1 Ss. 1-5 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 8

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.

F2(2)

(3) In computing for the purposes of any provision of [F3the Employment Rights Act 1996] 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 [F4Chapter I of Part XIV of] 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 [F5section 216 of that Act], be treated as if it were such a week as is mentioned in [F6section 212(1) of that Act].

Changes to legislation: There are currently no known outstanding effects for the Dock Work Act 1989. (See end of Document for details)

Textual Amendments

- F2** S. 6(2) repealed (30.11.1993) by 1993 c. 19, s. 51, **Sch. 10**; S.I. 1993/2503, art. 2(2), **Sch. 2** and expressed to be repealed (22.8.1996) by 1996 c. 18, s. 242, 243, **Sch. 3 Pt. 1** (with ss. 191-195, 202)
- F3** Words in s. 6(3) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 42(a)** (with ss. 191-195, 202)
- F4** Words in s. 6(3) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 42(b)** (with ss. 191-195, 202)
- F5** Words in s. 6(3) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 42(c)** (with ss. 191-195, 202)
- F6** Words in s. 6(3) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 42(d)** (with ss. 191-195, 202)

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.

^{F7}(2)

(3) In section 58 of the ^{M1}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.”

^{F8}(4)

(5) The transitional provisions and savings contained in Schedule 2 to this Act shall have effect.

Textual Amendments

- F7** S. 7(2) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 8**
- F8** S. 7(4) repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. 1** (with ss. 191-195, 202)

Marginal Citations

- M1** 1966 c. 28.

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 ^{M2}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);

Changes to legislation: There are currently no known outstanding effects for the Dock Work Act 1989. (See end of Document for details)

“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 ^{M3}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.

Marginal Citations

M2 1978 c. 44.

M3 1946 c. 22.

Changes to legislation: There are currently no known outstanding effects for the Dock Work Act 1989. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 7(1).

REPEALS

PART I

REPEALS TAKING EFFECT ON ROYAL ASSENT

1946 c. 22.	Dock Workers (Regulation of Employment) Act 1946.	The whole Act.
1966 c. 28.	Docks and Harbours Act 1966.	Parts I and II. Sections 51 to 57. Section 58(2) to (5). Section 59. Section 60(2) to (4). Schedule 1.
1968 c. 73.	Transport Act 1968.	Section 153.
1971 c. 32.	Attachment of Earnings Act 1971.	Section 25(4).
1975 c. 71.	Employment Protection Act 1975.	Section 119(3).
1976 c. 79.	Dock Work Regulation Act 1976.	Sections 2 to 12. Section 13(1)(a) and (2). Section 14. Section 15(2) and (3). Section 16. Section 17(3) and (4). Schedules 2 to 6.
1978 c. 44.	Employment Protection (Consolidation) Act 1978.	Section 145. In section 149(1)(c), “145(1), (2) and (3)”.

Changes to legislation: There are currently no known outstanding effects for the Dock Work Act 1989. (See end of Document for details)

		In Schedule 16, paragraph 27(1).
1981 c. 21.	Ports (Financial Assistance) Act 1981.	Section 2.
1981 c. 56.	Transport Act 1981.	In Part I of Schedule 5, paragraphs 13 and 14(6).
1982 c. 10.	Industrial Training Act 1982.	In Schedule 3, paragraph 1.
1982 c. 46.	Employment Act 1982.	In Schedule 3, paragraph 27(2)(b) and (3)(b) and the “and” immediately preceding each of those provisions.
1985 c. 30.	Ports (Finance) Act 1985.	Section 1.

PART II

REPEALS TAKING EFFECT ON DISSOLUTION OF BOARD

1975 c. 24.	House of Commons Disqualification Act 1975.	In Part III of Schedule 1, the entry relating to the Chairman or Vice-Chairman of the Board.
1976 c. 79.	Dock Work Regulation Act 1976.	Section 1. Section 13(1) so far as unrepealed. Section 15(1). Section 17(1) and (2). Section 18. Schedule 1.
1978 c. 44.	Employment Protection (Consolidation) Act 1978.	In Schedule 16, paragraph 27(2).
1985 c. 9.	Companies Consolidation (Consequential Provisions) Act 1985.	In Schedule 2, the entry relating to the Dock Work Regulation Act 1976.

SCHEDULE 2

Section 7(5).

TRANSITIONAL PROVISIONS AND SAVINGS

Transfer of rights and liabilities of local boards

F⁹1

Changes to legislation: There are currently no known outstanding effects for the Dock Work Act 1989. (See end of Document for details)

Textual Amendments

F9 Sch. 2 para. 1 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 8

Effect of documents relating to National Dock Labour Board or local boards as from dissolution date

- 2 Every agreement (whether written or not), and every instrument or other document, which relates to—
- (a) any property, right or liability of the Board which vests in the Secretary of State by virtue of section 2(6) of this Act, or
 - (b) any such right or liability as is mentioned in paragraph 1(1) above, shall have effect, so far as may be required for continuing its effect on or after the dissolution date, as if—
 - (i) where the Board is (or immediately before that date was treated as) a party to it, the Secretary of State were substituted as that party,
 - (ii) for any reference to the Board (including any reference which was then to be construed as such a reference) there were substituted a reference to the Secretary of State,
 - (iii) for any reference (however worded and whether express or implied) to the chairman or vice chairman or any member of the Board (including any reference which was then to be construed as such a reference) there were substituted a reference to such officer or officers as the Secretary of State shall appoint for the purpose, and
 - (iv) for any reference to the office or place of business of the Board (including any reference which was then to be construed as such a reference) there were substituted a reference to the principal office of the Secretary of State.

Legal proceedings by or against the Board

F10³

Textual Amendments

F10 Sch. 2 para. 3 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 8

Temporarily unattached or suspended workers

- 4 (1) This paragraph applies to an employee who, immediately before the commencement date—
- (a) was a temporarily unattached worker and was not in the employment of a registered employer, or
 - (b) was a registered dock worker under a period of suspension from the 1967 Scheme imposed in accordance with that Scheme;
- but does not apply to any employee falling within paragraph (b) who was at that time a supplementary worker.

Changes to legislation: There are currently no known outstanding effects for the Dock Work Act 1989. (See end of Document for details)

(2) Where the previous employer of an employee to whom this paragraph applies was, immediately before the commencement date, a registered employer carrying on a dock business—

- (a) the employee shall for all purposes be taken to have entered into a contract of employment on the commencement date with his previous employer on the same terms and conditions as those of his previous contract of employment, and
- (b) subsection (3) of section 6 of this Act shall apply in relation to the employee as it applies in relation to an employee to whom that section applies.

(3) Where—

- (a) by virtue of sub-paragraph (2)(a) an employee to whom this paragraph applies is taken to have entered into a new contract of employment with his previous employer, and
- (b) the employer subsequently dismisses the employee,

then, in determining for any purpose whether the reason for the dismissal was such as to justify the dismissal of an employee holding the position which the employee held and whether the employer acted reasonably or unreasonably in treating it as a sufficient reason for dismissing the employee, account may be taken of the employee’s conduct during his employment with the employer under his previous contract of employment.

^{F11}(4)

^{F12}(5)

(6) In this paragraph—

- (a) “the commencement date” means the date of the passing of this Act;
- (b) references to “dismissal” and “dismiss” shall be construed in accordance with section 55 of the 1978 Act;
- (c) “dock business” means any business or undertaking which consists of or includes the carrying out of dock work (within the meaning of the 1967 Scheme); and
- (d) in relation to an employee to whom this paragraph applies—
 - (i) “previous employer” means the person (other than the Board) by whom he was last employed under the 1967 Scheme; and
 - (ii) “previous contract of employment” means the contract of employment under which he was employed by the previous employer immediately before that employment ended.

Textual Amendments
F11 Sch. 2 para. 4(4) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 8
F12 Sch. 2 para. 4(5) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 8

Workers on temporary transfer

5 A permanent worker who, immediately before the date of the passing of this Act—

Changes to legislation: There are currently no known outstanding effects for the Dock Work Act 1989. (See end of Document for details)

- (a) was, in accordance with the 1967 Scheme, on temporary transfer from the registered employer by whom he was employed as a permanent worker (“the permanent employer”), and
- (b) was, by virtue of Clause 8(10) of that Scheme, deemed for the purposes of that Scheme to have remained in the employment of the permanent employer,

shall for all purposes (including the purposes of sections 5 and 6 of this Act and any scheme made under section 5) be deemed to have remained in the employment of the permanent employer.

Application of certain provisions of the 1978 Act

F13⁶

Textual Amendments

F13 Sch. 2 para. 6 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, Sch. 3 Pt. I (with ss. 191-195, 202)

F14⁷

Textual Amendments

F14 Sch. 2 para. 7 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, Sch. 3 Pt. I (with ss. 191-195, 202)

Preservation of liability of registered employer to contribute to costs of 1967 Scheme

F15⁸

Textual Amendments

F15 Sch. 2 para. 8 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 8

Extinguishment of certain rights and liabilities arising under Part I of Docks and Harbours Act 1966

F16⁹

Textual Amendments

F16 Sch. 2 para. 9 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 8

Changes to legislation:

There are currently no known outstanding effects for the Dock Work Act 1989.