

**FIRST SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 2,788 of 7th July, 1994.

I ASSENT,

JOHN CHAPPLE,

GOVERNOR

7th July, 1994.



**GIBRALTAR
No. 7 of 1994.**

AN ACT to amend the Dock Work (Regulation) Act

ENACTED by the Legislature of Gibraltar.

Title and commencement.

1. This Act may be cited as the Dock Work (Regulation) (Amendment) Act 1994 and shall come into effect on such day as the Governor may, by notice in the Gazette, appoint and different days may be so appointed for different purposes.

Amendment to section 2.

2. Section 2 of the Dock Work (Regulation) Act (hereinafter called "the principal Act") is amended -

- (a) by omitting the definition of "cargo";
- (b) in the definition of "dock work" -
 - (i) by omitting the words "the operation within the port of loading and unloading ships," and substituting the words "within the Port";
 - (ii) by omitting the words "and the preparation of ships for the receipt or discharge of cargo but does not include operations conducted in respect of cargo from ships exclusively employed in carrying fresh fruit, fresh vegetables, fresh fish, fuel, lubricants or water or the supply of bunkers to ships";
- (c) by inserting after the definition of "member" the following new definition-

""Minister" means the Minister from time to time charged with the responsibility for the Port;"
- (d) in the definition of "Port" -
 - (i) in paragraph (a) by omitting the final semi-colon and substituting therefor the following -

"including Admiralty and Port Waters as defined from time to time in any relevant Order in Council; and";
 - (ii) by omitting paragraph (b);
 - (iii) in paragraph (c) by omitting everything after the words "area of land" and substituting therefor the words "defined as being part of the Port in the Port Act;"

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- (e) in the definition of "ship" by inserting after the word "property" the words "except a warship";
- (f) by omitting the definition of "stevedoring" and substituting therefor the following new definition -

""stevedoring" means dockwork and, in addition, the operation of loading and unloading ships and warships (except where the operation of loading and unloading is carried out by persons in the direct employment of the Ministry of Defence) but does not include operations conducted in respect of cargo from ships exclusively employed in carrying fuel, lubricants or water or the supply of bunkers to ships.

Amendment to section 4.

3. Section 4 of the principal Act is amended -

- (a) in sub-section (1) by omitting paragraphs (b) and (c) and substituting therefor the following paragraphs -

“(b) two members representative of the interests of registered employers, one of which shall be representative of the interests of licensed stevedores;

(c) two members representative of the interests of dock workers;

(d) two members, described as independent members, who are not representative of the interests of registered employers or dock workers.”;

- (b) in sub-sections (2),(4) and (5) by omitting the word "Governor" and substituting therefor the word "Minister".

Amendment to section 5.

4. Section 5 of the principal Act is amended -

- (a) in sub-section (1) by omitting the words "fourmembers, who shall include at least" and substituting therefor the words "three members, who shall include at least one independent member and";
- (b) in sub-section (6) by omitting the word "Governor" and substituting therefor the word "Minister";
- (c) by inserting after sub-section (6) the following new sub-section -

"(7) The Board may appoint such committees of its members as it shall deem necessary and shall appoint a committee to be known as the Registration and Licensing Committee which shall consist of the chairman and the two independent members of the Board, and the Board shall specify, except insofar as it is prescribed, the procedure to be followed by such committees:".

Amendment to section 6.

5. Section 6 of the principal Act is amended -

- (a) by inserting after the figure "6" the figure "(1)";
- (b) in paragraph (a) by omitting the word "labour" and substituting therefor the word "work";
- (c) in paragraph (g) by omitting the word "Governor" and substituting therefor the word "Minister";
- (d) by inserting after sub-section (1), as now so designated, the following new sub-section -

"(2) In matters relating to the registration or removal from the register of Port employers or dock workers or the licensing or termination of licence of a person engaged in stevedoring, the Board shall act in accordance with the recommendations of the Registration and Licensing Committee established in accordance with section 5(7), unless the Board is satisfied that the committee has, in making its

recommendation, failed to comply with any relevant provision of this Act or Regulations made hereunder."

Amendment to section 7.

6. Section 7 of the principal Act is amended -

- (a) in sub-sections (1) and (2) by omitting the figure "1978" and substituting therefor the figure "1994";
- (b) in sub-section (3) by inserting after the word "registered" where it appears for the second time the words "and who the Board is satisfied complies with the requirements of the Act and Regulations made hereunder".

Amendment to section 8.

7. Section 8 of the principal Act is amended -

- (a) in sub-section (1) by omitting the figure "1978" and substituting therefor the figure "1994";
- (b) in sub-section (2) by inserting after the figure "(1)" the words "and who the Board is satisfied complies with the provisions of the Act and Regulations made hereunder".

Amendment to section 9.

8. Section 9 of the principal Act is amended -

- (a) in sub-section (1) by inserting after the expression "1st May" the words "or such other date as the Minister may, by notice in the Gazette, specify";
- (b) in sub-section (2) -
 - (i) by inserting after the word "licensed" where it appears for the second time the words "and in any case that the person has not complied or does not comply with the provisions of this Act or Regulations made hereunder";

(ii) in the proviso by omitting the words "at the Central Employment Exchange" and substituting therefor the words "in accordance with the relevant legislation".

Amendment to section 10.

9. Section 10 of the principal Act is amended in sub-section (3) by omitting the expression "of £25" and substituting therefor the expression "at level 2 on the standard scale".

Amendment to section 11.

10. Section 11 of the principal Act is amended -

- (a) in sub-section (1)(c) by omitting the words "at the Central Employment Exchange" and substituting therefor the words "in accordance with the relevant legislation";
- (b) in sub-section (2) by omitting the words "Stipendiary Magistrate" and substituting therefor the words "person appointed in accordance with section 12".

Amendment to section 12.

11. Section 12 of the principal Act is amended by -

- (a) in paragraph (a) by omitting the word "him" in both places where it appears and substituting therefor the words "a person";
- (b) omitting the words "Stipendiary Magistrate" and substituting therefor the words "person or persons appointed by the Minister for the purpose of hearing such an appeal".

Amendment to section 13.

12. Section 13 of the principal Act is amended -

- (a) in sub-section (2) by inserting after the word "employ" the words "except with the prior consent of the Board";

(b) in sub-section (6) by -

(i) omitting the expression "of £100" and substituting therefor the expression "at level 4 on the standard scale";

(ii) omitting the expression "of £200" and substituting therefor the expression "at level 5 on the standard scale".

Amendment to section 15.

13. Section 15 of the principal Act is amended in sub-section (1) by -

(a) omitting the expression "of £100" and substituting therefor the expression "at level 4 on the standard scale";

(b) omitting the expression "of £200" and substituting therefor the expression "at level 5 on the standard scale".

Amendment to section 16.

14. Section 16 of the principal Act is amended in sub-section (1) -

(a) by omitting the word "Governor" and substituting therefor the word "Government";

(b) by omitting paragraph (e) and substituting therefor the following paragraphs-

"(e) the procedure to be followed by the Registration and Licensing Committee established under section 5(7);

(f) procedures relating to the making and consideration of applications for registration and licensing including the establishing of criteria by which applications are to be considered, obligations to give publicity to applications made and the monitoring of compliance with the criteria so established,

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the provisions of this Act and any prescribed conditions relating to registered and licensed employers and dock workers and the renewal and revocation of registration and licences;

(g) the attaching of conditions specified by the Board to the registration or licensing of any person;

(h) providing that any contravention of a regulation shall be a summary offence and providing for a penalty of imprisonment for a term not exceeding three months or a fine not exceeding the amount at level 5 on the standard scale, or both, on conviction for any such offence;

(i) such other matters as are incidental and supplementary to or may be necessary or expedient for the purposes of this Act."

Passed by the Gibraltar House of Assembly on the 28th day of June, 1994.

D. FIGUERAS,

Clerk to the Assembly