

# Dock Work (Regulation)

## DOCK WORK (REGISTRATION AND LICENSING) REGULATIONS, 1994

Regulations made under s.16.

**1978-17**

**Revoked**  
**Subsidiary**  
**1994/114**

## DOCK WORK (REGISTRATION AND LICENSING) REGULATIONS, 1994

**Revoked by LN. 2005/037 as from 1.6.2006**

**(LN. 1994/114)**

**1.11.1994**

Amending enactments	Relevant current provisions	Commencement date
None		

### ARRANGEMENT OF REGULATIONS.

#### Regulation

1. Title and commencement.
2. Interpretation.
3. Applications.
4. Qualifications for registration or re-registration as a registered employer.
5. Qualifications for registration and re-registration as a dock worker.
6. Qualifications for licensing and re-licensing of stevedores.
7. Procedure of the Committee.
8. Information from registered employers and licensed stevedores.
9. Appeals.
10. Amendment to Dock Work (Regulation) (Appeal) (Forms) Regulations.
11. Revocation of Dock Work (Regulation) (Appeal) Regulations.

**SCHEDULE 1.**

**SCHEDULE 2.**

**SCHEDULE 3.**

**1978-17**

**Revoked**

**Subsidiary  
1994/114**

## Dock Work (Regulation)

---

**DOCK WORK (REGISTRATION AND LICENSING)  
REGULATIONS, 1994**

# Dock Work (Regulation)

---

## DOCK WORK (REGISTRATION AND LICENSING) REGULATIONS, 1994

1978-17

Revoked

Subsidiary  
1994/114

### **Title and commencement.**

1. These Regulations may be cited as the Dock Work (Registration and Licensing) Regulations, 1994 and shall come into effect on the 1st day of November, 1994.

### **Interpretation.**

2. In these Regulations, unless the context shall otherwise require—

“Committee” means the Registration and Licensing Committee established under section 5(7).

### **Applications.**

3. (1) A person making an application to be—

- (a) registered under the provisions of section 7;
- (b) licensed under the provisions of section 8; or
- (c) re-registered or re-licensed under the provisions of section 9 of the Ordinance,

shall make the application in the form prescribed for the purpose in Schedule 1 and such application shall be accompanied by the fee, if any, so prescribed.

(2) Subject to sub-regulation (7), the Committee may require a person making an application to which sub-regulation (1) applies, to provide such further information as, in the opinion of the Committee, is necessary for the Committee to determine whether the application satisfies the requirements of the Ordinance and these Regulations, and in the absence of such information, the Committee shall not be required to consider the application.

(3) Subject to sub-regulation (7), but without prejudice to the generality of sub-regulation (2), the Committee may require such evidence as in its view is necessary in order that it may be satisfied in respect of the matters set out in regulations 4, 5 and 6 including, but not limited to, certificates issued by, or confirmation in writing from, the person who, under any legislation falling within paragraph (f) of regulation 4 or paragraph (g) of regulation 6, as the case may be, is in a position to be satisfied or confirm that the requirements of the legislation have been or, as the case may be, are being, complied with.

1978-17

Revoked

Subsidiary  
1994/114

## Dock Work (Regulation)

### DOCK WORK (REGISTRATION AND LICENSING) REGULATIONS, 1994

(4) A person who knowingly or recklessly supplies information in support of an application which is false in any material particular, is guilty of an offence and liable on summary conviction to a fine at level 4 on the standard scale.

(5) If it appears to the Committee that a person who has made an application has failed to comply with any requirement under this regulation, the Committee may recommend that the application be refused.

(6) The members of the Committee shall not reveal at any time even after ceasing to be members of the Committee, any commercial secrets or working processes which may come to their knowledge in the course of their membership of the Committee and shall treat as absolutely confidential the information supplied to them by an applicant in support of his application.

(7) Where, in respect of an application, information which the Committee would otherwise require has already been supplied by the applicant to the Committee for the purposes of some other application by that person and the information was provided no earlier than 90 days prior to the present application, the applicant shall not be required to supply that same information but the Committee may require him to indicate the relevance of the information to the present application.

#### **Qualifications for registration or re-registration as a registered employer.**

4. The Committee shall not recommend the registration or re-registration of an applicant as a registered employer unless it is satisfied that in respect of the business he conducts or proposes to conduct, the applicant—

- (a) satisfies the requirements of the Ordinance;
- (b) has available to him adequate premises in the Port which premises are approved by the Collector of Customs under the provisions of the Imports and Exports Ordinance;

Provided that where the application is in respect of re-registration and registration occurred prior to the effective date of these Regulations, the requirement of this paragraph shall be deemed to be satisfied if the premises are elsewhere than in the Port so long as they are approved by the Collector of Customs;

- (c) has available to him equipment of an amount, type and quality necessary in the opinion of the Committee for the safe and professional carrying on of the business and employs not less than four registered dock workers;

# Dock Work (Regulation)

---

## DOCK WORK (REGISTRATION AND LICENSING) REGULATIONS, 1994

**1978-17**

**Revoked**

**Subsidiary  
1994/114**

- (d) is a fit and proper person or, if the applicant is a company or a partnership, the directors and shareholders or the partners, as the case may be, are fit and proper persons to carry on the business;
- (e) has available financial and managerial resources appropriate to the business;
- (f) has complied with statutory requirements in respect of the commencement of the business and now complies with statutory requirements in respect of the operation of the business; and
- (g) will, by his registration, contribute to the efficiency and viability of the Port and ensure continuity of service.

### **Qualifications for registration and re-registration as a dock worker.**

5. The Committee shall not recommend the registration or re-registration of an applicant as a dock worker unless it is satisfied that the applicant satisfies the requirements of the Ordinance.

### **Qualifications for licensing and re-licensing of stevedores.**

6. The Committee shall not recommend the licensing or re-licensing of an applicant as a stevedore unless it is satisfied that in respect of the business he conducts or proposes to conduct, the applicant—

- (a) satisfies the requirements of the Ordinance;
- (b) has available to him adequate premises in the Port which premises are approved by the Collector of Customs under the provisions of the Imports and Exports Ordinance;
- (c) has had allocated to him by the Captain of the Port or has procured a berth or berths available to him principally for the purpose of conducting his business as a stevedore:

Provided that in respect of an application for re-licensing, where the licence was issued prior to the effective date of these Regulations, the requirement of this paragraph shall be deemed to be satisfied where an applicant has available to him land or premises approved for the purpose by the Captain of the Port and sufficient for him to properly carry out the business of a stevedore;

**1978-17**

**Revoked**

**Subsidiary  
1994/114**

## **Dock Work (Regulation)**

---

### **DOCK WORK (REGISTRATION AND LICENSING) REGULATIONS, 1994**

- (d) has available to him plant and equipment of an amount, type and quality necessary in the opinion of the Committee for the safe and professional carrying on of the business including, but not restricted to, plant and equipment necessary for the discharge and loading of containers from or to vessels, the handling, efficient storage, stuffing and unstuffing of containers once discharged, the loading and discharge of bulk cargoes, loose cargoes, ships stores and vehicles and employs not less than ten registered dock workers;
- (e) is a fit and proper person or, if the applicant is a company or a partnership, the directors and shareholders or partners, as the case may be, are fit and proper persons to carry on the business;
- (f) has available the financial and managerial resources appropriate to the business;
- (g) has complied with statutory requirements in respect of the commencement of the business and now complies with statutory requirements in respect of the operation of the business; and
- (h) will, by being licensed, contribute to the efficiency and viability of the Port and ensure continuity of service.

#### **Procedure of the Committee.**

7.(1) A quorum of the Committee shall be the Chairman and one independent member, but in the event of an equality of votes, the matter before the Committee shall be deferred to a subsequent meeting of the Committee which subsequent meeting shall be arranged as soon as is practically possible and shall be one at which all members of the Committee are present.

(2) The Board shall make provision for the prior appointment of substitute members of the Committee, and where a substitute has been present at a meeting of the Committee, he and not the member shall be the person entitled to vote in respect of any application which was considered at that meeting.

(3) The minutes of the proceedings of the Committee shall be kept and shall record the recommendations of the Committee, due regard being had to the provisions of regulation 3(6) and the minutes shall be made available to the Board within 14 days of the meeting of the Committee to which they relate.

# Dock Work (Regulation)

## DOCK WORK (REGISTRATION AND LICENSING) REGULATIONS, 1994

**1978-17**

**Revoked**

**Subsidiary**

**1994/114**

(4) The Committee shall meet no later than 30 days after an application for registration or licensing has been received by the Committee and no later than 14 days from the date by which, in accordance with section 9, applications for re-registration or re-licensing shall have been made:

Provided that where in accordance with sub-regulation (1) a matter is deferred, the periods specified in this sub-regulation shall be 60 days and 28 days respectively.

(5) The Committee may require an applicant to appear before it in person in support of his application and where an applicant declines or fails to so appear, the Committee shall not be required to consider the application.

(6) No application, except an application under section 9, shall be considered unless the applicant shall have provided to the Committee evidence that a notice in respect of the application in the form prescribed for the purpose in Schedule 2 has been published in the Gazette and in one newspaper circulating at least weekly in Gibraltar no later than 21 days before the date fixed for the Committee to consider the application.

(7) The Committee in considering an application shall consider any objections made by any person in respect of that application provided that such objections shall be in writing and shall have been received by the Committee no later than 7 days prior to the date fixed for consideration by the Committee of the application, and where in exercise of its powers in subregulation (4) to require the applicant to appear before it in support of its application, the Committee has so required it shall also permit any person whose objection to that application has been received by the Committee to make oral representations to it.

(8) Where the Board does not accept the recommendation of the Committee in respect of an application, the Chairman shall prepare for the Board a report for the purpose of allowing the Board to establish whether or not the requirements of the Ordinance have been met by the Committee and in so doing, the Chairman shall have due regard to the provisions of regulation 3(6).

(9) Where in relation to an application under section 9, the Committee is of the view that it would be reasonable to allow to an applicant time to provide any certificate or written confirmation required under regulation 3(3) for the purposes of satisfying regulation 4(f) or regulation 6(g) in respect of any plant or equipment, the Committee may defer consideration of the application by a period or periods not exceeding in total 30 days, to permit the applicant to remedy any inadequacy of the plant or equipment which has precluded the issue of the required certificate or written confirmation.

**1978-17**

**Revoked**

**Subsidiary  
1994/114**

## **Dock Work (Regulation)**

### **DOCK WORK (REGISTRATION AND LICENSING) REGULATIONS, 1994**

#### **Information from registered employers and licensed stevedores.**

8. (1) The Committee shall have power to require persons registered or licensed under the Ordinance to supply to the Committee such information relating to that person's business as a registered employer or licensed stevedore as the Committee shall think relevant for the purpose of ascertaining whether the registered employer or licensed stevedore, as the case may be, is in compliance with the requirements of the Ordinance and these Regulations.

(2) Where in response to a requirement under sub-regulation (1) a person knowingly or recklessly supplies information which is false in any material particular, he is guilty of an offence and liable on summary conviction to a fine at level 4 on the standard scale.

(3) If it appears to the Committee that a person registered or licensed under the Ordinance and these Regulations has failed to comply with any requirement made of them under the Ordinance or these Regulations, the Committee may recommend to the Board that the person's name be removed from the relevant register or the licence be withdrawn, as the case may be.

#### **Appeals.**

9. (1) Any person who is—

- (a) aggrieved by the refusal of the Committee to recommend to the Board registration, re-registration, licensing or re-licensing of him under the provisions of sections 7, 8 and 9 or of the Board to register, re-register, licence or re-licence under those provisions; or
- (b) aggrieved by the registration or licensing of an applicant and who was an objector to the grant of such registration or licensing,

may appeal to a person appointed for this purpose under section 12.

(2) Any person wishing to appeal in accordance with sub-regulation (1), shall give notice of appeal to the Minister in the form prescribed in Schedule 3 for this purpose within 21 days of the decision of the Committee or of the Board being notified to him, and shall, at the time of giving such notice, serve the Secretary of the Board with a copy of the notice of appeal.



## Dock Work (Regulation)

---

### DOCK WORK (REGISTRATION AND LICENSING) REGULATIONS, 1994

**1978-17**

**Revoked**

**Subsidiary  
1994/114**

(3) On receiving notice of appeal, the Minister shall appoint a person in accordance with section 12 and shall notify the name of that person to the appellant and to the Board.

(4) On receiving notice of appeal, the Committee or the Board, as the case may be, shall, within 21 days, furnish to the person appointed to hear the appeal and the appellant, a notice in the form prescribed for this purpose in Schedule 3 of the reasons for the decision complained of.

(5) The person appointed to hear the appeal may, in his discretion, extend the time for the doing of anything specified in this regulation.

(6) Upon receiving notice of the reasons of the Committee or of the Board, as the case may be, the person appointed to hear the appeal shall appoint a day for the hearing, which day shall be not less than 21 days after he has received such notice and he shall inform the appellant and the Secretary of the Board of the time, date and place of the hearing.

(7) In the case of an appeal against the decision of the Committee to recommend registration or licensing or of the Board to register or licence, the person appointed to hear the appeal shall also give notice of the time, place and date of the hearing of such appeal to the applicant for such registration or licensing together with the reasons of the Committee or the Board, as the case may be, for registering or licensing the applicant and the applicant shall have a right to be heard at the hearing of the appeal.

(8) On hearing an appeal, the person appointed for the purpose, shall consider the matter in accordance with the provisions of the Ordinance and these Regulations and shall have all the powers of the Committee or of the Board, as the case may be, and shall be subject to any restrictions so placed on the exercise of those powers and in particular by regulation 3(6).

(9) At the hearing of any appeal, which hearing shall be in private, the appellant may appear in person and the Committee or the Board, as the case may be, may appear by one of its members and parties may be represented by counsel, or in the case of an appeal in respect of a recommendation or decision relating to registration as a dock worker, by a friend.

(10) The person appointed to hear an appeal under this regulation shall provide a reasoned decision in writing and shall provide a copy of his decision to the appellant, the applicant (if he is not the appellant) and to the Committee or the Board, as the case may be, and shall do so within 30 days of the hearing of the appeal.

(11) The Committee or the Board, as the case may be, shall, upon notification of the decision in respect of an appeal, give immediate effect to that decision.

**1978-17**

**Revoked**

**Subsidiary  
1994/114**

## Dock Work (Regulation)

---

### DOCK WORK (REGISTRATION AND LICENSING) REGULATIONS, 1994

#### **Amendment to Dock Work (Regulation) (Appeal) (Forms) Regulations.**

*Paragraph 10(a) omits regulations 1, 2, 3 and 4;*

*Paragraph 10(b) amends regulation 6(1)(ii);*

*Paragraph 10(c)(i) omits Schedule Forms 1 to 6;*

*Paragraph 10(c)(ii) amends Schedule Form 8;*

*Paragraph 10(c)(iii) amends Schedule Form 9;*

#### **Revocation of Dock Work (Regulation) (Appeal) Regulations.**

11. The Dock Work (Regulation) (Appeal) Regulations are revoked:

Provided that where, at the effective date of these Regulations an appeal has been commenced under the provisions of the Dock Work (Regulation) (Appeal) Regulations, those regulations shall have effect in respect of that appeal.

# Dock Work (Regulation)

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**DOCK WORK (REGISTRATION AND LICENSING)  
REGULATIONS, 1994  
SCHEDULE 1**

**1978-17**

**Revoked  
Subsidiary  
1994/114**

Regulation 3

## **FORM 1**

### **Dock Work (Registration and Licensing) Regulations, 1994.**

#### **Application for registration as Port employer.**

Name:

If a company, names and addresses of directors and shareholders indicating distribution of shareholding:

Registration-under the Companies Ordinance:

If trading as a business name, registration-under the Business Names Ordinance:

If a partnership, names and addresses of partners:

Registration-under the Business Trades and Professions (Registration) Ordinance 1989:

If a company, address of registered office:

Address of principal place of business:

Telephone No:

Date of commencement of business as an employer of dock worker:

Details of any relevant trade licences (attach copies):

Details of any relevant licences under the Imports and Exports Ordinance (attach copies):

Number of full time dock workers employed (attach list indicating whether or not the workers are entitled workers under the Employment Regulations 1994, and if not, indicating beside each worker the date of issue of the work permit, the date of termination of the permit and details of the worker's permit under the Immigration Control Ordinance, and against each worker, give the registration number of that worker with the Employment and Training Board):

**1978-17**

**Revoked**

**Subsidiary  
1994/114**

## **Dock Work (Regulation)**

---

### **DOCK WORK (REGISTRATION AND LICENSING) REGULATIONS, 1994**

Particulars of premises approved by the Collector of Customs (attach a copy of the approval):

Details of principal equipment engaged in the business (attach a list showing against any item which under any statute is required to have been inspected and approved, details of the date of the last inspection and a copy of the approval or extract from the book of records of inspection):

Details of capitalisation of the business (except where section 7 (1) applies) and of the business plan for a period of five years indicating at least the source and volume of business and turnover on which the business plan is based:

Date of application:

Signature of applicant:

Position in organisation:

### **FORM 2**

#### **Dock Work (Registration and Licensing) Regulations, 1994.**

##### **Application for registration as a dock worker.**

Name:

Address:

Social Insurance No:

Name of employer:

Address of employer:

Registration-with the Employment and Training Board:

Date of commencement of full time employment:

Nature of present employment:

Date of application:

Signature of applicant:

### **FORM 3**

#### **Dock Work (Registration and Licensing) Regulations, 1994.**

##### **Application for stevedoring licence.**

Name:

# Dock Work (Regulation)

---

## DOCK WORK (REGISTRATION AND LICENSING) REGULATIONS, 1994

**1978-17**

**Revoked**  
**Subsidiary**  
**1994/114**

If a company, names and addresses of directors and shareholders indicating distribution of shareholding:

Registration-under the Companies Ordinance:

If trading as a business name, Registration-under the Business Names Ordinance:

If a partnership, names and addresses of partners:

Registration-under the Business Trades and Professions (Registration) Ordinance, 1989:

If a company, address of registered office:

Address of principal place of business:

Telephone No:

Date of commencement of business as an employer of dock worker:

Details of any relevant trade licences (attach copies):

Date of registration as a Port employer (give certificate number):

Details of any relevant licences under the Imports and Exports Ordinance (attach copies):

Number of full time dock workers employed (attach list indicating whether or not the workers are entitled workers under the Employment Regulations 1994, and if not, indicating beside each worker, the date of issue of the work permit, the date of termination of the permit and details of the worker's permit under the Immigration Control Ordinance, and against each worker, give the registration number of that worker with the Employment and Training Board:

Particulars of premises approved by the Collector of Customs (attach a copy of the approval):

Location of berth allocated by the Captain of the Port or available for the purpose of the business:

Details of principal equipment engaged in the business (attach a list showing against any item which under any statute is required to have been inspected and approved, details of the date of the last inspection and a copy of the approval or extract from the book of records of inspection):

**1978-17**

**Revoked**

**Subsidiary  
1994/114**

## **Dock Work (Regulation)**

---

### **DOCK WORK (REGISTRATION AND LICENSING) REGULATIONS, 1994**

Details of capitalisation of the business (except where section 8(1) applies) and of the business plan for a period of five years indicating at least the source and volume of business and turnover on which the business plan is based:

Date of application:

Signature of applicant:

Position in organisation:

#### **FORM 4**

#### **Dock Work (Registration and Licensing) Regulations, 1994.**

#### **Application for re-registration as a Port employer.**

Name:

If a company, names and addresses of directors and shareholders indicating distribution of shareholders:

Registration-under the Companies Ordinance:

If trading as a business name, Registration-under the Business Names Ordinance:

If a partnership, names and addresses of partners:

Registration-under the Business Trades and Professions (Registration) Ordinance 1989:

If a company, address of registered office:

Address of principal place of business:

Telephone No:

Date of commencement of business as an employer of dock worker:

Details of any relevant trade licences (attach copies):

Date of registration as a Port employer (attach copy of certificate):

# Dock Work (Regulation)

**1978-17**

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## **DOCK WORK (REGISTRATION AND LICENSING) REGULATIONS, 1994**

**Revoked**  
**Subsidiary**  
**1994/114**

Details of any relevant licences under the Imports and Exports Ordinance (attach copies):

Number of full time dock workers employed (attach list indicating whether or not the workers are entitled workers under the Employment Regulations 1994, and if not, indicating beside each worker, the date of issue of the work permit, the date of termination of the permit and details of the worker's permit under the Immigration Control Ordinance, and against each worker, give the registration number of that worker with the Employment and Training Board.

Particulars of premises approved by the Collector of Customs (attach a copy of the approval):

Details of principal equipment engaged in the business (attach a list showing against any item which under any statute is required to have been inspected and approved, details of the date of the last inspection and a copy of the approval or extract from the book of records of inspection):

Details of capitalisation of the business (except where the registration was one to which section 7(1) applied) and of the business plan for a period of five years indicating at least the source and volume of business and turnover on which the business plan is based:

I hereby certify that the above named applicant has been regularly engaged in dock work since the date of the last registration.

Date of application:

Signature of applicant:

Position in organisation:

N.B. Where, in respect of any item in this form there has been no change in the information supplied at the time of registration or the last re-registration, the requirements of the form may be satisfied by stating this fact and certifying that the information is unchanged.

### **FORM 5**

#### **Dock Work (Registration and Licensing) Regulations, 1994.**

#### **Application for re-registration of a dock worker.**

Name:

**1978-17**

**Revoked**

**Subsidiary  
1994/114**

## Dock Work (Regulation)

---

### DOCK WORK (REGISTRATION AND LICENSING) REGULATIONS, 1994

Address:

Social Insurance No.:

Name of employer:

Registration-with the Employment and Training Board:

Date of commencement of full time employment:

Nature of present employment:

Date of registration of the dock worker (attach copy of certificate of registration or give certificate number):

I hereby certify that I have been regularly engaged in dock work since I was last registered on

Date of application:

Signature of applicant:

### FORM 6

#### **Dock Work (Registration and Licensing) Regulations, 1994.**

#### **Application for renewal of a stevedoring licence.**

Name:

If a company, names and addresses of directors and shareholders indicating distribution of shareholding:

Registration-under the Companies Ordinance:

If trading as a business name, registration-under the Business Names Ordinance:

If a partnership, names and addresses of partners:

Registration-under the Business Trades and Professions (Registration) Ordinance 1989:



# Dock Work (Regulation)

---

## DOCK WORK (REGISTRATION AND LICENSING) REGULATIONS, 1994

**1978-17**

**Revoked**  
**Subsidiary**  
**1994/114**

If a company, address of registered office:

Address of principal place of business:

Telephone No.:

Date of commencement of business as an employer of dock worker:

Details of any relevant trade licences (attach copies):

Date of registration as a Port employer (give certificate number):

Date of licensing as a stevedore:

Details of any relevant licences under the Import and Exports Ordinance (attach copies):

Number of full time dock workers employed (attach list indicating whether or not the workers are entitled workers under the Employment Regulations, 1994, and if not, indicating beside each worker, the date of issue of the work permit, the date of termination of the permit and details of the worker's permit under the Immigration Control Ordinance, and against each worker, give the registration number of that worker with the Employment and Training Board):

Particulars of premises approved by the Collector of Customs (attach a copy of the approval):

Location of berth allocated by the Captain of the Port or available for the purpose of the business:

Details of principal equipment engaged in the business (attach a list showing against any item which under any statute it is required to have been inspected and approved, details of the date of the last inspection and a copy of the approval or extract from the book of records of inspection):

Details of capitalisation of the business (except where the licence was one to which section 8(1) applied) and of the business plan for a period of five years indicating at least the source and volume of business and turnover on which the business plan is based:

I hereby certify that the above named applicant has been regularly engaged in stevedoring since the date of last registration.

Date of application:

Signature of applicant:

**1978-17**

**Revoked**

**Subsidiary  
1994/114**

## **Dock Work (Regulation)**

### **DOCK WORK (REGISTRATION AND LICENSING) REGULATIONS, 1994**

Position in organisation:

N.B. Where, in respect of any item in this form there has been no change in the information supplied at the time of registration or the last re-registration, the requirements of the form may be satisfied by stating this fact and certifying that the information is unchanged.

#### **Fees in respect of applications under the regulations.**

- |   |         |
|---|---------|
| 1. Application to be registered as a Port employer    | £500.00 |
| 2. Application to be registered as a dock worker      | £5.00   |
| 3. Application for a stevedoring licence              | £300.00 |
| 4. Application for re-registration as a Port employer | £300.00 |
| 5. Application for re-registration as dock worker     | £3.00   |
| 6. Application for renewal of stevedoring licence     | £200.00 |

#### **SCHEDULE 2**

Regulation 7(6)

#### **Notice of intention to apply for registration as a Port employer.**

I/We give notice that the meeting of the Registration and Licensing Committee of the Dock Labour Board to be held on the \_\_\_\_\_ the application I/we have made to be registered as a Port employer for the purposes of the Dock Work (Regulation) Ordinance will be considered.

If the application is successful, the business will be operated from \_\_\_\_\_ with premises approved by the Collector of Customs, situate at \_\_\_\_\_, and with a berth at \_\_\_\_\_

Any person who wishes any objection to the application to be heard by the Committee, shall supply details of such objections to the Committee at \_\_\_\_\_, no later than the close of business on the day 7 days prior to \_\_\_\_\_



## Dock Work (Regulation)

---

**DOCK WORK (REGISTRATION AND LICENSING)  
REGULATIONS, 1994  
SCHEDULE 3**

Regulation 9

### **Dock Work (Registration and Licensing) Regulations, 1994**

#### **Notice of appeal.**

I, \_\_\_\_\_ of \_\_\_\_\_  
being aggrieved by a decision of the Registration and Licensing Committee  
of the Dock Labour Board/the Board given on the \_\_\_\_\_  
day of \_\_\_\_\_ 20\_\_\_\_ when the Committee/the Board—

- (a) refused to register/re-register me as an employer/dock worker;
- (b) refused to license/re-license me as a stevedore;
- (c) registered \_\_\_\_\_ or granted a licence to \_\_\_\_\_

appeal against such decision.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ .

Appellant (signed)

To:

- (i) the Minister for Government Services, Government Secretariat, 6 Convent Place, Gibraltar;
- (ii) the Secretary, the Dock Labour Board;
- (iii) (the applicant).

# Dock Work (Regulation)

## DOCK WORK (REGISTRATION AND LICENSING) REGULATIONS, 1994

Dock Work (Registration and Licensing) Regulations, 1994.

**1978-17**

**Revoked**  
**Subsidiary**  
**1994/114**

### Notice of reasons for decision of the Dock Work Registration and Licensing Committee/Dock Labour Board.

The reasons of the Registration and Licensing Committee/Board for its decision on            day of            20    to–

- (a) refuse to register/re-register the appellant as an employer/dock worker;
- (b) refuse to license/re-license the appellant as a stevedore;
- (c) register/re-register/license/re-license the appellant as an employer/dock worker/stevedore;
- (d) remove the appellant from the register of Port employer/dock workers/stevedores,

as follows

Dated this    day of            20    .

Chairman  
Dock Labour Board

To:

- (i) (person appointed under section 12)
- (ii) (the appellant)
- (iii) (the applicant)