

2005-12 Port Operations (Registration and Licensing)

Subsidiary Legislation made under s.16.

Port Operations (Registration and Licensing) Regulations 2005

LN.2005/037

Commencement (LN.2006/062)

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Amending
enactments

Relevant current
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In exercise of the powers conferred on him by section 16 of the Port Operations (Registration and Licensing) Act 2005, the Minister with responsibility for the Port and Shipping has made the following Regulations:

Title and commencement.

1. These Regulations may be cited as the Port Operations (Registration and Licensing) Regulations 2005 and come into operation on a date to be appointed by the Minister by notice in the Gazette.

Interpretation.

2. In these Regulations, unless the context otherwise requires—

“application for a licence” means an application for a licence for any class of port operations and “application” when used otherwise than as part of that expression means an application for—

- (a) a licence for any class of port operation;
- (b) renewal of a licence;
- (c) amendment to a licence;
- (d) registration as a port operator
- (e) registration of a port worker; or
- (f) re-registration;

“company”, “holding company” and “subsidiary” shall be construed as provided in the Companies Act;

“holder” in relation to a licence means the person to whom the licence was granted;

“licence” means a Port operator’s licence;

“Minister” means the Minister with responsibility for the Port and shipping;

“Maritime Administrator” means the person appointed under section 3 of the Gibraltar Merchant Shipping (Safety, etc.) Act 1993;

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“port operations undertaking” means an undertaking which involves the handling of goods or the provision of services under a Port operator’s licence;

“Tribunal” means the Port Tribunal established under section 14(2) of the Act.

Manner of applications.

3.(1) Every application shall–

- (a) be made on a form prescribed for the purposes in Schedule 1 of the Port Operations (Forms) Regulations 2005 and contain the information required by that form;
- (b) be signed–
 - (i) if made by an individual person, by that individual;
 - (ii) if made by a body corporate, by an individual person authorised for the purpose by the body or under its common seal; and
 - (iii) if made by persons in partnership, by one of the partners with the authority of the others; and
- (c) be accompanied by the fee prescribed by the Port Operations (Fees) Regulations 2005.

(2) Subject to subregulation (6), the Authority may require a person making an application to which subregulation (1) applies to provide such further information as, in the opinion of the Authority, is necessary for the Authority to determine whether the application satisfies the requirements of the Act and these Regulations, and in the absence of such information, the Authority shall not be required to consider the application.

(3) Subject to subregulation (6), but without prejudice to the generality of subregulation (2), the Authority 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 regulation 9 including, but not limited to, certificates issued by, or confirmation in writing from, the person who, under any legislation falling within paragraph (e) or paragraph (f) of regulation 9, 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.

(4) If it appears to the Authority that a person who has made an application has failed to comply with any material requirement under this regulation, the Authority may refuse the application.

(5) The Authority shall not reveal at any time any commercially sensitive information or working processes which may come to its knowledge and shall treat as absolutely confidential the information supplied to it by an applicant in support of his application.

(6) Where, in respect of an application, information which the Authority would otherwise require has already been supplied by the applicant to the Authority 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 the same information but the Authority may require him to confirm that there has been no material change in the information since it was submitted.

Qualifications of applicants.

4.(1) The provisions of regulations 10 and 11 apply to an application for a licence.

(2) The applicant shall forthwith notify the Authority if there occurs, in the interval between the making of the application and the date on which it is disposed of, any event affecting any information given and, for these purposes, an application shall be taken to be disposed of on the date on which the applicant receives notice of the decision of the Authority.

Time for application.

5.(1) Every application should be sent to the Authority so as to reach it not less than eight weeks before the date on which the applicant desires the licence, re-licence, re-registration or amendment applied for to take effect.

(2) An application shall be deemed to be made on the date on which it is received by the Authority.

Dispensation as to application.

6. The Authority may consider applications notwithstanding that the requirement specified in regulation 5(1) has not been complied with.

Inspections of application or copies of licence.

7.(1) The Authority shall, until an application has been determined, make available for inspection at the request of any person who is making representations in respect of the application, or a person authorised by such a person to make the inspection on his behalf, such part of the application as is, in the opinion of the Authority, relevant to the representation.

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(2) The Authority shall, during the currency of the licence, make a copy of it available for inspection by any person who appears to the Authority to have reasonable grounds for making such an inspection on payment of the prescribed fee.

(3) The Authority shall satisfy its obligation under subregulation (1) by—

- (a) making the application or, as the case may be, part of it, available for inspection at its offices; or
- (b) on prior receipt of its expenses in that behalf, by posting a copy of the application or, as the case may be, part of it, to the address given for that purpose by the person wanting to make the inspection.

(4) The Authority shall satisfy its obligation under subregulation (2) by—

- (a) making a copy of the licence or, as the case may require, part of it, available for inspection at its offices; or
- (b) on prior receipt of its expenses in that behalf, by posting a copy of the licence or, as the case may require, part of it, to the address given for that purpose by the person requesting to make the inspection.

Manner of making representations.

8.(1) The manner in which a representation about an application shall be made is that it shall—

- (a) be in writing; and
- (b) be signed—
 - (i) if made by an individual, by that person;
 - (ii) if made by any other body or group of persons, by one or more individual persons authorised for that purpose by the body or group;
 - (iii) if made by persons in partnership, by all of the partners or by one of them with the authority of the others; or

in any of the above cases, by a lawyer acting on behalf of the person, body or group.

(2) A copy of every representation shall be sent by the person making the representation, to the applicant at the same time as it is sent to the Authority.

Qualifications for licensing and re-licensing of port operations- General criteria.

9.(1) The Authority shall not license or re-license an applicant as any class of Port operator unless it is satisfied that in respect of the business he conducts or proposes to conduct, the applicant—

- (a) satisfies the requirements of the Act;
- (b) has available to him adequate premises in or near the Port which premises where appropriate are approved by the Collector of Customs under the provisions of the Imports and Exports Act;
- (c) has available to him, adequate staffing and plant and equipment of an amount, type and quality necessary in the opinion of the Authority for the safe and professional carrying on of the business;
- (d) 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;
- (e) satisfies the licensing conditions prescribed by the Authority for the relevant class of port operations;
- (f) has available the financial and managerial resources appropriate to the business; and
- (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.

(2) In the case of an application for renewal of a licence, the authority shall consider that the applicant is of good repute and has appropriate financial standing unless the opposite is shown to be the case.

Qualifications for licensing of port operations - Good repute.

10.(1) In determining whether an individual is of good repute, the Authority shall have regard to any relevant matter, and in particular to—

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- (a) relevant convictions of the individual and his employees and agents; and
- (b) such other information as the Authority may have as to his previous conduct appearing to relate to his fitness to hold a licence.

(2) In determining whether a company is of good repute, the Authority shall have regard to all the material evidence and in particular to—

- (a) relevant convictions of the company, its officers, employees and agents; and
- (b) such other information as the Authority may have as to previous conduct of—
 - (i) the company's officers, employees and agents appearing to relate to the company's fitness to hold a licence; and
 - (ii) each of the company's directors, in whatever capacity, appearing to relate to the company's fitness to hold a licence.

(3) The Authority shall determine that an individual is not of good repute if he has been disqualified as a company director of a company involved in port operations or in a similar business; or if he has been convicted—

- (a) of a serious offence;
- (b) of an offence which has resulted in the exercise by the Authority of its powers to suspend or revoke a licence.

(4) For the purposes of subregulation (3)(a) a serious offence is an offence under the law of Gibraltar for which a sentence of imprisonment for a term exceeding three months or a fine exceeding level 4 on the standard scale was imposed.

(5) In subregulation (4) “a sentence of imprisonment” includes any form of custodial sentence or order other than one under the enactments relating to mental health.

(6) Subregulation (3) is without prejudice to the power of the Authority to determine that an individual is not of good repute for reasons other than convictions of the kind there mentioned.

(7) In this regulation references to an individual include references to a manager employed by an individual as well as to an individual who is an applicant for, or the holder of, a licence.

Qualifications for licensing of port operations- Appropriate financial standing.

11.(1) An applicant for, or holder of, a licence shall have appropriate financial standing if he has available sufficient financial resources to ensure the establishment and proper administration of the port operations undertaking carried on, or proposed to be carried on, under the licence.

(2) In assessing the financial resources available to an applicant for or a holder of a licence, the Authority shall have regard to—

- (a) the annual accounts, if any, of the applicant or the holder;
- (b) the extent that any assets of the applicant or holder, including property are available for the port operations undertaking, in respect of which the application is made or the licence is held;
- (c) the costs to the applicant, or the holder of the port operations undertaking in respect of which the application is made or the licence is held, including, but not limited to—
 - (i) the purchase cost of or initial payment in respect of the undertaking, and in respect of which the licence is to be issued or is issued;
 - (ii) the cost of purchase or rent in respect of premises, plant and equipment used in the operation of the undertaking;
- (d) whether the amount and cost of working capital would appear to be adequate in respect of the undertaking.

(3) The applicant or holder shall provide such evidence as the Authority may require for the purpose of establishing that the provisions of subregulation (2) are met.

Notice of application.

12. No application for any port operator licence or an amendment to a licence shall be considered unless the applicant has provided to the Authority evidence that a notice in respect of the application in the form prescribed for the purposes in Schedule 2 of the Port Operations (Forms) Regulations 2005 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 by the Authority to consider the application.

Information from licensed port operators.

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13.(1) The Authority shall have power to require persons licensed under the Act to supply to the Authority such information relating to that person's business as a licensed Port operator as the Authority may think relevant for the purposes of ascertaining whether he or any person registered at his request by the Authority as a port worker is in compliance with the requirements of the Act and these Regulations.

(2) If it appears to the Authority that a person licensed under the Act has failed to comply with any requirement of the Act or these Regulations, the Authority may delete that person's name from the register, or revoke that person's licence for a specified period of time or indefinitely, as the case may be.

Particulars to be supplied to the Authority in connection with an application for licence.

14.(1) An applicant for a licence and a holder of a licence shall, if he is so required by the Authority, give to the Authority—

- (a) particulars of any relevant activities carried on at any time before the making of the application or the granting of the licence by—
 - (i) the applicant or the holder, as the case may be;
 - (ii) any company of which the applicant or the holder, as the case may be, is or has been a director;
 - (iii) where the applicant or the holder, as the case may be, is a company, any person who is a director of the company;
 - (iv) where the applicant proposes to operate vessels or plant, or the holder operates vessels or plant, as the case may be, in partnership with any other persons, any of those other persons;
 - (v) any company of which any person as is mentioned in subparagraph (iii) or (iv) is or has been a director;
 - (vi) any company of which the applicant or the holder, as the case may be, is a subsidiary;
- (b) particulars of any convictions during the five years preceding the making of the application or the granting of the licence—
 - (i) of the applicant or the holder, as the case may be; and

- (ii) of any other person as to whose particulars or activities he may be required to give under paragraph (a) above.

Death, bankruptcy etc. of applicant or licence holder.

15.(1) In any event specified in subregulation (3) an application for a licence shall fail except in a case specified in subregulation (4).

(2) In any event specified in subregulation (3) a licence shall cease to have effect except in a case specified in subregulation (4).

(3) The events referred to in subregulation (1) and (2) are–

(a) where an application is made, or a licence is held, by an individual–

- (i) he dies; or
- (ii) a petition is granted in the court under the Bankruptcy Act for the making of a receiving order against him and no absolute order of discharge of such receiving order has been made under that Act; or
- (iii) he becomes a person who lacks capacity within the meaning of Part 5 of the Mental Health Act 2016; or

(b) where an application is made, or a licence is held, by a body corporate–

- (i) a petition is granted in the court under the Companies Act for the winding up of the company on the ground that the company is unable to pay its debts; or
- (ii) the company has resolved by extraordinary resolution that it cannot by reason of its liabilities continue its business; or
- (iii) a receiver is appointed on behalf of the holders of any debentures of the company, secured by a floating charge; or
- (iv) in the case of a co-operative society, a receiver has been appointed by the Registrar under the Co-operative Societies Act; or
- (v) in the case of a society registered under the Friendly Societies Act, an application has been made to the Registrar under that Act for investigation into the affairs of the society; or

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- (c) where an application is made, or a licence is held, by persons in partnership—
- (i) the partnership is dissolved; or
 - (ii) one of such persons becomes a person who lacks capacity within the meaning of Part 5 of the Mental Health Act 2016 with the result that only one other of such persons who is not such a patient remains in the firm; or
 - (iii) one of such persons who alone manages the port operations business carried on by the partnership ceases to be a member of the partnership (either by death or otherwise) or becomes a person who lacks capacity within the meaning of Part 5 of the Mental Health Act 2016; or
 - (iv) a petition is granted in the court under the Bankruptcy Act for the making of a receiving order against any partner and no absolute order of discharge of such receiving order has been made under that Act; or
 - (v) a petition for winding up has been granted to the court in accordance with the provisions of the Companies Act.

(4) The cases referred to in subregulations (1) and (2) are where—

- (i) within 2 months of the event in question, notice that the person to whom the licence was issued has ceased to be the user under the licence, and the reason for such cessation, and of the name of the persons by whom the trade or business is being carried on, is sent to the Authority; and
- (ii) within four months of the sending of such notice, an application for a new licence is made by that person,

in which case the licence shall, subject to the provisions specified in subregulations (5) and (6), continue in force for the benefit of that person who shall so long as the licence so continues be deemed to be the holder thereof.

(5) The provisions of subregulation (4) do not apply so as to continue in force a licence beyond the date on which it would have expired but for the occurrence of the relevant event or after the application for the new licence is disposed of.

(6) Where the Authority delays the revocation of the licence, the holder or the person mentioned in subregulation (4) shall take such steps of a temporary or interim nature during

the period of the delay as the Authority may specify to ensure the proper conduct of the operation.

Partnerships.

16.(1) The provisions of subregulation (1) of regulation 4 shall apply in any case where an application for a licence is made by persons in partnership so that the Authority can satisfy itself that—

- (a) every one of such persons in the partnership is of good repute; and
- (b) the firm satisfies the requirement of appropriate financial standing.

(2) The provisions of subregulation (1) of regulation 22 shall apply in any case where the holder of a licence is persons in partnership if—

- (a) any one or more of those persons in the partnership ceases to satisfy the requirements to be of good repute; or
- (b) the firm ceases to satisfy the requirements to be of appropriate financial standing.

(3) The provision in regulation 11 as regards determining whether the applicant for, or the holder of, a licence is of appropriate financial standing shall apply, in the case of persons in partnership, to the financial standing of the firm.

General conditions to be attached to licences for port operations.

17.(1) Subject to subregulation (3), the Authority, when granting a licence, shall attach to the licence—

- (a) a condition requiring the holder of the licence to inform the Authority of any event which could affect the satisfaction by the holder of the requirements of good repute and appropriate financial standing and to do so within 28 days of the event, and
- (b) a condition requiring the holder of the licence to inform the Authority of any event which could affect satisfaction of the requirements of good repute by any manager employed by that holder and to do so within 28 days of the event coming to that holder's knowledge.

(2) A condition attached by the Authority to a licence under subregulation (1), in a case where the holder of the licence is a company, shall not require the holder to inform the

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Authority of any change in the persons holding shares of the company unless the change is such as to cause a change in the control of the company.

(3) For the purposes of subregulation (2) a change in the control of a company occurs when the controlling interest (within the meaning of regulation 18(5)) passes from one person to another person or from one group of persons to a wholly or substantially different group of persons.

Special conditions for port operator licences.

18.(1) In order to be granted a port operator licence, an applicant shall satisfy the Authority that he meets all the administrative requirements and licensing conditions set down by the Authority for the particular type of licence requested.

(2) A port operator shall, at all times, comply with the administrative requirements and licensing conditions for the particular type of licence he holds together with any additional licensing conditions required by the Authority.

(3) Where a transfer of shares result in a change in the control of a company, within 60 days of the transfer the Authority has to be satisfied that—

- (a) the new owners meet all the conditions for the grant of a licence;
- (b) the operator will continue to operate his business as previously or within the parameters of a licence for that kind of operation,

and if the Authority is not so satisfied the licence shall be cancelled.

(4) Where the Authority has accepted the change in ownership in the context of a company which holds an operator licence, an application for renewal of the licence shall not be treated as a new application under these Regulations.

(5) A person holds a controlling interest in a company for the purposes of subregulation (3) if he is the beneficial owner of more than half its equity share capital as defined in the Companies Act.

Appointment of agents or subcontractors.

19.(1) Where an operator wishes to appoint an agent or subcontractor he shall in the ordinary course apply to the Authority in good time for an endorsement to his operator licence for the appointment of an agent or subcontractor.

(2) Notwithstanding the lodging with the Authority of an application under subregulation (1), no agent or subcontractor or any of their employees shall be allowed access to the Port other than with the express authority of the Captain of the Port or the duty Port officer until the operator's licence is endorsed with specific consent for the appointment of an agent or subcontractor and the staff to be used by the agent or subcontractor have been registered as port workers.

(3) The Authority shall refuse consent for the appointment of an agent or subcontractor or shall revoke its consent if the Authority is reasonably satisfied that the said agent or subcontractor is using a licensed port operator as a vehicle to avoid meeting all the obligations of a licensed port operator in that particular field.

Variation, renewal or amendment of licences.

20. The provisions of regulations 4, 18 and 19 apply to any variation of a licence and to an application to renew a licence and to the amending of a licence and to the imposition of conditions as those provisions respectively apply to an application for a licence, the decision to grant such a licence and the imposition of conditions on the occasion of the grant of such a licence, and for the purposes of the said application the references in those regulations to the application or the applicant for, or the grant of, a licence shall be construed respectively as references to the application or the applicant for such variation, renewal, amendment or to the making of such variation, renewal or amendment.

Representations against application for a licence or amendment to a licence.

21.(1) In considering an application for a licence or any amendment to a licence the Authority shall give due regard to written representations, if any, received by it.

(2) A representation shall not be considered by the Authority unless it has been—

(a) received by the Authority not later than 21 days of publication of the last published notice referred to in regulation 12; and

(b) in the case of representations objecting to the application, copied to the applicant by the party making representation.

(3) If the Authority is given notice within 21 days of publication of a notice referred to in regulation 12 of the intention to make representations and additional time for so doing is requested, the Authority may extend the time limit for the receipt of representations from the party wishing to make representations.

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(4) If no written representations against the granting of a licence are received by the Authority within the time specified in subregulation (2) or the additional time allowed pursuant to subregulation (3), the Authority may in its discretion grant or refuse the application.

(5) If any written representations against the granting of a licence are received by the Authority within the time specified in subregulation (2) or the additional time allowed pursuant to subregulation (3), the Authority may decide to hold a public hearing.

(6) Where the Authority decides to hold a public hearing it shall give notice to the applicant and to any objector of the time and place appointed for such public hearing not less than 14 days before the day appointed, unless all parties agree to a shorter time-scale.

(7) Before the Authority holds a public hearing, it may hold a pre-hearing review and set a timetable and time limits for each of the parties wishing to make representations at the hearing.

(8) Where no public hearing is to be held, the Authority shall give the applicant an opportunity to comment in writing on any objection made under subregulation (2).

(9) After receiving any evidence and any representations against the application, the Authority shall, not later than 42 days of receipt of the same, and in its discretion, grant or refuse the application.

Suspension of licences.

22.(1) Where the Minister is satisfied that—

- (a) there is sufficient reason that warrants or requires a licence to be urgently suspended; or
- (b) there is an apparent gross misconduct on the part of a licensee,

he shall immediately—

- (i) suspend the licence; and
- (ii) notify the licensee of the grounds for the suspension.

(2) Other than in a case to which subregulation (1) applies and subject to the provisions of regulation 15 and of subregulation (3) the Authority shall suspend a licence in accordance with the provisions of this regulation if it appears to the Authority at any time that the holder no longer satisfies the requirements to be of good repute and to have appropriate financial

standing and the provisions of regulations 10 and 11 shall apply for the purposes of this subregulation as they apply for the purposes of regulation 4.

(3) Subject to the provisions of regulation 15 and of subregulation (4) the Authority may suspend a licence if it appears to the Authority at any time that the holder no longer satisfies any of the licensing conditions prescribed under regulation 17, 18 or 19 for the particular kind of licence.

(4) Other than in a case to which subregulation (1) applies, before acting under subregulation (2) the Authority must give notice in writing to the holder of the licence that it is considering suspension of the licence, and must state in the notice the grounds on which suspension is being considered and that written representations may be made by the holder of the licence to the Authority with respect thereto, so as to be received by the Authority within 21 days from the date of the notice, and the Authority shall consider all such representations duly made.

(5) A licence which has been suspended by the Authority shall during any time of suspension be of no effect.

(6) Where the Authority decides that a licence be revoked, the Authority may as part of that decision disqualify the person who was the holder thereof indefinitely or for such period as the Authority thinks fit from holding or obtaining any class of port operator licence, and for long as the disqualification is in force no licence shall be granted to him and any such licence obtained by him shall be of no effect.

(7) Where the Authority under subregulation (6) disqualifies a person, the Authority may direct that if that person, at any time or during such period as the Authority may specify is a director of or holds a controlling interest in—

(a) a company which holds a licence of the kind to which the disqualification applies;
or

(b) a company of which such a company is a subsidiary,

the licence of that company, or as the case may be, of that person shall be liable to variation, suspension, revocation or amendment.

(8) The powers conferred by subregulations (6) and (7) in relation to the person who was the holder of the licence shall be exercisable also, where that person was a company, in relation to any director of the company.

(9) The Authority may, where it is satisfied that it should do so, cancel a suspension or withdraw any conditions imposed on a licence under the provisions of this regulation and shall

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do so where it is satisfied that the holder again satisfies the requirement to be of good repute or the requirement to be of appropriate financial standing and the provisions of regulation 10 and 11 shall apply for the purposes of this subregulation as they apply for the purposes of regulation 4.

Written notification of refusal.

23. Where the Authority refuses an application for the grant of a licence, varies the conditions of such a licence, suspends or revokes such a licence, refuses to renew such a licence or amends such a licence it shall specify in writing to the applicant or the holder of the licence, the reasons for the refusal, variation, suspension, revocation, refusal to renew or amendment, as the case may require, and shall do so at the time that notice of the decision of the Authority is given to the applicant or the holder.

Requirement for manager to be notified.

24.(1) The Authority shall not make a finding that a manager is not of good repute unless it is satisfied that the manager has been served with a notice—

- (a) stating that the Authority has before it the allegations concerned with whether or not he is of good repute;
- (b) stating that he is entitled to make representations under this regulation, within 28 days beginning with the date that the notice is served on him; and
- (c) setting out the nature of the allegations against him.

(2) Where a manager makes representations under this regulation, the Authority shall consider the representations in determining whether the manager is of good repute.

(3) A notice shall be deemed for the purposes of subregulation (2) to have been served on a manager on the date that it would have been delivered in the ordinary course of post if it was sent by post addressed to him at his last known address, notwithstanding that the notice was returned as undelivered or was for any other reason not received by him.

(4) The reference in this regulation to a person being of good repute shall be construed in accordance with regulation 10.

Notification of change of address.

25. If during the currency of a licence its holder changes his address for the service of notice as notified in his application or as subsequently notified under this regulation he shall within 21 days from the date of such change notify such change to the Authority.

Production of licence for examination.

26.(1) The holder of a licence shall produce the licence for inspection by—

- (a) a police officer;
- (b) a member of the Authority;
- (c) a person appointed under section 10 of the Shop Hours Act,

on being required by such a person to do so.

(2) The holder of a licence shall comply with any requirement mentioned in subregulation (1) within 14 days of the day on which the requirement is made.

Issue of copies of licences.

27.(1) If a licence has been lost, destroyed or defaced, the person to whom it was issued shall forthwith notify the Authority in writing.

(2) If—

- (a) the Authority is satisfied that a licence has been lost, destroyed or defaced; and
- (b) in the case of a licence which has been defaced it is surrendered to the Authority,

it shall issue a copy of the licence on payment of the prescribed fee which shall have effect as the original licence.

(3) Where a licence has been lost and after a copy has been issued the lost licence is found by or comes into the possession of the holder of the licence he shall forthwith return the original licence to the Authority.

Offences.

28.(1) A person who knowingly or recklessly supplies information in support of an application under these Regulations 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.

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(2) Where in response to a requirement under regulation 13 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) Where any holder of a licence applies for, or obtains a licence, during his disqualification under regulation 22, he shall be liable, on summary conviction, to a fine at level 3 on the standard scale.

(4) Any contravention of, or failure to comply with, a provision in regulations 25, 26(1) or (2), 27 (1) or 27(3) is declared to be an offence and subject, on summary conviction, to a fine at level 2 on the standard scale.

Procedure for appeal.

29.(1) Any person wishing to appeal in accordance with subsection (1) of section 14 shall give notice of appeal to the Tribunal in the form prescribed for this purpose in Schedule 3 of the Port Operations (Forms) Regulations 2005 within 21 days of the decision of the Authority being notified to him, and shall, at the time of giving such notice, serve the secretary of the Authority with a copy of the notice of appeal.

(2) On receiving notice of appeal, the Authority shall, within 21 days, furnish to the Tribunal and the appellant, a notice of the reasons for the decision complained of, in the form prescribed for this purpose in Schedule 3 of the Port Operations (Forms) Regulations 2005.

(3) The Tribunal may, in its discretion, extend the time for the doing of anything specified in the Act and these Regulations in relation to an appeal.

(4) Upon receiving notice of the reasons of the Authority, the Tribunal shall appoint a day for the hearing, which day shall be not less than 21 days after it has received such notice and it shall inform the appellant and the secretary of the Authority of the time, date and place of the hearing.

(5) In the case of an appeal against the decision of the Authority to register or license, the Tribunal shall also give notice of the time, place and date of the hearing of such appeal to the applicant for such registration or licensing and the applicant shall have a right to be heard at the hearing of the appeal.

(6) On hearing an appeal, the Tribunal shall consider the matter in accordance with the provisions of the Act and these Regulations and shall have all the powers of the Authority and shall be subject to any restrictions so placed on the exercise of those powers by the Act and these Regulations.

(7) At the hearing of any appeal, the appellant may appear in person and the Authority 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 decision relating to registration as a port worker, by a friend.

(8) The Tribunal shall provide a reasoned decision in writing and a copy of its decision to the appellant, the applicant (if he is not the appellant) and to the Authority and shall do so within 42 days of the hearing of the appeal.

(9) The Authority shall, upon notification of the decision in respect of an appeal, give immediate effect to that decision.

Revocations.

30. The following Regulations are revoked—

- (a) the Dock Work (Registration and Licensing) Regulations, 1994; and
- (b) the Dock Work (Regulation) (Appeal) Regulations; and
- (c) the Ship Agents (Registration) Regulations, 1996.