

# PROJET DE LOI

ENTITLED

## **The Dock Workers (Regulation of Employment) (Guernsey) Law, 1959 \***

*[CONSOLIDATED TEXT]*

### **NOTE**

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.*

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\* Ordres en Conseil Vol. XVIII, p. 121; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278).

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### ARRANGEMENT OF SECTIONS

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2. Power of States to make provision by Ordinance for ensuring regular employment and supply of dock workers.
3. Offences.
4. Offences by body corporate.
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6. Variation or repeal of Ordinances.
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## **The Dock Workers (Regulation of Employment) (Guernsey) Law, 1959**

**THE STATES**, in pursuance of their Resolution of the twenty-second day of April, nineteen hundred and fifty-nine, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey.

### **Interpretation.**

1. In this Law the following expressions have the meanings hereby assigned to them respectively, that is to say –

**"cargo"** includes anything carried or to be carried in a vessel,

**"dock worker"** means a person employed or to be employed in, or in the vicinity of, any port on work in connection with the loading, unloading, movement or storage of cargoes, or work in connection with the preparation of vessels for the receipt or discharge of cargoes or for leaving port,

**"employer"**, in relation to a dock worker, means the person by whom he is employed or to be employed as aforesaid,

**"the Island"** means the Island of Guernsey,

"port" includes any place at which vessels are loaded or unloaded,

"vessel" means anything made for the conveyance by water of human beings or of property.

**Power of States to make provision by Ordinance for ensuring regular employment and supply of dock workers.**

2. (1) The States may from time to time by Ordinance make provision for ensuring greater regularity of employment for dock workers and for securing that an adequate number of dock workers is available for the efficient performance of their work and in particular but without prejudice to the generality of the foregoing –

- (a) for prescribing the obligations of dock workers and employers and for prohibiting or restricting the employment of dock workers and the employment of dock workers by employers,
- (b) for regulating the recruitment and entry into the dock industry of dock workers and their allocation to employers, and for securing that, in respect of periods during which employment or full employment is not available for dock workers who are available for work, such workers will, subject to such conditions, receive not less than such pay, as may be prescribed by or under the Ordinance,
- (c) for securing that the rates of remuneration and conditions of service for dock workers, including conditions as to holidays and pay in respect thereof,

will be in accordance with any agreement for the time being in force in the Island,

- (d) for making satisfactory provision for the training and welfare of dock workers,
- (e) for prescribing the manner in which, and the persons by whom, the cost of operating any scheme for which provision has been made under the Ordinance is to be defrayed,
- (f) for constituting or prescribing a body of persons to be responsible for the administration of any such scheme, and
- (g) for such incidental and supplementary matters for which the States may deem it necessary or expedient for the purposes of the Ordinance to provide.

(2) Any body corporate shall have power, under any enactment, memorandum or articles of association or other document regulating the powers and duties of the body corporate, to perform any functions conferred on the body corporate by or under any Ordinance made under this Law.

(3) An Ordinance made under this Law may relate –

- (a) to any port in the Island or to any part of any such port,
- (b) to dock workers generally or to any class or

description of dock worker, and

- (c) to employers generally or to any class or description of employer.

### **Offences.**

3. (1) An Ordinance made under this Law may declare, as respects any provision of the Ordinance prohibiting or restricting the employment of dock workers, or the employment of dock workers by employers, that a contravention of that provision is an offence.

(2) Any person who contravenes or attempts to contravene any provision of any Ordinance made under this Law in relation to which such a declaration is in force shall be guilty of an offence under this section and shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine or to both such imprisonment and fine:

PROVIDED that in the case of any person not being a body corporate the fine shall not exceed [level 1 on the uniform scale].

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### **NOTE**

*In section 3, the words and figure in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.*

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### **Offences by body corporate.**

4. Where a person convicted of an offence under this Law is a body corporate, every person who, at the time of the commission of the offence, was a director or officer of the body corporate, or was purporting to act in any such

capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of the offence.

**Service of notices.**

5. Without prejudice to any special provision contained in any Ordinance made under this Law, a notice to be served for the purposes of any Ordinance made under this Law may be served –

- (a) on any person by delivering it to him, by leaving it, or by sending it by post addressed to him, at his usual or last known place of abode,
- (b) on any firm by delivering it to any partner of the firm or by leaving it at, or sending it by post to, the principal or last known principal place of business of the firm,
- (c) on any body corporate by leaving it at, or by sending it by post to, its registered office if situated in the Island or, if its registered office is not so situated, its principal or last known principal place of business in the Island.

**Variation or repeal of Ordinances.**

6. Any power conferred by this Law to make any Ordinance shall be construed as including a power exercisable in the like manner to vary or repeal the Ordinance.

**Citation.**

7. This Law may be cited as the Dock Workers (Regulation of Employment) (Guernsey) Law, 1959.

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**NOTE**

*The Law received Royal Sanction on 19th October, 1959 and was registered on the Records of the Island of Guernsey and came into force on 7th November, 1959.*

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