

## PART I

### PRELIMINARY

#### 1. Short title

This Act may be cited as the Port of London Act 1968.

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#### Note

*The following may, as provided by The Port of London Authority (Constitution) Harbour Revision Order 2005 1(2) SI 2005/3514, be cited together as the Port of London Acts and Orders 1968 to 2005: of the Port of London Act, 1968, the Port of London Act 1970, the Port of London Authority (Borrowing Powers) Revision Order 1971, SI 1971/1227, the Port of London Authority (Constitution) Revision Order 1975, SI 1975/1890, the Port of London Authority (Borrowing Powers. etc) Revisions Order 1980, SI 1980/1068, the Port of London Act 1982, The Port of London (Pilotage) Harbour Revision Order 1988 SI 1988/1626, The Port of London Authority Harbour Revision Order 1989 SI 1989/774, The Port of Tilbury Transfer Scheme 1991 Confirmation Order 1992 SI 1992/284, The Port of London Authority Harbour Revision Order 1992 SI 1992/3011, The Port of London Authority Harbour Revision Order 1999 SI 1999/1353, The Port of London Authority Harbour Revision Order 2003 SI 2003/2556 and The Port of London Authority (Constitution) Harbour Revision Order 2005 SI 2005/3514.*

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#### 2. Interpretation

(1) In this Act, except so far as the context otherwise requires-

"autonomous vessel" means a vessel which, to any degree, is able to operate independently of human interaction or is capable of being operated remotely;

"bed" in relation to the Thames, means the bed, shore and banks of the Thames below mean high water level;

~~{~~"boat for hire" means a passenger vessel whether or not it is let for hire and any other vessel which is let for hire for carrying persons;~~}~~

"byelaw of the Port Authority" includes a byelaw made by a predecessor of the Port Authority which is in force by virtue of section 212 (Transitional provisions) of this Act;

"charges" includes charges, rates, tolls, ~~fees~~ and dues of every description which the Port Authority are for the time being authorised to demand, take and recover and " charge " shall be construed accordingly;

~~{~~"the Company" means Port of Tilbury London Limited, being the company formed in pursuance of section 21 of the Ports Act 1991 and registered under the Companies Act 1985 with the number 2659118;

"the Company's docks" means the docks at Tilbury belonging to or administered by the Company and includes locks, basins and cuts forming part of those docks, and "a dock of the Company" shall be construed accordingly;

"the Company's port premises" means the docks and landing places at Tilbury at any time vested in, belonging to or administered by the Company and all other works and land at any time vested in, belonging to or administered by the Company for the purpose of operating those docks and landing places;

~~"craft" means a lighter or a tug;~~

~~"the Custom House " means the Custom House of the Port of London;~~

~~"customs officer" means a person commissioned by the Commissioners [for Her Majesty's Revenue and Customs];~~

“commercial and club boats” means any vessel (other than a ship registered under the Merchant Shipping Act 1995 or any vessel usually used for navigation) which is used primarily as a place for accommodating or receiving persons for the purpose of, recreation, entertainment or refreshment, or as club premises or offices while it is moored;

“crew” includes anyone employed or engaged to work on a vessel but excludes anyone employed or engaged by the owner or charterer or hirer of the vessel and carried on a vessel but not employed or engaged to provide services in connection with the operation of that vessel;

"daily fine" means a fine for each day on which an offence is continued after conviction;

"dock manager" means a person appointed by the Port Authority to be a dock manager and includes the deputies and assistants of a person so appointed;

"dockmaster" means, in relation to a dock, a person appointed by the Port Authority to be a dockmaster and, in relation to a canal, a person appointed by the Port Authority to be a canal master or canal ranger and includes the deputies and assistants of persons so appointed;

"docks" means the docks and canals belonging to or administered by the Port Authority and includes locks, basins and cuts forming part of those docks or canals and "dock" and "canal" shall be construed accordingly;

"drainage authority" has the same meaning as “drainage body” in section ~~81-72~~ of the Land Drainage Act, ~~1930~~ 1991;

~~“duties of customs or excise” include any tax, levy, surcharge or any other sum to the collection of which the general provisions of the Customs and Excise Act, 1952, relating to [revenue or] customs have been applied by statute;~~

“dredge” means to cleanse, scour, cut, deepen, widen or dredge the bed or the banks of the Thames or take up, or move material (including through the use of conventional dredgers and hydrodynamic dredging techniques using water injection or agitation or devices to move material) whether or not the material is suspended in water from one part of the bed or the banks of the Thames to another part or remove material from the bed or the banks of the Thames, and “dredging” shall be construed accordingly;

“dredging permission” means a permission granted under section 73(1) (Permitting of dredging, etc);

“electronic communications line” means a line which forms part of an electronic communications apparatus (and both line and electronic communications apparatus have the same meaning given in paragraph 5 of the electronic communications code set out in Schedule 3A to the Communications Act 2003);

“electronic communications network” has the same meaning as in section 32 of the Communications Act 2003;

“electronic form” means a document or information if it is sent or made available—

(a) by electronic means (for example, by email or fax); or

(b) by any other means while in electronic form (for example, sending a disk in the post)

and references to “electronic copy” have a corresponding meaning;

“electronic means” means a document or information if it is sent or made available—

(a) initially and received at its destination by means of electronic equipment for the processing (which expression includes digital compression) or storage of data; and

(b) entirely transmitted, conveyed and received by wire, by radio, by optical means or by other electromagnetic means and a document or information sent in electronic form must be sent in a form,

and by a means, that the sender reasonably considers will enable the recipient

to read it, and

to retain a copy of it;

and for the purposes of this definition, a document or information can be read only if—

(i) it can be read with the naked eye; or

(ii) to the extent that it consists of images (for example photographs, pictures, maps, plans or drawings), it can be seen with the naked eye;

"enactment" means any Act whether general, local or personal and any order or other instrument made thereunder and any provisions in any such Act, order or instrument, and includes this Act;

"explosive" has the same meaning as in section 3 of the Explosives Act 1875;

"financial year" means the financial year of the Port Authority and includes any accounting period, whether shorter or longer than a year, adopted to effect a change in the Port Authority's financial year;

~~["fish" includes shell fish and also the spawn, brood and fry of fish and shell fish, but does not include salmon, trout, freshwater fish or eels, within the meaning of the Salmon and Freshwater Fisheries Act 1923;]~~

"fireworks" has the same meaning as in subsection 1(1) of the Fireworks Act 2003;

"the former seaward limit" means a line drawn from the historical pilot mark at latitude 51.55337 north, 0.85055 east at the entrance of Havengore Creek in the county of Essex on a bearing 166° from true north to the mean high water level on the Kent bank of the Thames;

~~means the former seaward limit described in Schedule 1 to this Act;~~

"general direction" means a direction authorised by section 111 (General directions to vessels in the Thames) of this Act or by subsection (1) of section 113 (Directions to vessels at the docks) of this Act;

"goods" includes all tangible personal property of any kind whatsoever including sludge, waste and rubbish but excluding bunker fuel for own use on board a vessel;

"harbourmaster" means a person appointed by the Port Authority to be a harbourmaster and includes the deputies and assistants of a person so appointed and anyone else the Port Authority authorises to carry out any functions of a harbourmaster;

"houseboat" means any vessel (other than a ship registered under the Merchant Shipping Act 1995 or any vessel usually used for navigation) which is used primarily as a place of habitation;

"hovercraft" means a vehicle which is designed to be supported when in motion wholly or partly by air expelled from the vehicle to form a cushion of which the boundaries include the ground, water or other surface beneath the vehicle;

"hydrofoil vessel" means a vessel, ~~however propelled,~~ designed to be propelled by mechanical means and supported on foils when underway;

"in writing" includes by electronic means;

"land" includes land covered by water and any interest in land;

"landing places" means wharves and other waterside landing places, piers, jetties and similar installations and includes approaches from land to such installations;

"the landward limit" means the landward limit described in Schedule 1 to this Act;

"lighter" includes a barge or other like craft for carrying goods;

~~"lighterman" means a person working or navigating a lighter for hire;~~

"the limits" means the limits described in paragraph 2 of Schedule 1 to this Act;

"master" in relation to a vessel, means

(a) any person ~~(except a pilot)~~ having or taking the command, charge or management of a vessel for the time being ~~and if any vessel is unmanned or does not have a person having or taking the command, charge or management of a vessel on board it means the person making in charge of the automated navigation of the vessel from time to time;(whether lawful or not);~~

(b) ~~in connection with a houseboat or commercial and club boats it means the owner or if the owner is not in occupation any person who is in occupation for the time being; and~~

(c) ~~in connection with an autonomous vessel it means the person identified in accordance with s.138A, or if no person is so identified, the person who is in control of or is able to take control of that autonomous vessel;~~

"mean high water level" means the level which is half way between mean high water springs and mean high water neaps;

"the Minister" ~~(except in Part VI and Part I of Schedule 5 to this Act)~~ means the Secretary of State for Transport;

"mooring" includes anchoring; ~~or any other act to moor or make fast a vessel to any work or chain or other vessel not underway or any thing, and "moor" and "moored" have corresponding meanings;~~

~~"mooring permission" means a permission granted under section 66A(1) (Permitting of mooring);~~

~~"navigation" means the movement on or in the water for whatever purpose of any vessel, whether travelling between two locations or not, but does not include any vessel under tow;~~

~~"owner" means, in relation to a vessel, the owner of a vessel and any person having any interest in a vessel (whether as joint owner, lessee, charterer, mortgagee or otherwise) and includes the registered owner and a person letting a vessel for hire whether or not that person owns the vessel and in reference to houseboats or commercial and club boats includes the occupier or manager; in relation to a vessel includes the charterer;~~

["passenger vessel" means a vessel used for carrying passengers;

"passengers" means any persons carried on a vessel other than its crew;

~~"permission application" means a permission application made under section 66B(1) (Permission applications);~~

~~"pleasure vessel" has the same meaning as in the Merchant Shipping (Boatmasters' Qualifications, Crew and Hours of Work) (Survey and Certification) Regulations 19952015;]~~

"the Port Authority" means the Port of London Authority;

"the Port of London Acts, 1920 to 1967" include the Port of London Authority (Financial Provisions) Revision Order 1967 SI 1967/1813;

"port fund" means the port fund established under section 16 of the Port of London Act, 1908;

"port premises" means the docks, landing places and all other works and land at any time vested in, belonging to or administered by the Port Authority;

~~"port rates" means, subject to subsection (3) of this section, dues for the time being charged by the Port Authority on goods imported from parts beyond the seas or coastwise into, or exported to parts beyond the seas or coastwise from, the limits;~~

~~"port stock" means Port of London Stock and "A port stock" means the 3 per cent. A port stock 1929-1999 issued~~

"port rates" means any charges levied by the Port Authority in 1909 and 1910 relation to goods;

"published" in relation to documents of the Port Authority, means made available to the public in accordance with section 185 (Port Authority's publications) of this Act;

"the Richmond works" means the works comprising a footbridge, sluices, lock and slipway constructed in and over the Thames under the Richmond Footbridge, Sluices, Lock and Slipway Act, 1890;

~~"river authority" means a river authority constituted under the Water Resources Act 1963 and includes the Lee Conservancy Catchment Board;~~

"river duties of tonnage" means dues for the time being charged per ton by the Port Authority on the tonnage of a vessel for every voyage trading both in and out of the limits and for this purpose "tonnage" means-

(a) in the case of a registered British vessel, the register tonnage; and

(b) in the case of a foreign vessel, its tonnage as recognised ~~at by the Her Majesty's Custom House~~Revenue and Customs;

"seaplane" includes a flying boat and any other aircraft designed to manoeuvre on the water but does not include a hovercraft or hydrofoil vessel;

"the seaward limit" means the seaward limit described in Schedule 1 to this Act;

"special direction" means a direction authorised by section 112 (Special directions to vessels in the Thames) of this Act or by subsection (2) or (3) of section 113 (Directions to vessels at the docks) of this Act;

~~["the statutory maximum" means the prescribed sum as defined in section 32(9) of the Magistrates' Court Act 1980;]~~

"temporary permission" means works authorised by the Port Authority under section 66 (Permitting of works) for any period of less than three years;

~~"the Surrey Canal" means the Grand Surrey Canal and includes the entrance lock to the canal;~~

"terminal" means a terminal, jetty, pier, wharf, or mono-buoy used by ships which is within a harbour but is managed by persons or a body of persons other than the harbour authority for that harbour;

"terminal operator" means a person or body of persons having, for the time being, the management of a terminal;

"the Thames" means so much of the river Thames, the Thames estuary, rivers, streams, creeks, watercourses and the sea as is within the limits ;

"Thames lighterman" means a person working or navigating a lighter for hire;

"Thames waterman" means a person having charge of a vessel (other than a pleasure vessel) underway or working on the Thames and includes a Thames lighterman;]

"tidal work" means so much of any work belonging to the Port Authority as is on, under or over tidal waters or tidal lands below the level of mean high water springs;

~~"tonnage by measurement" means the tonnage of a lighter ascertained in accordance with byelaws made by the Port Authority;~~

"trader" in relation to port rates, means-

- (a) the owner of ~~imported~~ goods which have been transported and are liable to port rates, the consignee of those goods and any person taking delivery of those goods on behalf of the owner or consignee; and
- (b) the owner of goods intended ~~for export to be transported~~ which will be liable to port rates, the shipper of those goods and any person shipping those goods on behalf of the owner or shipper;

"the Trinity House" means the Corporation of Trinity House of Deptford Strond;

~~"tug" means a vessel propelled by mechanical power and used for towing or pushing another vessel or a raft or float of timber;~~

"undertaking" means the undertaking for the time being of the Port Authority;

"vessel" means every description of vessel however propelled (and whether or not it is capable of self propulsion) or moved whether or not used for navigation and includes any thing constructed or used to carry persons or goods by water or under water and a seaplane on or in the water, a hovercraft ~~and a hydrofoil vessel, a houseboat, commercial and club boats and an amphibious vehicle;~~

"vessel licence" means a licence granted under section 124(1) (Unlicensed vessels not to be navigated);

~~{~~ "the vessel licensing area" means that part of the Thames above the former seaward limit, classed as C or D waters as defined in Regulation 3(2)(a) under regulation 2 of the Merchant Shipping (Categorisation of Waters) Regulations 1992;

~~"waterman" means a person having charge of a vessel (other than a pleasure vessel) underway or working on the Thames and includes a lighterman;}~~

"works" where used in relation to the licensing-permitting of works by the Port Authority, means works of any nature whatever in, under or over the Thames or which involve cutting its banks other than those referred to in section 73 (Licensing-Permitting of dredging, etc.) of this Act and "-work-" shall be construed accordingly ;

"works licence-permission" means a licence-permission granted under subsection (1) of section 66 (Licensing-Permitting of works) ~~of this Act and includes a temporary permission unless otherwise expressly excluded;~~

"the Yantlet line" means a line across the Thames from the London Stone North level in the Isle of Grain in the county of Kent to the City or Crow Stone opposite Canvey Island in the county of Essex, and extending on the same trajectory up to the mean high water level on either side of the Thames.

- 2) Reference in this Act to any enactment shall be construed as reference to that enactment as re-enacted, extended or amended by, or by virtue of, any other enactment, including this Act.
- (3) For the purposes of the sections in Part IV of this Act which confer exemption from port rates, the definition of "port rates" contained in subsection (1) of this section shall have effect as if the words " per ton " were inserted after the word " charged ".
- (4) In this Act, in relation to goods conveyed or intended to be conveyed by a hovercraft, hydrofoil vessel or seaplane, "shipped" means loaded thereon, "unshipped" means unloaded therefrom and "shipping", "unshipping" and "shipper" shall be construed accordingly.

(5) All latitude and longitude values in this Act are stated by reference to the Geographical Coordinate System ETRS 1989 referenced to the spheroid GRS 1980.

## **NOTES**

*The definition "arrestable offence" is repealed by sections 111, 174(2) Para 41(1), (2) Sch 17 Pt 2 of the Serious Organised Crime and Police Act 2005 in force 1 January 2006.*

*The definitions "boat for hire", "passenger boat", and "waterman" were substituted, "passengers", "pleasure vessel", and "the vessel licensing area", were added and "navigation tolls" was repealed, by the Port of London Authority Harbour Revision Order 2003 article 7 in force on the 8 October 2003.*

*The definition "fish" was substituted by the Water Authorities etc (Miscellaneous Provisions) Order 1974, SI 1974/607, art 12(2), subject to a saving in art 12(3) thereof that any byelaws made by the Port of London Authority in force immediately before 1 April 1974 and relating to the excluded fish continue in force and that in any such byelaws, so far as they so relate, any reference to that Authority has effect as a reference to the Thames Water Authority. (Note that from 1 September 1989, ie the date appointed by order under the Water Act 1989, s 4, as the transfer date for the purposes of that Act, the functions of the water authorities were transferred to the National Rivers Authority (now the Environment Agency); see the Environment Act 1995, ss 1, 2) and the successor companies appointed under s 4 of the 1989 Act. By the Water Authorities (Successor Companies) Order 1989, SI 1989/1465, Thames Water Utilities Ltd was appointed as the successor company to the Thames Water Authority).*

*The definitions "the Company", "the Company's docks", "the Company's port premises" and "the Company's Tilbury undertaking" were inserted by the Port of Tilbury Transfer Scheme 1991 Confirmation Order 1992 SI 1992/284.*

*The addition to the definition "harbourmaster" was inserted by the Port of Tilbury Transfer Scheme 1991 Confirmation Order 1992 SI 1992/284.*

*The definition of "Minister" should now be construed as a reference to the Secretary of State for Transport. The title of the Minister of Transport was changed to the Minister of Transport and Civil Aviation by the Transfer of Functions (Ministry of Civil Aviation) Order 1953, SI 1953/1204 and reverted to the Minister of Transport by virtue of the Minister of Aviation Order 1959, SI 1959/1768. By the Secretary of State for the Environment Order 1970, SI 1970/1681, art 2, the Ministry of Transport was dissolved and all functions of the Minister of Transport were transferred to the Secretary of State. The transport functions of the Secretary of State for the Environment were transferred to the newly created Secretary of State for Transport by the Secretary of State for Transport Order 1976, SI 1876/1755. By the Minister of Transport Order 1979, SI 1979/571, all functions which had been conferred on the Secretary of State for Transport were transferred to the Minister. Functions of the Minister for Transport were again transferred to the Secretary of State for Transport by the Transfer of Functions (Transport) Order 1981, SI 1981/238. By the Secretary of State for the Environment, Transport and the Regions Order 1997 SI 1997/2971 the functions of the Secretary of State for Transport were transferred to the Secretary of State for the Environment, Transport and the Regions and then by the Secretaries of State for Transport, Local Government and the Regions and for Environment, Food and Rural Affairs Order 2001, SI 2001/2568 to the Secretary of State for Transport, Local Government and the Regions. By the Transfer of Functions (Transport, Local Government and the Regions) Order 2002, SI 2002/2626 the functions transferred to the Secretary of State for Transport.*

*The definition "port police area" was substituted by the Port of Tilbury Transfer Scheme 1991 Confirmation Order 1992 SI 1992/284.*

*"specified premises" this definition shall be treated as having ceased to have effect as provided by the Port of Tilbury Transfer Scheme 1991 Confirmation Order 1992 SI 1992/284.*

*The definition "statutory maximum" was inserted by the Port of London Act 1982, s 3(2), Sch 1, Pt II, para 1.*

*Subsection (1A) of Section 2 was inserted by the Port of Tilbury Transfer Scheme 1991 Confirmation Order 1992 SI 1992/284.*

### **General Note.**

**Byelaw of the Port Authority.** See Pt XI (ss 161-169) of this Act, and Sch 11, para (h) post.

**Customs and Excise Act 1952.** Mostly repealed by the Customs and Excise Management Act 1979, s 177 (3), Sch 6 and replaced by provisions of that Act. The Latest act is the Commissioners for Revenue and Customs Act 2005 brought into force by a Commencement Order on 18 April 2005, SI 2005/1126 which unites the revenue with the customs.

**Docks.** See also s 182 post. The Port Authority no longer owns or administers any docks or canals.

**Land Drainage Act 1930, s81.** Repealed by the Land Drainage Act 1976, s 117(3), Sch 8 (The Land Drainage Act 1976 has for the most part been replaced by the Land Drainage Act 1991 and the Water Resources Act 1991); for the meaning of "internal drainage boards", see now s 1 of the Land Drainage Act 1991. The majority of the Water Resources Act 1963 has been repealed by the Water Consolidation (Consequential Provisions) Act 1991.

**Lee Conservancy Catchment Board.** This Board was constituted by the Land Drainage Act 1930, s 80(2) (repealed) and abolished by the Water Act 1973, s 33(d) (repealed). The Board's functions which were then exercised by the British Waterways Board have now been taken over by the Canal & River Trust under the British Waterways Board (Transfer of Functions) Order 2012 in force 1 July 2012.

**Magistrates' Courts Act 1980, s 32(9) has been amended.**

**Port of London Act 1908, s 16.** Repealed with savings by the Port of London (Consolidation) Act 1920, s 3, Sch 3, and now

wholly repealed by s 208, Sch 9, Pt I post.

**Port of London Acts 1920 to 1967.** Those Acts (so far as unrepealed) are (with the exception of the Port of London and Midland Railway Act 1922 (which is amended by s 210 of this Act) and the Port of London (Dock Charges) Act 1923) repealed with savings by ss 208, 209, 212 and Schs 9-11 post.

**Port of London Authority.** By Section 1(4) the Port of London Authority was excluded from being a relevant port authority under the Ports Act 1991. Part II of the Act dealt with the disposal by the Port of London Authority of the Port of Tilbury.

**Port of London Authority (Financial Provisions) Revision Order 1967.** SI 1967/1813, revoked by s 208, Sch 9, Pt II post.

**Port Stock** "A port stock" has now been repaid.

**Registered British Vessel.** For provision as to the registration of British ships see, in particular, the Merchant Shipping Act 1995, s8. For provision as to certificates of registration, see the Merchant Shipping Act 1995, s10(2)(d), and regulations made or having effect thereunder. The tonnage of British ships is ascertained in accordance with s 19 of the 1995 Act, and regulations made thereunder. As to the tonnage of ships of foreign countries, see s 12 of the 1995 Act.

**Richmond Footbridge, Sluices, Locks and Slipway Act 1890.** Repealed by s 208, Sch 9, Pt I post.

**River authority.** All river authorities were abolished by the Water Act 1973, s 33, (repealed) and replaced by water authorities established under s 2 of that Act (repealed). The functions of the water authorities were transferred to the National Rivers Authority under the Water Act 1989, s1, Sch 1 (repealed in so far as they related to the establishment of the NRA, by the Water Consolidation (Consequential Provisions) Act 1991). The NRA was continued in its existence by the Water Resources Act 1991, s1 Sch 1 (repealed). By the Environment Act 1995, s2, the NRA was abolished and all its functions were transferred to the Environment Agency.

**Salmon and Freshwater Fisheries Act 1923.** Repealed by the Salmon and Freshwater Fisheries Act 1975, s 43, Sch 5. For the meaning of "salmon", "trout", "freshwater fish" and "eels", see now s 41(1) of the 1975 Act.

**The Surrey Canal.** The canal was finally closed on 31 January 1971; see the Port of London Act 1970, s 3.

**The Thames.** See also the definition of "the limits" in this section.

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## PART II

### Constitution of the Port Authority

#### [3. Constitution

The Port Authority shall consist of not less than [seven] and not more than [twelve] members, and Part I of Schedule 2 of this Act shall have effect with respect to the constitution and members of the Port Authority.]

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#### **Notes**

*This section was substituted by the Port of London Authority (Constitution) Revision Order 1975, SI 1975/1890, art 5(2)*

*The numbers six and twelve were substituted by the Port of London Harbour Revision Order 1992, art 2(1) SI 1992/3011. The number seven was then substituted for six by the Port of London Authority (Constitution) Harbour Revision Order 2005 in force 28 December 2005.*

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#### 4. Proceedings

Part II of Schedule 2 to this Act shall have effect with respect to the proceedings of the Port Authority.

#### **4A. Protection of members of the Port Authority**

- (1) No member of the Port Authority or of any committee or sub-committee established under Schedule 2 is to be liable nor are the estate or effects of that member to be liable to execution or legal process by reason of any lawful act or omission of such member done or made in good faith and not in breach of that member's duty or recklessly and in the purported execution of the powers conferred on the Port Authority and its members by any enactment.
- (2) Every member of the Port Authority and every member of such a committee or sub-committee and the estate and effects of that member is to be indemnified out of the assets and revenues of the Port Authority for all payments made by that member and liability incurred in any act done or omission made by that member lawfully and in good faith and not in breach of that member's duty or recklessly and in the purported execution of such powers and against all actions, claims, losses, damages, costs and demands in respect of such act or omission.
- (3) The Port Authority may enter into, and pay premiums for, a contract of insurance to indemnify the members of the Port Authority or the members of any committee or sub-committee jointly or severally against personal liability arising from any act or omission by the Port Authority or any member of the Port Authority; not being an act or omission which the member or members in question knew to be a breach of their duty or, concerning which, they were reckless as to whether it was such a breach.

## PART III

### Duties And General Powers Of The Port Authority

#### 5. General duties and powers

- (1) [It shall be the duty of the Port Authority to take such action as they consider necessary or desirable for or incidental to the improvement and conservancy of the Thames.
- (1A) The Port Authority shall have power to provide, maintain, operate and improve such port and harbour services and facilities in, or in the vicinity of, the Thames as they consider necessary or desirable and to take such action as they consider incidental to the provision of such services and facilities, and]
- (2) The Port Authority shall have power either themselves or by arrangement between themselves and another person to take such action as the Port Authority consider necessary or desirable whether or not in,

or in the vicinity of, the Thames-

- (a) for the purpose of discharging or facilitating the discharge of any of their duties, including the proper development or operation of the undertaking ;
- (b) for the provision, maintenance and operation of-
  - (i) warehousing services and facilities ;
  - (ii) services and facilities for the consignment of goods on routes which include the port premises ;
- (c) for the purpose of turning their resources to account so far as not required for the purposes of the undertaking.

(2A) The power in subsection (2) to turn their resources to account includes investing resources in any investments as they consider necessary or desirable for the benefit directly or indirectly of their undertaking.

- (3) Particular powers conferred or particular duties laid upon the Port Authority by this Act shall not be construed as derogating from each other or from the generality of subsections (1), [(1A)] and (2) of this section.

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### **Notes**

*The substitution of subsection (1), the insertion of subsection (1A) and the addition in subsection (3) were made by the Port of Tilbury Transfer Scheme 1991 Confirmation Order 1992 SI 1992/284.*

**General Note.** *Additional powers were granted by Section 21 of the Ports Act 1991. As to the application of this section to the Town and Country Planning acts, see s 175 post.*

**Definitions.** *For the "Port Authority", "the Thames" and "undertaking", see s 2(1) ante.*

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## **6. Public access to port premises**

- (1) Subject to-
- (a) the enactments relating to the Port Authority ;
  - (b) the byelaws and regulations of the Port Authority ;
  - (c) payment of the Port Authority's charges ; and
  - (d) subsections (2) and (3) of this section ;

the port premises for the time being in operation by the Port Authority shall be open to all persons for the shipping and unshipping of goods and the embarking and landing of passengers.

- (2) This section shall not apply to the shipping and unshipping of goods or the embarking and landing of passengers on or from hovercraft, hydrofoil vessels and seaplanes.
- (3) This section shall not be construed as derogating from the power of the Port Authority to discontinue any part of the undertaking.

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### **Notes**

**Byelaws.** *As to byelaws under this Act, see Pt XI post.*

*Open to all.* See, however, s 85 post.

*Discontinue any part of the undertaking.* See, for example, s 81(2) post.

*Definitions.* For "byelaws of the Port Authority", "enactments", "goods", "hovercraft", "hydrofoil vessel", "port premises", "seaplane", "the Port Authority" and "undertaking", see s 2(1) ante; for "shipping" and "unshipping", see s 2(4) ante.

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## 7. Hydrographic surveys

- (1) The Port Authority shall make such surveys of the bed of the Thames from the landward limit to the ~~former~~ seaward limit as they consider necessary or desirable in the discharge of their functions.

(1A) The Port Authority may make such surveys of the bed of the Thames estuary and the approaches to the Thames outside the seaward limit but within the vicinity of the Thames as they consider necessary or desirable in the discharge of their functions.

- (2) The Port Authority shall publish all surveys of the bed of the Thames made by them in connection with the discharge of their functions ~~and such other surveys of the bed of the Thames under subsections (1) and (1A)~~ as they consider should be published by them.

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### Notes

*Definitions.* For "bed", "published", "the former seaward limit", "the landward limit", "the Port Authority" and "the Thames", see s 2(1) ante.

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## 8. Annual report

- ~~(1) The Port Authority shall must as soon as possible after the end of each financial year prepare a report to the Minister on the exercise and performance of their functions during the preceding that financial year and the Minister shall lay a copy of every such report before each House of Parliament make that report available-~~

(a) on their website or by other suitable electronic means; and

~~—(2) The report shall include-~~

~~—(a) a statement of the audited accounts of the Port Authority for that year; and~~

~~—(b) any report made by the auditor on those accounts.~~

~~—(3) A summary of the statement of the audited accounts, together with any report of the auditor thereon included in the report to the Minister, shall within fourteen days of the presentation of the report to the Minister be published by the Port Authority in one or more national daily morning newspapers.~~

~~(4) Copies of the report shall for a reasonable period after its presentation to the Minister be on sale to the public at the Port Authority's head office~~

(b) at their principal office, at a reasonable price, if demanded.

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### Notes

*Minister.* For meaning, see 2(1) ante and the note "Minister of Transport" thereto.

*Definitions.* For "financial year" and "the Port Authority" see s 2(1) ante.

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## 9. Returns and statistics

The Port Authority shall give the Minister such returns, statistics and information with respect to the exercise of their powers as he may require.

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## Notes

*Minister.* For meaning, see s 2(1) ante and the note "Minister of Transport" thereto.

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## 10. Power to acquire undertakings

The Port Authority may acquire by agreement an undertaking providing or intended to provide services or facilities of a kind which the Port Authority are themselves authorised to provide.

## 11. Powers relating to land

(1) The Port Authority may for the purposes of the undertaking acquire land by agreement, whether by way of purchase, exchange, lease, the grant of an easement, right or privilege or otherwise, or be granted a licence for use of land.

(2) The Minister may authorise the Port Authority to purchase compulsorily any land which they require for the purposes of the undertaking and the Acquisition of Land ~~–Act 1981 and section 13 of the Local Government (Authorisation Procedure) Act 1976, 1946,~~ shall apply as if the Port Authority were a local authority within the meaning of ~~that Act and as if this Act had been in force immediately before that Act~~ those Acts.

(3) Notwithstanding anything in section 6 (Public access to port premises) of this Act the Port Authority may dispose of land belonging to them in such manner whether by way of sale, exchange, lease, the creation of any easement, right or privilege or otherwise, and may grant a licence for use of land or the discharge of water into the Thames, for such period, upon such conditions and for such consideration as they think fit.

(3A) Subsections (3B) to (3G) apply in relation to the grant of an interest in or rights over or under, or a right to use land belonging to the Port Authority which is required in order to enable the holder of a works permission or mooring permission to enjoy the benefit of that permission.

(3B) The consideration for the grant of such an interest in or rights over or under or a right to use land is to be such as may be agreed between the Port Authority and the holder of the permission or, failing agreement, is to be assessed in accordance with subsection (3C) by an arbitrator appointed on the application of either party, after notice to the other, by the President of the Royal Institution of Chartered Surveyors or their deputy.

(3C) The consideration referred to in subsection (3B) to be assessed by an arbitrator is the best consideration in money or moneys worth which, in the opinion of the arbitrator, can reasonably be obtained, having regard to all the circumstances of the case including the value of any such interest or right and taking into account any works or mooring permission granted, but excluding any element of monopoly value attributable to the extent of the Port Authority's ownership of comparable land.

(3D) The holder of a works permission or a mooring permission who is aggrieved by-

(a) the refusal by the Port Authority to grant a right to use land to which this subsection applies; or

(b) any conditions upon which the Port Authority propose to grant the right to use land;

may, on grounds that the refusal is or the terms are unreasonable, within twenty-eight days from the date upon which the Port Authority notify that person of their decision, appeal to the Minister and the provisions in Schedule 4 to this Act shall apply to such an appeal.

(3E) The conditions to which subsection (3D)(b) applies include any conditions as to the review or reassessment of the consideration, but not the consideration itself.

(3F) The notification by the Port Authority of their decision must inform the person notified of the right to appeal to the Minister under this subsection.

(3G) In any case where a permitted work is attached to land of the permission holder adjoining the Thames, the terms of the interest or right granted under this section regarding that work may require-

(a) that the owner of the adjoining land is not to transfer, lease or make any other disposition of the land to another person ("the transferee"), where the work is not to pass with the adjoining land, unless the owner secures from the transferee a covenant for the benefit of the Port Authority allowing the Port Authority access to the land to inspect the work and allowing continuing support of the work from that land and requiring the transferee to secure a covenant in the same terms from any subsequent transferee; and

(b) that a restriction is registered on the Proprietorship Register of the owner's title at Her Majesty's Land Registry providing that no disposition of the registered estate is to be registered without a certificate from the transferee or their conveyancer that the terms of that covenant have been complied with.

(4) Subject to section 175 (Application of Town and Country Planning Acts to Port Authority's land) of this Act the Port Authority-

(a) may for the purposes of the undertaking manage, use or develop land belonging to them as they think fit; and

(b) in addition may with a view to selling or otherwise disposing of any right or interest in the land after the development is carried out-

(i) retain any part of land belonging to them which is not required for the purposes of the undertaking and develop it or procure its development for use by other persons; or

(ii) where the use of land belonging to them for the purposes of the undertaking can be combined with its use for other purposes, develop the land or procure its development for use wholly or partly by other persons.

(5) Where the Port Authority intend to develop or procure the development of land belonging to them for purposes other than the purposes of the undertaking, and are of opinion that the land cannot by itself be developed satisfactorily, they may acquire adjoining land by agreement, whether by way of purchase, exchange, lease or otherwise for the purpose of developing it or of procuring its development together with the other land.

(6) For the purpose of the acquisition by the Port Authority of land by agreement, the provisions of Part I (other than sections 4 to 8 and sections 27 and 31) and of subsection (3) of section 38 of the Compulsory Purchase Act 1965 shall apply to the exclusion of the Lands Clauses Acts, and as if this Act were mentioned in Schedule 6 to the said Act of 1965.

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## **Notes**

*General Note.*

*Additional powers were granted by Sections 22 and 23 of the Ports Act 1991*

*For the application of this Section to the Town and Country Planning Acts, see s 175 post.*

*Definitions. For "undertaking", see s 2(1) ante.*

*Acquisition of Land (Authorisation Procedure) Act 1946. Mostly repealed by the Acquisition of Land Act 1981, s 34, Sch 6, Pt I; as to the application of the 1981 Act by this Act, see in particular s 1 thereof.*

*Compulsory Purchase Act 1965, Part I, s 38(3), Sch 6. S 38(3) of, and Sch 6 to, the 1965 Act are largely spent or repealed; Sch 6 amended various Acts by replacing references to the Lands Clauses Acts with references to the 1965 Act.*

*Lands Clauses Act. For meaning, see the Interpretation Act 1978, s 5, Sch 1.*

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### **11A. Application of landlord and tenant law**

No enactment or rule of law regulating the rights and obligations of landlords and tenants applies, in relation to the rights and obligations of the parties to a grant by the Port Authority of an interest or right to which sections 11(3B) to 11(3G) apply-

- (a) so as to exclude or in any respect modify any of the rights and obligations of those parties under the terms of the interest or right, whether with respect to the termination of the tenancy or any other matter;
- (b) so as to confer or impose on either party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the interest or right, in addition to any such right or obligation provided for by the terms of the interest or right; or
- (c) so as to restrict the enforcement (whether by action for damages or otherwise) by either party to the interest or right of any obligation of the other party under the interest or right.

### **12. Powers relating to legislation**

The Port Authority may promote or oppose any local or private legislation.

### **13. Power to acquire securities, lend money and give guarantees**

The Port Authority (which for the purpose of this section includes any subsidiary of the Port Authority) may, for the purposes of the undertaking or the development or disposal of land belonging to them which is not required for the purposes of the undertaking-

- (a) acquire or subscribe for any shares, stock, debentures, debenture stock or any other security of a like nature of a body corporate including that of a subsidiary of the Port Authority;
- (b) lend money to, or give a guarantee for the benefit of, any person for the purposes of an undertaking carried on by him or, where that person is a body corporate, an undertaking carried on by that body corporate or by a subsidiary thereof or a subsidiary of the Port Authority.

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### **Notes**

*Definition. For "undertaking", see s 2(1) ante.*

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### **14. Construction of vessels**

The Port Authority may construct vessels for use in carrying out their functions.

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## **Notes**

**Definition.** For "vessels", see s 2(1) ante.

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### **15. Powers formerly exercisable by the Crown and City of London**

The powers, authorities, rights and privileges which were vested in the Conservators of the river Thames by section 52 (Powers of the Queen and of the Corporation of London vested in Conservators) of the Thames Conservancy Act, 1857, and which were immediately before the commencement of this Act vested in the Port Authority shall continue to be so vested and shall, so far as they are not inconsistent with the provisions of this Act, be exercisable by the Port Authority in the same manner as they were exercisable and subject to any restrictions to which they were subject immediately before the commencement of this Act.

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## **Notes**

*Commencement of this Act.* means 26 July 1968.

*Thames Conservancy Act 1857, s 52.* 20 & 21 Vict c cxlvii; repealed by the Thames Conservancy Act 1894 (c clxxxvii) (repealed)

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### **16. Arrangements, etc, with British Railways Board**

The Port Authority and the British Railways Board may-

- (a) together take such action within their respective powers as they think fit; and
  - (b) enter into any arrangement or agreement which will in their opinion promote or secure the provision or improved provision of any service or facility which they may separately provide and without prejudice to the generality of the foregoing provisions of this paragraph any such arrangement or agreement may include provisions relating to-
    - (i) the use by either party of the facilities or equipment maintained by the other;
    - (ii) the temporary employment of the staff of one party by the other on secondment or otherwise;
    - (iii) the charges made in respect of the use of any service or facility to which the arrangement or agreement relates;
    - (iv) the financing of any project by either or both parties;
    - (v) research connected with any existing service or facility provided by either party or in relation to any service or facility under consideration; and
    - (vi) the joinder in the arrangement or agreement of any other person.
- 

## **Notes**

*British Railways Board.* The body was constituted by the Transport Act 1962, s 1, Sch 1, Pt 1 and this constitution was amended and extended by various subsequent Act. It was not abolished until 2013 although most of its land and powers had been transferred much earlier.

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### **17. Donations and subscriptions**

The Port Authority may make such donations or subscriptions to public institutions or charities as they think fit.

## 18. Refreshment rooms

~~(1) Subject to subsection (2) of this section the Port Authority may, in connection with the undertaking, provide refreshment rooms, canteens and similar facilities.~~

~~(2) The Port Authority shall not without the consent of the Commissioners [for Her Majesty's Revenue and] Customs provide or operate such facilities at a place within the customs wall or fence at any of the docks where there is a quay which was a legal quay before the commencement of the Customs and Excise Act, 1952, and which has not since that date either ceased to be a legal quay or been the subject of an appointment as an approved wharf under section 14 of that Act.~~

### Notes

*Definitions.* For "docks" and "undertaking", see s 2(1) ante.

*Customs and Excise Act 1952.* Repealed; for provisions replacing s 14 of the 1952 Act, see now the Customs and Excise Management Act 1979, s 20, 20(A). The 1952 Act came into operation on 1 January 1953. The latest act is the Commissioners for Revenue and Customs Act 2005 brought into force by a Commencement Order on 18 April 2005, SI 2005/1126 which unites the revenue with the customs.

## 19. Staff benefits

(1) The Port Authority may make such payments (apart from remuneration) and provide such benefits as they think fit for or in respect of persons employed or formerly employed by them, and, without prejudice to the generality of the foregoing, may provide pensions and comparable benefits for or in respect of such persons and may promote, assist or make contributions to institutions providing facilities for such persons.

(2) The rules set out in Schedule 3 to this Act or, as the case may be, those rules altered as provided for by the said rules, shall apply with respect to the Port of London Authority Pension Fund established under section 5 (Establishment of pension fund) of the Port of London Act, 1928.

(3) ...

(4) ...

### Notes

*Sub-ss (3), (4).* were repealed by the Port of London Act 1982, s 7, Sch 2.

#### Notes

*Sub-s (2)* The rules have been altered on various occasions and the current rule are no longer set out in Schedule 3.

*Port of London Act 1928.* Repealed by s 208, Sch 9, Pt I post.

## 20. Staff housing

~~—The Port Authority may, subject to such terms and conditions as they think fit—~~

~~(a) provide on land belonging to them, and take on lease or hire elsewhere, housing accommodation for their employees and may, without prejudice to their power to impose other terms and conditions, permit the same to be occupied by their employees with or without payment of rent;~~

~~(b) permit a person formerly in their employment to continue to occupy such accommodation after his employment with them has ceased;~~



~~(c) make loans to their employees to assist them to acquire housing accommodation and guarantee loans made to their employees for housing purposes by building societies and other lenders;~~

~~(d) continue a loan made by them to a person formerly in their employment after his employment with them has ceased or a guarantee of a loan given by them in respect of such a person.~~

## PART IV

### The Finances Of The Port Authority

#### (a) Charges

#### 21. Power to make certain charges

(1) The Port Authority may demand, take and recover in respect of any—

(a) dracone or floating dock, crane rig, drilling rig or other floating plant which is not a ship, as defined by section 57 of the Harbours Act 1964, entering ~~or~~ leaving or operating within the limits; or

(b) goods carried on any vessel navigating within, without entering or leaving, the limits,

such charge as they think fit, and the provisions of sections 30, 31..... of the Harbours Act 1964 shall with any necessary modifications, apply to the charges authorised by this subsection as they apply to ship, passenger and goods dues.

(2)(a) The Port Authority may demand, take and recover in respect of anything done or provided by them or on their behalf—including professional fees incurred in connection with the grant of an interest or right referred to in section 11(3A), such reasonable charge as they may determine.

(b) In this subsection "charge" does not include a ship, passenger or goods due as defined by section 57 of the Harbours Act 1964, or a charge authorised by subsection (1) of this section.

(3) The Port Authority may confer total or partial exemptions from, allow rebates to or make compositions with, any person with respect to charges recoverable under subsections (1) or (2), and may vary or extinguish any such exemption or composition.

#### **Notes**

*Definitions.* For "charge" and "goods", see s 2(1) ante.

*Harbours Act 1964.* Ss 32 & 34 which used to follow s 31 were repealed by the Transport Act 1981, ss 18(1), 40(1), Sch 6, para 9(1), Sch 12, Pt II.

#### 22. Charges regulations

(1) The Port Authority may make regulations—

(a) prescribing the time when a charge falls due for payment to the Port Authority and how, where and to whom a charge is to be paid;

(b) requiring—

(i) the master or owner of a vessel ~~or~~ a ship's agent or terminal operator; ~~and~~

(ii) a person using a service or facility for which the Port Authority may charge and the agent of any such person;

(iii) the holder of a works permission, mooring permission or dredging permission; or

(iv) in the case of the charge payable in relation to a vessel detailed under section 39(2)(d) (Recovery and enforcement of charges), the owner of the permitted work to which the vessel was moored,

to give to the Port Authority such information as is reasonably required by the Port Authority for, or in connection with, the assessment and collection of a charge;

- (c) requiring a trader to give to the Port Authority in relation to goods for which he is responsible such information as is required by the Port Authority for, or in connection with, the assessment and collection of port rates;
- (d) prescribing the manner in which a return of information required by the regulations is to be made and, if the return is required to be in writing, the number of copies to be provided;
- (e) prescribing the time within which the said information is to be provided;
- (f) prescribing the manner in which and the time within which ~~a claim under subsection (2) of section 29 (Exemption from port rates for bunker fuel and fish) of this Act and~~ a claim for a return of money paid in respect of port rates is to be made and the information and evidence to be supplied by the claimant in support of the claim;
- (g) ~~subject to subsection (1) of section 30 (Exemption from port rates for goods in transit) of this Act,~~ prescribing the manner in which a claim to exemption from a charge is to be made and the information and evidence to be supplied by the claimant in support of the claim; and
- (h) making such other provision-
  - (i) in relation to the assessment, collection or recovery of charges; and
  - (ii) in relation to claims to exemption from or rebates on charges;

as the Port Authority consider necessary or desirable.

- (2) Regulations made under this section may require the person paying a charge to furnish to the Port Authority a statement as to the rate in the Port Authority's published schedules of charges which is applicable in the circumstances and the sum payable in accordance with that rate.
- (3) Regulations made under this section may require payment of a charge or claims for exemption to be made or information to be supplied to a person collecting charges on behalf of the Port Authority under an agreement made between the Port Authority and that person or to some other agent of the Port Authority.
- (4) ~~(a) A relevant extract from subsisting Copies of the regulations made under this section shall be included in each schedule of charges published by the Port Authority. (b) Copies of the regulations shall must be published by the Port Authority.~~
- (5) (a) Regulations made under this section shall be binding on all persons concerned unless the Port Authority are in default in complying with the requirements of ~~paragraph (a) of~~ subsection (4) of this section.
  - (b) The Port Authority may waive the requirements of any of the said regulations.

## **Notes**

***Prescribing the time ... for payment.** If no such time is specified, charges are payable on demand; see s 35(1) post. For recovery and enforcement of charges, see s 39 post.*

***Information.** See, further, ss 43 and 44 post.*

***Definitions.** For "charge", "goods", "master", "owner", "port rates", "published", "trader" and "vessel", see s 2(1) ante, and as to "port rates", note also s 2(3) ante.*

### 23. Arrangements with ~~Commissioners for~~ Her Majesty's Revenue and Customs

- (1) The Port Authority and ~~the Commissioners for~~ Her Majesty's Revenue and Customs may enter into any such agreement or arrangement as they think fit to provide for, or to facilitate, the assessment, collection or recovery of charges.
- (2) (a) ~~The Commissioners for~~ Her Majesty's Revenue and Customs may produce to a duly authorised officer of the Port Authority any records or papers in their custody relating to any vessel or goods and the owners of any vessel and goods.
- (b) ~~Notwithstanding the provisions of section 64 of the Merchant Shipping Act, 1894, the said Commissioners Her Majesty's Revenue and Customs~~ shall not charge the Port Authority a fee in respect of the inspection by an officer of the Port Authority of a register ~~book~~ kept by them under section 4 Part II of the said Merchant Shipping Act 1995.

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#### **Notes**

*Definitions.* For "charges", "goods" and "vessel", see s 2(1) ante.

*The Commissioners for Revenue and Customs Act 2005* brought into force by a Commencement Order on 18 April 2005, SI 2005/1126 united the revenue with the customs.

*Merchant Shipping Act 1894, ss 4, 64.* Repealed; for provisions as to the registration of ships, see now, in particular, the *Merchant Shipping Act 1995, Pt II*, and regulations made thereunder.

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### 24. Compounding arrangements and rebates

Nothing in section 30 of the Harbours Act 1964 shall require the Port Authority to include in the list of ship, passenger and goods dues kept at the harbour office, as required by subsection (1) of that section, charges subject to a compounding arrangement in respect of, or reduced by a rebate allowed on, a due included in the said list.

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#### **Notes**

*Definition.* For "goods" see s 2(1) ante.

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### 25. Canal Tolls and Charges No. 6 (River Lee etc.) Order Confirmation Act 1894, not to apply to Thames

The Canal Tolls and Charges No.6 (River Lee, etc.) Order Confirmation Act, 1894, shall not apply to the Thames.

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#### **Notes**

*The Thames.* For meaning, see s 2(1) ante.

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### 26. Charges for Richmond footbridge

- (1) The Port Authority may demand, take and recover reasonable tolls from persons using the footbridge forming part of the Richmond works and section 6 of the Transport Charges &c. (Miscellaneous Provisions) Act, 1954, shall not apply to the footbridge.
- (2) The Port Authority shall display at the footbridge a list of tolls fixed by them under this section and no toll shall be recoverable which is not included in a list so displayed.
- (3) An officer of the Port Authority may prevent a person who refuses to pay the toll from using the footbridge.

## Notes

*Definitions.* For "the Richmond works", see s 2(1) ante.

### **27. Exemption from charges at Richmond lock and slipway**

~~No charge shall be made for the use of Richmond lock or slipway-~~

~~(a) by trading barges and tugs towing them; or~~

~~(b) by a vessel returning through the lock or slipway on the day of its original passage.~~

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## Notes

*Definitions.* For "tug" and "vessel", see s 2(1) ante.

### **28. Exemption from charges for Crown, etc.**

Except in so far as may be agreed between the Port Authority and the government department or person concerned or as may be specifically laid down by statute nothing in any enactment authorising the Port Authority to make charges shall extend to authorise the Port Authority to make a charge on

(a) a vessel-

(i) belonging to or in the service of Her Majesty or any member of the Royal Family; or

(ii) in the service of the Commissioners [for Her Majesty's Revenue and] Customs or of the Commissioner of the Metropolitan Police and not carrying goods for reward; or

(iii) employed by or under the authority of the .... the Secretary of State for Defence for the conveyance under contract of postal packets as defined by the Post Office Act, 1953, not being a vessel also conveying passengers or goods for reward; or

(iv) in the service of the Trinity House and not carrying goods for reward;

(b) the Commissioners [for Her Majesty's Revenue and] Customs in respect of a vessel or goods under customs seizure;

[(c) ..... ]

(d) troops landed at the port premises or a person employed by the Secretary of State for Defence while in the execution of his duty;

(e) goods belonging to the Secretary of State for Defence.

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## Notes

*The words omitted from Ss (a) (iii) and Ss (c) were repealed by the Post Office Act 1969 s.141 Sch.11*

*Postal packets.* Postal packets are now defined by the Postal Services Act 2000 s.125(1) as "a letter parcel packet or other article transmissible by post."

*Postmaster General.* See the note to s 61 post.

*Secretary of State for Defence.* ie. the Secretary of State charged with general responsibility for defence; see the Defence (Transfer of Functions) Act 1964, s 1(1).

*The Commissioners for Revenue and Customs Act 2005 brought into force by a Commencement Order on 18 April 2005, SI 2005/1126 united the revenue with the customs.*

*Definitions.* For "charges", "enactment", "goods", "port premises", "the Trinity House" and "vessel", see s 2(1) ante.

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## 29. Exemption from port rates for bunker fuel and fish

(1) The following shall be exempt from port rates :-

- ~~(a) bunker fuel for own use on board a vessel;~~
- ~~(b) fish caught in the open sea and brought in a fresh condition into the limits direct from the fishing grounds or direct from any port in the United Kingdom where the fish have been landed for the sole purpose of sale, packing and transhipment direct to a place adjacent to the Thames.~~

~~(2) If imported fuel is used for the purpose of bunkering a vessel leaving the limits, the Port Authority shall repay any port rates paid on that fuel.~~

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### Notes

*Claims.* Claims under this section must be made within the time specified in regulations made under s 22 ante; see s 41 post.

*United Kingdom.* ie. Great Britain and Northern Ireland; see the Interpretation Act 1978, s 5, Sch 1. "Great Britain" means England, Scotland and Wales by virtue of the Union with Scotland Act 1706, preamble, Art 1, as read with s 22(1) of, and Sch 2, para 5(a) to, the 1978 Act. Neither the Channel Islands nor the Isle of Man is within the United Kingdom.

*Definitions.* For "fish", "port rates", "the limits", "the Thames" and "vessel", see s 2(1) ante, and as to "port rates", note also s 2(3) ante.

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## 30. Exemption from port rates for goods in transit

~~(1) (a) Subject to the provisions of this subsection, imported goods which are, as soon as practicable after arrival within the limits, loaded on to another vessel for conveyance to another port, shall be exempt from port rates.~~

~~(b) The exemption shall not apply unless the trader or his agent or the owner, master or ship's agent of the importing or exporting vessel—~~

~~(i) within seventy two hours of the arrival of the goods, gives to the Port Authority a certificate that it is intended that the goods shall be conveyed by vessel to another port; and~~

~~(ii) immediately the goods have been loaded on the exporting vessel, gives to the Port Authority a certificate that the goods were so loaded as soon as practicable after their arrival within the limits.~~

~~(c) A certificate under paragraph (b) of this subsection shall be in such form and contain such information as the Port Authority may require and the Port Authority may extend the time within which the certificate is to be given.~~

~~(d) A person who claims exemption under this subsection shall provide the Port Authority with such information and evidence in relation to the claim, in addition to that contained in a certificate given under this subsection, as the Port Authority may reasonably require.~~

~~(2) Goods which remain on board the vessel in which they entered the limits and which are conveyed therein to another port shall be exempt from port rates.~~

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### Notes

*Definitions.* For "goods", "master", "owner", "port rates", "the limits", "trader" and "vessel", see s 2(1) ante, and as to "port rates", note also s 2(3) ante.

### 31. Exemption from port rates for estuary traffic

- (1) Goods imported into the limits from, or exported from the limits to, a coastal place landward of a line drawn from Reculvers Towers in Kent to Colne Point in Essex, or of any line that may be substituted therefor under subsection (3) of section 57 of the Customs and Excise Act, 1952 (in this section called an "intermediate place"), shall be exempt from port rates.
- (2) Goods imported to an intermediate place and thence imported into the limits, or exported from the limits to an intermediate place and thence exported without, in either case, having been landed at the intermediate place, shall be considered for the purpose of subsection (1) of this section as imported from or exported to a place seaward of the said line and not from, or to, an intermediate place.
- (3) The harbour authority having jurisdiction in an intermediate place shall, if required by the Port Authority, collect port rates and pay them over to the Port Authority and for that purpose shall have all the powers of the Port Authority in relation to the collection and recovery of port rates, other than the power to make regulations under section 22 (Charges regulations) of this Act, and shall be entitled to be repaid by the Port Authority any expenses properly incurred by them in the exercise of those powers.

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#### **Notes**

**Harbour authority.** See s 2(1) ante. Cf s 2 Harbours and Passing Tolls, etc Act 1861 "Harbour Authority" shall include all persons or bodies of persons, corporate or unincorporate, being proprietors of or interested with the duty of constructing, improving, managing, maintaining, or lighting any harbour.

**Definitions.** For "goods", "port rates" and "the limits", see s 2(1) ante, and as to "port rates", note also s 2(3) ante.

**Customs and Excise Act 1952, s 57(3).** Repealed by the Customs and Excise Management Act 1979, s 177(3), Sch 6, Pt I and replaced by s 69(3) of that Act.

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### 32. Further exemption for estuary traffic

- (1) River duties of tonnage and port rates shall not be chargeable on a vessel or on goods carried therein by reason only that the vessel passes through the limits on a voyage between a place on-
  - (a) the river Medway or on the Swale;
  - (b) the Kent coast between Warden Point and the North Foreland; or
  - (c) the Essex coast between Foulness Point and the Naze;and any other place outside the limits.
- (2) River duties of tonnage shall not be chargeable on a vessel for passengers only in relation to a voyage made by the vessel while plying between a place on the river Medway or on the Swale and a place eastward of the Yantlet line.

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#### **Notes**

By The Port of London Authority Harbour Revision Order 1999 in force 26<sup>th</sup> May 1999 the prohibition on charging river duties of tonnage on vessels passing through the limits on a voyage between a place on the Medway and any other place ceased to have effect.

**Definitions.** For "goods", "port rates", "river duties of tonnage", "the limits", "the Yantlet line" and "vessel", see s 2(1) ante, and as to "port rates", note also s 2(3) ante.

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### ~~33. Exemption from river duties of tonnage~~

~~—The following vessels shall be exempt from river duties of tonnage:—~~

- ~~(a) a vessel of not more than 45 register tons trading coastwise between the limits and a place in Great Britain;~~
- ~~(b) a vessel having as the principal part of its cargo corn imported coastwise;~~
- ~~(c) a vessel not more than 60 feet in length and registered under the Merchant Shipping Act, 1894, as a fishing boat;~~
- ~~(d) a vessel in respect of which a declaration is made on its entry into the limits that the whole of its cargo is to be exported from the limits and which ultimately leaves the limits without breaking bulk or taking in goods to be exported;~~
- ~~(e) a vessel entering or leaving the limits in ballast.~~

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### Notes

*Great Britain.* For meaning see the note "United Kingdom" to s 29 ante.

*Definitions.* For "goods", "river duties of tonnage", "the limits" and "vessel", see s 2(1) ante.

*Merchant Shipping Act 1894.* Repealed; for provisions as to the registration of ships, see now the Merchant Shipping Act 1995, Pt II, and regulations made thereunder. As to the registration of fishing boats under that Act, note in particular s 15 of the 1995 Act.

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## 34. Exemption from Navigation Tolls

*Repealed by the Port of London Authority Harbour Revision Order 2003 article 6.*

## 35. Payment of charges

- (1) Charges shall be paid at the time specified in relation thereto by the Port Authority in regulations made under section 22 (Charges regulations) of this Act, or, if no such time is so specified, on demand, and for the purposes of this Part of this Act a charge shall be deemed to have been demanded when it falls due in accordance with a provision in the said regulations.

- (2) (a) Charges on or in respect of a vessel shall be payable by the owner or master of the vessel.

(aa) Charges in respect of passengers embarking or disembarking a vessel shall be payable by the owner of that vessel.

- (b) Port rates shall be payable by the trader or, in the case of imported goods, if the trader does not enter the goods ~~at with the Custom House~~ Her Majesty's Revenue and Customs, by the person who enters the goods there.

- (c) Where a charge payable to the Port Authority may be recovered from more than one person the said persons shall be jointly and severally liable.

(3) Charges in relation to a works permission, a mooring permission, a dredging permission, or a vessel licence shall be payable by-

(a) the applicant up to the date the permission or licence is granted; and

(b) from the date of grant of the permission or licence by the permission or licence holder.

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### Notes

*Charges shall be paid.* For recovery and enforcement of charges, see s 39 post.

*This Part of this Act.* ie. Pt IV (ss 21-59) of this Act.

*Definitions.* For "charges", "goods", "master", "owner", "port rates", "the Custom House", "trader" and "vessel", see s 2(1) ante, and as to "port rates", note also s 2(3) ante.

### 36. Security for charges and consideration

The Port Authority may require a person who incurs or intends to incur a charge ~~to deposit with them or liability to pay consideration or a fee to provide such security, or to guarantee, such sum of money~~ as is, in the opinion of the Port Authority reasonable sufficient to guarantee that person's obligations having regard to the amount or probable amount of ~~the charge~~ or liability and where such a person fails to ~~deposit or to guarantee the sum of money required~~ provide sufficient security, the Port Authority may detain a vessel ~~at the docks in the limits, but excluding the Company's docks,~~ or goods on the port premises in respect of which the charge has been, or will be, incurred until the requirement has been complied with or the charge paid.

#### Notes

*Definitions.* For "docks", "goods", "port premises" and "vessel", see s 2(1) ante.

### 37. Certificate of payment

Where a person who has paid, or by agreement with the Port Authority given security for, a charge on or in respect of a vessel or port rates on imported goods, requests a certificate of his having done so for production to ~~a customs officer~~ Her Majesty's Revenue and Customs in order to prevent refusal to receive a report inwards or to grant a clearance outwards or refusal to pass an entry under section 40 (Refusal of customs clearance) of this Act, the Port Authority shall give him such a certificate in such form as they shall determine.

#### Notes

*Has paid ... give security.* As to the payment of charges, see s 35 ante, and as to the giving of security therefor, see s 36 ante.

*Definitions.* For "charge", "customs officer", "goods", "port rates" and "vessel", see s 2(1) ante, and as to "port rates", note also s 2(3) ante.

### 38. Entry on vessels

- (1) A duly authorised officer of the Port Authority may on producing, if so required, ~~his~~ that authority, board a vessel ~~in the docks or~~ within the limits to ascertain the charges payable on or in respect of the vessel or on or in respect of goods carried therein and to obtain any other information required for, or in connection with, the assessment and collection of charges.
- (2) A master of a vessel who refuses to comply with a reasonable request for information or for the production of a document made by an officer of the Port Authority who has boarded ~~his~~ that vessel pursuant to subsection (1) of this section, or gives any information or makes a statement which the master knows to be false in a material particular shall be guilty of an offence and liable to a fine not exceeding [level ~~3~~ 4 on the standard scale].

#### Notes

*The reference to level 3 on the standard scale in sub-s (2) is substituted by virtue of the Criminal Justice Act 1982, s 46. (The maximum fine was previously increased to £200 by the Port of London Act 1982, s 3(1), Sch 1, Pt I). Under s.37(2) of the Criminal Justice Act 1982, as amended by The Criminal Justice Act 1991, level 3 is now £1,000.*

*As to the authentication of documents given or issued by the Port of London Authority, see s 183 post.*

*Standard Scale.* By the Interpretation Act 1978, s 5, Sch 1, and the Criminal Justice Act 1982, s 37(3), this means the standard scale set out in s 37(2) of the 1982 Act as amended by The Criminal Justice Act 1991. The scale is: level 1: £200; level 2: £500;



level 3: £1,000; level 4: £2,500 and level 5: £5,000, but different amounts may be substituted by amendment to this Act by order under s.143 of the Magistrates' Courts Act 198 or under section 87 of the Legal Aid Sentencing and Punishment of Offenders Act 2012

**Definitions.** For "charges", "docks", "goods", "master", "owner", "the limits" and "vessel", see s 2(1) ante.

### 39. Recovery and enforcement of charges and consideration

- (1) In addition to any other remedy given to them under any enactment, the Port Authority may recover a charge payable to them as a debt in any court of competent jurisdiction.
- (2) Subsection (2A) and subsection (2B) apply if a charge or any consideration referred to in subsection (2B)(b) is not paid on demand or at the time specified in relation thereto in regulations made under section 22 (Charges regulations) of this Act, as the case may be, ~~the Port Authority may~~ (unless a deposit of a sum of money or guarantee in respect thereof has been given to the Port Authority under section 36 (Security for charges) of this Act)-

#### (2A) The Port Authority may -

- (a) in the case of a charge on or in respect of goods on the port premises, detain the goods; or
- (b) in the case of port rates on goods not on the port premises, seize the goods from a vessel ~~in a dock or~~ within the limits or from a place within the limits and detain them; ~~and~~
- until the charge has been paid, together with any costs incurred by the Port Authority in seizing and detaining the goods.

#### (2B) The Port Authority may-

- (~~ea~~) in the case of a charge on or in respect of a vessel ~~in a dock or~~ within the limits, seize and detain the vessel; ~~and its appurtenances.~~

#### (b) in the case of-

- (i) a charge for a works permission or a charge for a mooring permission, or
- (ii) any consideration payable for the grant of a right to use land in connection with that work or mooring,
- seize and detain the work and any vessel at the mooring or attached to the work;
- until the charge or consideration has been paid, together with any costs incurred by the Port Authority in seizing and detaining, except in the circumstances in subsection (5).

(2C) In subsection (2A) and subsection (2B), "seize" and "detain" in relation to a work or a vessel includes pumping out any material from the work or vessel or raising it if it has sunk, removing it and if necessary, maintaining and mooring it elsewhere or storing it and "seizing" and "detaining" shall be construed accordingly.

#### (3) If goods-

- (a) subject to a charge other than port rates are removed from the port premises at a time when the charge has not been paid: or
- (b) subject to port rates are removed beyond the limits to a place not on the port premises at a time when the port rates have not been paid;
- the Port Authority may (unless a deposit of a sum of money or guarantee in respect thereof has been given to the Port Authority under section 36 (Security for charges) of this Act)-
- (i) in the case of the removal of goods covered by paragraph (a) of this subsection, detain any goods

which belong to, or stand in the name of, any person liable for the unpaid charge and which are on the port premises, and seize and detain any such goods from a vessel ~~in a dock or~~ within the limits; or

- (ii) in the case of the removal of goods covered by paragraph (b) of this subsection, detain any goods which belong to the owner of the goods removed and which are on the port premises, and seize and detain any such goods from a vessel ~~in a dock or~~ within the limits.

(4) ~~The Subject to subsection (5) the~~ Port Authority may after giving not less than seven days' notice-

- (a) in the case of goods detained for a charge other than port rates, to the owner or person in whose name the goods stand in the records of the Port Authority;
- (b) in the case of goods detained for port rates under paragraph (ii) of subsection (3) of this section, to the owner of the goods;
- (c) in the case of other goods detained for port rates, to any one person falling within the definition of a trader in section 2 (Interpretation) of this Act;~~or~~
- (d) in the case of a vessel, to the owner or, if he cannot be ascertained, to the master; or

(e) in the case of a work, to the owner,

sell any of the goods or the vessel or ~~its appurtenances the work~~ detained pursuant to subsection (2A), subsection (2B) or subsection (3) of this section or, if any property detained is in the reasonable opinion of a responsible officer of the Port Authority unsaleable, the Port Authority may dispose of the property as they think fit and may recover as a debt in any court of competent jurisdiction from the person responsible for paying the charges in question the expenses of seizure, detention, attempted sale, sale and disposal of the property detained:

Provided that if any goods detained under subsection (2A) or subsection (3) of this section are perishable and a responsible officer of the Port Authority is of the reasonable opinion that it is impracticable to give the notice required by this subsection because the goods will, or may, deteriorate in value during the delay occasioned by the giving of the notice, the Port Authority may sell the goods without giving the said notice but shall as soon as practicable inform the person to whom the notice would have been given of the action being taken.

~~(5) Notwithstanding that notice has been given to the Port Authority in relation to the goods under section 494 of the Merchant Shipping Act, 1894, the Port Authority shall not in selling detained goods which are perishable be required to sell the goods by public auction or to comply with the provisions of subsection (2) of section 497 of the said Act.~~

~~(5) In relation to a vessel detained under subsection (2B)(b) which is not owned by the holder of a permission by whom charges are owed-~~

~~(a) the power to sell or dispose of it under subsection (4)(d) is not to have effect unless the owner of the vessel has not claimed the vessel within 90 days of the issue of the notice required by subsection (4), and~~

~~(b) if any person does claim the vessel within that period, and is able to prove that they are the owner of the vessel, the vessel must be returned to them without charge, but the Port Authority may recover as a debt in any court of competent jurisdiction from the holder of a permission in question by whom charges are owed the expenses of seizure and detention of the vessel.~~

~~(6) If the master of any person removes or attempts to remove goods detained under subsection (2A) or subsection (3) or a vessel which is or a work detained under subsection (2B) being detained under this section or under those subsections this section as applied by any other section of this Act removes or attempts to remove the vessel without the written permission of the Port Authority, he shall be guilty of an offence and liable to a fine not exceeding [level four on the standard scale].~~

(7) The proceeds from the sale of any goods or vessel or work under this section shall be applied in the following order:-

- (a) in payment of the expenses of seizure, detention~~and sale, attempted sale, sale and disposal~~ (including any costs incurred by the Port Authority in removing, pumping out any material from, raising, maintaining, mooring or storing the work or vessel) and of expenses incurred by the Port Authority in assessing or recovering the unpaid charge in respect of which the seizure or detention was effected including the amount of any costs ordered to be paid to the Port Authority under

subsection (10) of this section;

- (b) in payment of the said charge;
  - (c) in the case of imported goods, if a written claim for unpaid freight in respect of the carriage of those goods in the importing vessel is made on the Port Authority within five days of the sale, in payment of that claim.
- (8) (a) If the proceeds of sale are insufficient after deduction of the amount of any ~~duties of customs or~~ excise sums payable to Her Majesty's Revenue and Customs paid by the Port Authority to reimburse the Port Authority for the expenses which could be deducted under paragraph (a) of subsection (7) of this section the Port Authority may recover the deficiency from the person liable to pay the unpaid charge on account of which the property was sold as a debt in any court of competent jurisdiction.
- (b) Any surplus proceeds of sale in hand at the end of six months from the date of sale shall, during the next following period of six months, be released by the Port Authority on demand to the person appearing to the Port Authority to be entitled thereto, and at the end of this further period any proceeds of sale not so released shall belong to the Port Authority.
- (9) Any goods or vessel or work detained by the Port Authority and not disposed of by them under the powers of this section shall, except in the circumstances in subsection (5) on payment of the charges due thereon, be released by the Port Authority to the person appearing to the Port Authority to be entitled thereto.
- (10) If, when any property has been detained under this section a dispute arises as to the amount of the unpaid charge or the expenses of the seizure or detention of the property, the Port Authority shall not apply any proceeds of sale in payment of the charge or expenses incurred by them until the dispute has been determined by a court of competent jurisdiction, which may make such order as to costs as it thinks fit.
- (11) (a) If the place of business or abode of the person to be notified under this section is not known to the Port Authority or is outside the United Kingdom or if, in the reasonable opinion of a responsible officer of the Port Authority, the property to be sold has been abandoned, the notice may be given by displaying it at the head-principal office of the Port Authority for seven days before the sale.
- (b) If the owner or master of a vessel cannot be ascertained the notice shall be given by affixing it in a conspicuous position on the vessel.
- (12) A duly authorised officer of the Port Authority may, on producing, if so required, his authority, at all reasonable times enter a vessel or place for the purpose of seizing goods or the vessel or the work which the Port Authority are authorised to seize and detain under this section.
- (13) References in this section to removing, maintaining, storing or selling a vessel include a reference to its appurtenances and any tackle or other chattels with or on that vessel but "chattels" does not include any tools or other items of equipment necessary for the employment of any person, or such clothing, bedding or furniture or domestic equipment and provisions as are necessary for satisfying their basic domestic needs (except where these have been abandoned or in the reasonable opinion of the Port Authority are so damaged as to be no longer usable for such employment or to satisfy basic domestic needs).

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## Notes

*The reference to level 4 on the standard scale in sub-s (6) is substituted by virtue of the Criminal Justice Act 1982, s 46. (The maximum fine was previously increased to £500 by the Port of London Act 1982, s 3(1), Sch 1, Pt I. Under s.37(2) of the Criminal Justice Act 1982, as amended by The Criminal Justice Act 1991, level 4 is now £2,500*

**Sub-s (1): May recover ... as a debt in any court.** *Note the provisions of the Magistrates' Courts Act 1980, s 58(2).*

**Standard scale:** *See the note to s 38 ante.*

**United Kingdom.** *See the note to s 29 ante.*

**Sub-s (12): On producing, if so required, his authority.** *See the note to s 38 ante. As to the authentication of documents given*

or issued by the Port of London Authority, see s 183 post.

**Application of section.** This section is applied by ss 143 and 145 post.

**Definitions.** For "charge", "dock", duties of customs and excise", "enactment", "goods", "master", "owner", "port premises", "port rates", "trader", "the limits" and "vessel", see 2(1) ante, and as to "port rates", note also s 2(3) ante.

**Merchant Shipping Act 1894, ss 494, 497(2).** Repealed by the Statute Law (Repeals) Act 1993.

#### 40. Refusal of customs clearance

~~A customs officer~~ Her Majesty's Revenue and Customs may refuse

(a) to receive a report inwards or to grant a clearance outwards to a vessel; and

(b) to pass an entry for imported goods liable to port rates;

unless ~~he is~~ satisfied that all charges payable to the Port Authority on or in respect of that vessel, or that all port rates payable on those goods, as the case may be, have been paid or that a sum of money or guarantee in respect thereof has been deposited with, or given to, the Port Authority under section 36 (Security for charges) of this Act.

#### Notes

**Definitions.** For "charges", "customs officer", "goods", "port rates" and "vessel", see s 2(1) ante, and as to "port rates", note also s 2(3) ante.

#### 41. ~~Claims for repayment of port rates~~

~~A person making a claim under subsection (2) of section 29 (Exemption from port rates for bunker fuel and fish) of this Act or claiming a return of money paid in respect of port rates shall make his claim within the time specified in regulations made by the Port Authority under section 22 (Charges regulations) of this Act, and, if he fails to do so, the claim shall cease to be enforceable.~~

#### ~~Notes~~

~~**Definition.** For "port rates" see s 2(1) ante, and as to "port rates", note also s 2(3) ante.~~

#### 42. Liens for port rates

(1) A person who by agreement with the Port Authority collects port rates on their behalf and who pays, or gives security for the payment of, port rates on goods in his possession shall have a lien on the said goods for the amount paid or security given in respect thereof.

(2) A wharfinger or carrier who is not himself liable for the payment of port rates may pay or by agreement with the Port Authority give security for, port rates on goods in his custody and, in that event, he shall have a like lien on the said goods for the amount of those port rates as he would have in respect of his charges for safe custody or carriage of the goods, as the case may be.

#### Notes

**Gives security.** ie. under s 36 ante, or under sub-s (2) above.

**Definitions.** For "charges", "goods" and "port rates", see s 2(1) ante, and as to "port rates", note also s 2(3) ante.

#### 43. Weighing etc, of goods for purposes of port rates

- (1) A person in possession of goods in respect of which information relating to the assessment or collection of port rates has been given to the Port Authority pursuant to regulations made under section 22 (Charges regulations) of this Act shall give to a duly authorised officer of the Port Authority, on production of his authority, reasonable facilities for weighing, measuring and examining the goods and shall, if so requested, give to such an officer any information he may reasonably require for the purpose of checking or amplifying the information already given to the Port Authority in respect of the goods.
- (2) A person who fails to comply with subsection (1) of this section shall be guilty of an offence and liable to a fine not exceeding [level three on the standard scale].

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#### **Notes**

*The reference to level 3 on the standard scale in sub-s (2) is substituted by virtue of the Criminal Justice Act 1982, s 46. (The maximum fine was previously increased to £200 by the Port of London Act 1982, s 3(1), Sch 1, Pt I). Under s.37(2) of the Criminal Justice Act 1982, as amended by The Criminal Justice Act 1991, level 3 is now £1,000*

**Information ... has been given.** See also s 38 ante.

**On production of his authority.** See the corresponding note to s 38 ante.

**Standard scale.** See the note to s 38 ante.

**Definitions.** For "goods" and "port rates", see 2(1) ante, and as to "port rates", note also s 2(3) ante.

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#### 44. False information and evasion of charges

- (1) A person who-
- (a) in response or in purported response to a requirement made on him by regulations made under section 22 (Charges regulations) of this Act gives any information or makes a statement which he knows to be false in a material particular; or
  - (b) with intent to evade or to enable another person to evade a charge fails within the time prescribed in the said regulations to give information in response to a requirement to do so made on him thereby;
- shall be guilty of an offence and liable to a fine not exceeding [level 4 on the standard scale].
- (2) A person who eludes or evades or attempts to elude or evade payment of, or refuses to pay, a charge due from him to the Port Authority shall-
- (a) be liable to pay to the Port Authority, in addition to the charge, a sum equal to the amount thereof, which sum shall be a debt due to the Port Authority and shall be recoverable by them in any court of competent jurisdiction; and
  - (b) be guilty of an offence and liable to a fine not exceeding [level 4 on the standard scale];
- notwithstanding the fact that subsequent to the commission of the offence he has tendered or paid to the Port Authority the charge in question.

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#### **Notes**

*The references to level 4 on the standard scale are substituted by virtue of the Criminal Justice Act 1982, s 46. (The maximum fines were previously increased to £500 by the Port of London Act 1982, s 3(1), Sch 1, Pt I). Under s.37(2) of the Criminal Justice Act 1982, as amended by The Criminal Justice Act 1991, level 4 is now £2,500*

**Standard scale.** See the note to s 38 ante.

**A debt ... recoverable ... in any court.** Note the provisions of the Magistrates' Courts Act 1980, s 58.

**Definition.** For "charge" see s 2(1) ante.

#### 45. Refusal to pay charges for landing place

An officer of the Port Authority may prevent a vessel from using a landing place provided by the Port Authority, if the master of the vessel refuses to pay the charges for such use.

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#### **Notes**

***Landing place.** For the provision of "landing places" (as defined in s 2(1) ante) by the Port Authority, see s 81 post.*

***Definitions.** For "charges", "master" and "vessel", see s 2(1) ante.*

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#### *(b) Financial management and borrowing powers*

#### **46. Port Fund**

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~~The port fund shall be continued and maintained and all receipts of the Port Authority shall be carried to the port fund and all payments by the Port Authority shall be made out of the port fund.~~

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#### **Notes**

***Definition.** For "port fund" see s 2(1) ante.*

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#### 47. Application of Port Authority's revenue

(1) ~~Subject to subsection (2) of this section, the receipts~~ The income of the Port Authority ~~on revenue account~~ in each financial year shall be applied for the following purposes in the following order:-

(a) the payment of working and establishment expenses (including the provision of pensions, or comparable benefits for or in respect of persons employed or formerly employed by them) and of any part of the cost of performing the Port Authority's duties or exercising their powers which is properly ~~chargeable to revenue account~~ recorded in the profit and loss statement;

~~(b) the payment of interest on A port stock and on port stock ranking pari passu therewith;~~

~~(c) the payment of interest on other port stock and on moneys borrowed under [sub-paragraphs (i), (ii) and (iv)] of paragraph (a) of subsection (1) of section 48 (Borrowing powers) of this Act;~~

(d) the payment of interest on moneys borrowed by the Port Authority and raised by other means;

(e) making such provision for depreciation as the Port Authority consider necessary;

and any balance left after making the payments referred to in this subsection shall be used as the Port Authority think fit in the performance of their duties and the exercise of their powers.

~~(2) If the Minister so directs in writing in relation to any financial year, interest on money borrowed by the Port Authority and repayable within a period not exceeding two years from the date of borrowing shall, for the purposes of subsection (1) of this section, rank pari passu with the payment of interest on port stock other than A port stock.~~

(3) For the purposes of this section the certificate of the auditor of the Port Authority's accounts shall, subject to any variation allowed in writing by the Minister, be conclusive as to-

(a) the amount of the ~~receipts-income~~ income of the Port Authority on revenue account in the financial year in question; and

- (b) the costs which for the purposes of paragraph (a) of subsection (1) of this section are properly chargeable to revenue account recorded in the profit and loss statement.

## Notes

*The words in square brackets in sub-s (1) were substituted by the Port of London Authority (Borrowing Powers) Revision Order 1971, SI 1971/1227, art 2(4).*

*A port stock was fully repaid in 1999.*

*Minister.* For meaning, see s 2(1) ante and the note "Minister of Transport" thereto.

*Definitions.* "A port stock", "financial year" and "port stock", see s 2(1) ante.

## 48. Borrowing powers

~~[(1) The Port Authority may—~~

- ~~(a) borrow and raise money on the security of the assets for the time being of the Port Authority, of the port fund and of the revenues of the Port Authority by any of the following methods:~~  
~~(i) by the issue of bonds;~~

(1) The Port Authority (which for the purpose of this section includes any subsidiary of the Port Authority) may borrow money for any of the purposes of their undertaking whether the purposes concerned are of a capital or revenue nature, and may do so in such manner and on such terms as the Port Authority consider expedient.

(2) Without limitation on the scope of subsection (1), the power to borrow conferred by that subsection may be exercised—

(a) by the issue of debentures on such terms as the Port Authority think fit;

(b) by borrowing from a government source or bank or other provider on overdraft or loan;

~~(ii) by the (c) by opening an acceptance of deposits;~~ credit with a bank or accepting house;

(d) by accepting money on deposit.

~~(iii) by the creation and issue of port stock; and~~

~~(iv) by such other method as the Minister shall in writing approve;~~

~~— [Where by virtue of an existing local provision any power of a relevant harbour authority with respect to borrowing, the repayment of a loan or the application of borrowed money is subject to the consent or approval of a Minister of the Crown, it may be exercised without that consent or approval.~~

~~— Where by virtue of such a provision a relevant harbour authority have powers to borrow any amount with the consent or approval of a Minister of the Crown (whether or not they may borrow any other sum without such consent or approval) the maximum amount they may borrow by virtue of that power shall be if a limit is specified in that provision on the sums that may be borrowed with such consent or approval, the amount of that limit increased by 20 per cent.]~~

~~(b) raise money by the mortgage of any land which vested in or was acquired by the Port Authority after the 31st July, 1964.]~~

~~(2) The total amount of moneys borrowed or raised by the Port Authority for capital purposes under the Port of London Acts, 1908 to 1917, and the enactments repealed by this Act and under this section and outstanding at any one time shall not exceed [two hundred million pounds].~~

~~(3) Moneys borrowed or raised by the Port Authority under this section shall be applied only:—~~

(3) The Port Authority may, by way of security for any borrowing authorised or any guarantee given by them under this section, grant any mortgage or charge which it they think fit over all or any part of their revenues (present or future) and the Port Authority's assets.

~~(a) to purposes to which capital is properly applicable;~~

~~(b) to the repayment of moneys borrowed or raised by the Port Authority for any purpose; and~~

~~(c) with the consent of the Minister, for any other purpose not covered by paragraphs (a) and (b) of this subsection.~~

~~— [Where by virtue of an existing local provision any power of a relevant harbour authority with respect to borrowing, the repayment of a loan or the application of borrowed money is subject to the consent or approval of a Minister of the Crown, it may be exercised without that consent or approval].~~

~~(4) Section 6 of the Public Works Loans Act 1964 shall not apply to the Port Authority.~~

(4) The Port Authority may for the purposes of their undertaking give guarantees to any person for the benefit of any undertaking carried on by that person or, if that person is a company, by any subsidiary of that person.

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## Notes

*Sub-s (1) was substituted by the Port of London Authority (Borrowing Powers) Revision Order 1971, SI 1971/1227, art 2(2).*

*The words in square brackets in sub-s (2) were substituted by the Port of London Authority (Borrowing Powers, etc) Revision Order 1980, SI 1980/1068, art 2.*

*The variations to subsections (1)(a)(iv) and 3(c) in brackets were made by Section 3 of the Ports (Finance) Act 1985.*

**Bonds.** *For the regulations relating to bonds, see s 55 post.*

**Minister.** *For meaning see s 2(1) ante and the note "Minister of Transport" thereto.*

*By virtue of the Port of London Authority (Borrowing Powers) Revision Order 1971, SI 1971/1227, art 2(5), the reference to the Minister in sub-s (1) as substituted is to be construed as if that subsection had been substituted before the coming into operation of the Secretary of State for the Environment Order 1970, SI 1970/1681 (i.e. before 12 November 1970).*

**Capital purposes.** *See s 56 post.*

**Definitions.** *For "enactment", "land", "port fund" and "port stock", see s 2(1) ante.*

**Port of London Acts 1908 to 1917.** *Those Acts were largely repealed with savings by the Port of London (Consolidation) Act 1920, ss 3-5, Sch 3, Pt VII, Sch 4 (repealed), and the remaining provisions were repealed with savings by ss 208, 212, Schs 9, 11 post.*

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## 49. Temporary Loans

~~(1) The Port Authority may, for the purpose of meeting their obligations and carrying out their functions, raise money on the security of the port fund and of the revenues of the Port Authority by means of an overdraft from a bank or other temporary loan, by the issue of bills of exchange, promissory notes and bonds and by the acceptance of deposits.~~

~~(2) The total amount of moneys raised by the Port Authority under section 98 (Power to obtain advances) of the Port of London (Consolidation) Act, 1920, and under this section and outstanding at any one time shall not exceed twelve million pounds or such larger amount not exceeding twenty million pounds as the Minister may sanction.~~

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## Notes

**Bonds.** *For the regulations relating to bonds, see s 55 post.*

**Minister.** *For meaning, see s 2(1) ante and the note "Minister of Transport" thereto.*



*Definition.* For "port fund", see s 2(1) ante.

*Port of London (Consolidation) Act 1920, s 98.* Repealed by ss 208, 212, Schs 9, 11 post.

## 50. Lenders not to be concerned with application of money lent

It shall not be necessary for a person who lends money to the Port Authority to enquire into the application of that money.

## 51. Port Authority not bound to recognise any trust

The Port Authority shall not be bound to see to the execution of, or be affected by notice of, any trust, whether express, implied or constructive, to which any bill, bond, stock or other document relating to moneys borrowed, or the principal moneys or interest thereby secured, or any money received on deposit or interest thereon may be subject, and the receipt of the holder of a bill or the receipt of the person in whose name any bond, stock or other document, or any money received on deposit stands in the books of the Port Authority, as the case may be, shall be a sufficient discharge to the Port Authority for any money payable in respect thereof, notwithstanding any trust to which the same, or the money secured thereby, may be subject; and the Port Authority shall not be bound to see to the application of the money paid upon such receipt.

### Notes

*Document.* See also Sch 11, para (o) post. As to the authentication of documents, see s 183 post.

## 52. Ranking of port stock

~~A port stock and port stock created after the commencement of this Act to rank pari passu with A port stock and the interest thereon shall rank in priority to other port stock and the interest thereon but subject thereto all port stock and moneys borrowed under [sub paragraphs (i), (ii) and (iv)] of paragraph (a) of subsection (1) of section 48 (Borrowing powers) of this Act and the interest on the port stock and such moneys shall rank pari passu without any priority on account of the date of issue or on any other account.~~

### Notes

~~The words in square brackets were substituted by the Port of London Authority (Borrowing Powers) Revision Order 1971, SI 1971/1227, art 2(4).~~

~~A Port Stock was fully repaid in 1999.~~

~~Commencement of this Act.~~ means 26 July 1968.

*Definitions.* For "A port stock" and "port stock", see s 2(1) ante; see also s 48 ante, as to the creation of "port stock".

## 53. Stock regulations

- ~~(1) The port stock created and issued by the Port Authority under the Port of London Act, 1908, and outstanding immediately before the commencement of this Act shall continue to be transferred, dealt with and redeemed in accordance with the Port of London Stock Regulations, 1909 to 1927.~~
- ~~(2) The port stock created and issued by the Port Authority under the Port of London (Consolidation) Act 1920, and outstanding immediately before the commencement of this Act shall continue to be transferred, dealt with and redeemed in accordance with the Port of London Stock Regulations, 1921.~~
- ~~(3) Any port stock created under section 48 (Borrowing powers) of this Act shall be issued, transferred and~~

~~dealt with in accordance with the Port of London Stock Regulations, 1921, except that, notwithstanding the provisions of the said regulations, the Port Authority shall not be required to set up a fund for the redemption of any such stock and any fund so set up shall not be subject to the said regulations.~~

- ~~(4) (a) The Minister may by order amend or revoke the Port of London Stock Regulations, 1909 to 1927, and the Port of London Stock Regulations, 1921, or make new regulations relating respectively to port stock issued under the said Act of 1908, the said Act of 1920 or this Act and references in this section to the Port of London Stock Regulations, 1909 to 1927, and the Port of London Stock Regulations, 1921, shall be deemed to include references to such regulations as amended or to any new regulations.~~
- ~~— (b) The Interpretation Act, 1889, shall apply for the interpretation of the Port of London Stock Regulations, 1909 to 1927, as it applies for the interpretation of an Act of Parliament.~~
- ~~(5) An order under subsection (4) of this section shall be made by statutory instrument.~~

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### Notes

*Commencement of this Act.*— means 26 July 1968.

*Minister.*— For meaning, see s 2(1) ante and the note "Minister of Transport" thereto.

*Definition.*— For "port stock", see s 2(1) ante.

*Port of London Act 1908.*— That Act was repealed with savings by the Port of London (Consolidation) Act 1920, s 3, Sch 3, and is now wholly repealed by s 208, Sch 9 Pt I post.

*Port of London Stock Regulations 1909 to 1927.*— These regulations are now deemed to have been made or issued under sub-s (4) above by virtue of s 212, Sch 11, para (h) post.

*Port of London (Consolidation) Act 1920.*— Repealed with savings by ss 208, 209, 212, Schs 9-11 post.

*Port of London Stock Regulations 1921.*— These regulations are now deemed to have been made or issued under sub-s (4) above, by virtue of s 212, Sch 11, para (h) post.

*Interpretation Act 1889.*— Repealed by the Interpretation Act 1978, s 25, Sch 3, and replaced by provisions of that Act.

*Orders under this section.*— No Orders had been made under this section up to 1 March 1987, but the following Orders (as modified by s 213 post) have effect as if made under this section, by virtue of s 212 Sch 11, para (h) post—the Port of London Stock Regulations 1909, SR & O 1909/284, as amended by SI 1971/1227; the Port of London Stock Regulations 1911, SR & O 1911/376; the Port of London Stock Regulations 1917, SR & O 1917/87; the Port of London Stock Regulations 1921, SR & O 1921/1700, as amended by SI 1971/1227; the Port of London Stock Regulations 1926, SR & O 1956/745; the Port of London Stock Regulations 1927, SR & O 1927/1239.

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## [54. Miscellaneous rights of stockholders and others

- (1) The following provisions shall ~~be apply in relation to any borrowing which is~~ secured on the assets for the time being of the Port Authority, ~~on the port fund~~ and on the revenues of the Port Authority—
- ~~(a) the port stock created and issued by the Port Authority under the Port of London Act 1908 and the Port of London (Consolidation) Act 1920;~~
- ~~(b) any port stock created and any bonds of the Port Authority issued under section 48 (Borrowing powers) of this Act; and~~
- ~~(c) money borrowed by the Port Authority from the Minister and lent by him in exercise of his powers under section 11 of the Harbours Act 1964.~~
- (2) If the Port Authority—
- ~~(a) are in default in the redemption of port stock or have been in default for not less than three months in the payment of interest on port stock; or~~
- ~~(b) are in default in the redemption of bonds of the Port authority issued under section 48 (Borrowing~~

~~powers) of this Act or have been in default for not less than three months in the payment of interest on bonds so issued; or~~

~~(2) If the Port Authority are in default in the repayment of money borrowed or raised by the Port Authority by the acceptance of deposits under section 48 (Borrowing powers) of this Act or in the repayment of money borrowed by the Port authority from the Minister and lent by him in exercise of his powers under section 11 of the Harbours Act 1964 to which this section applies or have been in default for not less than three months in the payment of interest on money so borrowed or raised, the holders of the stock or of the bonds to an aggregate nominal value in each case of not less than five hundred thousand pounds or the persons from whom the deposits (being in aggregate not less than five hundred thousand pounds) have been accepted or the Minister (as the case may be) the person to whom that money is owed may apply to the High Court for the appointment of a receiver and manager of the undertaking.~~

(3) A receiver and manager so appointed shall have-

(a) the like powers as the Port Authority would have (including, but without prejudice to the duties of the Port Authority under this Act or any other enactment, the powers to dispose of assets of the Port Authority and to discontinue parts of the undertaking) for the purpose of raising any sum required to ~~meet a deficiency in the port fund and to~~ make good the default;

(b) such other powers and such duties not exceeding those of the Port Authority as the Court thinks fit, and shall apply all money raised by him as the Court directs.

(4) The Court may at any time discharge a receiver and manager so appointed and shall have full jurisdiction over him.

~~(5) Unless the terms on which it is issued provide otherwise, port stock shall not be redeemable on less than six months' notice.~~

~~(6) Interest on A port stock shall be paid half yearly.]~~

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## Notes

*This section was substituted by the Port of London Authority (Borrowing Powers) Revision order 1971, SI 1971/1227, art 2(3).*

**Sub-s (1): Bonds.** *For the regulations relating to bonds see, s 55 post.*

**Minister.** *By virtue of the Port of London Authority (Borrowing Powers) Revision Order 1971, SI 1971/1227, art 2(5), the reference to the Minister in this section as substituted is to be construed as if this section had been substituted before the coming into operation of the Secretary of State for the Environment Order 1970, SI 1970/1681 (ie. before 12 November 1970).*

*As to the meaning of "the Minister", see s 2(1) ante and the note "Minister of Transport" thereto.*

**Sub-(5): Not ... less than six months' notice.** *As to the service of documents, see s 184 post.*

**Definitions.** *For "port fund", "A port stock", "port stock" and "undertaking", see s 2(1) ante.*

**Port of London Act 1908.** *That Act was repealed with savings by the Port of London (Consolidation) Act 1920, s 3 Sch 3, and is now wholly repealed by s 208, Sch 9, Pt I post.*

**Port of London (Consolidation) Act 1920.** *Repealed with savings by ss 208, 209, 212, Schs 9-11 post.*

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## **55. Regulations relating to bonds**

~~(1) Bonds of the Port Authority shall be issued, transferred, dealt with and redeemed upon such terms and in accordance with such provisions as the Minister with the approval of the Treasury may by order prescribe.~~

~~(2) An order under subsection (1) of this section shall be made by statutory instrument.~~

~~(3) The provisions of section 115 of the Stamp Act, 1891, shall with the necessary adaptation apply in relation to bonds issued by the Port Authority as if those bonds were stock or funded debt of the Port Authority within the meaning of that section.~~

~~(4) The Port of London Authority (Manner of Borrowing) Order 1968 shall be deemed to have been made under this section, and the Port Authority may raise money thereunder for the purposes specified in section 48 (Borrowing powers) and section 49 (Temporary loans) of this Act.~~

#### Notes

*Bonds ... shall be issued.* As to the borrowing powers of the Port of London Authority, see s 48 ante.

*Minister.* For meaning, see s 2(1) ante and the note "minister of Transport" thereto.

*Stamp Act 1891, s 115.* Repealed by the Finance Act 1976, ss 126(4), 132(5), Sch 15, Pt VI.

*Port of London Authority (Manner of Borrowing) Order 1968 SI 1968/901.* The Order was made under the Port of London (Consolidation) Act 1920, s 95 (repealed by ss 208, 212, Schs 9, 11 post.)

*Orders under this section.* Up to 1 March 1997 no Order had been made under this section but by virtue of sub-s (4) above the Port of London Authority (Manner of Borrowing) Order 1968, SI 1968/901, as modified by s 213 post, has effect as if made under this section.

### 56. Power to charge interest on capital

Where the Port Authority commence any work from which revenue may after its completion be derived, they may, during such period as they determine, ~~not exceeding ten years~~ from the commencement of the work ~~or such longer period as the Minister may in writing agree~~, charge to capital as part of the cost of the work interest on money raised to defray the cost of acquisition of land for the purpose of the work and the expenses of constructing or carrying out the work.

#### Notes

*Minister.* For meaning, see s 2(1) ante and the note "Minister of Transport" thereto.

### 57. General reserve

The Port Authority shall continue and maintain a general reserve and shall determine the moneys to be carried to the credit of that reserve, the management thereof and the application for the purposes of the Port Authority of the moneys comprised therein.

### ~~58. Saving for powers of the Treasury~~

~~It shall not be lawful to exercise the powers of borrowing conferred by this Act otherwise than in compliance with any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act, 1946.~~

#### Notes

*Powers of borrowing.* See s 48 ante.

*Borrowing (Control and Guarantees) Act 1946, s 1.* Repealed by the Government Trading Act 1990, s 4, Sch 2, Pt I and not replaced.

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## 59. Accounts and audit

- (1) The Port Authority shall keep proper accounts and proper records in relation thereto.
- (2) The accounts for each financial year shall be audited by an auditor or firm of accountants [appointed by the Port Authority.]
- (3) [The auditor or firm must be eligible for appointment as a statutory auditor (see ~~part 42~~ section 1210 of the Companies Act 2006).]

(4) The Port Authority must as soon as possible after the end of each financial year prepare a report to include-

(a) a statement of the audited accounts of the Port Authority for that year; and

(b) the independent auditor's report relating to those accounts.

(5) The Port Authority must make the report referred to in subsection (4) available-

(a) on their website or by other suitable electronic means; and

(b) at their principal office, at a reasonable price, if demanded.

~~(4)~~.....

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## Notes

*The words in square brackets in sub-s (2) were substituted and the whole of sub-s (4) was repealed, by the Port of London Authority (Borrowing Powers, etc) Revision Order 1980, SI 1980/1068, art 3.*

*The words in square brackets forming sub-s (3) were substituted by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 Schedule 1 para 19 Art 2(1) SI 2009/1941.*

**United Kingdom.** See the note to s 29 ante.

**Board of Trade.** The functions of the Board of Trade in this respect are now exercisable by the Secretary of State for Trade and Industry; see the Companies Act 1985, s 389(1).

**Definition.** For "financial year" see s 2(1) ante.

**Companies Act 1948, s 161(1).** Repealed by the Companies Consolidation (Consequential Provisions) Act 1985, s 29, Sch 1, and replaced by the Companies Act 1985, s 389(1) (repealed); and then by the Companies Act 1989 Pt II, see now the Companies Act 2006..

## PART V

### The Thames

#### (a) Operations of the Port Authority

#### 60. Dredging and improvement

- (1) The Port Authority may ~~cleanse, scour, cut, deepen, widen,~~ dredge and improve the bed and banks of the Thames, ~~and may take up and remove material therefrom.~~
- (2) Any material ~~so~~ taken up and removed shall (in so far as it is not the property of the Port Authority before being taken up) become the property of the Port Authority on taking up and may be used, sold, deposited or otherwise disposed of as the Port Authority think fit~~;~~.

~~Provided that no such material shall be deposited below the level of mean high water springs seaward of the Yantlet line except in such position as the Board of Trade may approve, and subject to such restrictions and conditions as they may impose.~~

#### Notes

*General Notes:* As to consents required in respect of certain works under this section, see ss 61 and 198 post. For certain restrictions, see s 193 post; within the delineated lands as defined by the Thames Barrier Act the provisions of ss 60, 62, 65, 66 and 73 of the Port of London Act 1968 are subject to section 48(3) of the Thames Barrier Act.

*In the Medway approach area as defined by the Medway Ports Act 1973 as varied by The Medway Ports Authority Harbour Revision Order 1989, the provisions of ss 60, 66, 69, 73 and 120 of Port of London Act 1968 are subject to section 85(3) of the Medway Ports Act 1973.*

**Board of Trade.** The powers of the Board of Trade are now exercised by and all references to the Board of Trade are now to be construed as a reference to the Secretary of State for Transport. See note on Minister of Transport to clause 2.

**Definitions.** For "bed", "the Thames" and the "Yantlet line", see s 2(1) ante.

#### 61. Protection in relation to dredging

- (1) Except as otherwise provided by any other enactment or agreement or by any ~~licence~~ dredging permission the Port Authority shall make compensation to a person whose property or works are damaged by, or in consequence of, any operations of the Port Authority in connection with dredging or otherwise deepening and improving the bed or banks of the Thames in any case where that person would have been entitled to damages if the operation had been executed otherwise than in pursuance of statutory powers and for the purposes of this provision the expression "person" shall include the Crown and any government department, provided that compensation shall not be made for damage to property or works constructed without lawful authority.
- (2) Before exercising the powers of section 60 (Dredging and improvement) of this Act within ~~twenty yards~~ 18.28 metres of-
  - (a) the pier of a bridge over, or a tunnel under, the Thames; or
  - ~~(b) a sewer under the Thames vested in a local authority;~~
  - ~~(c) a submarine cable placed or maintained by the Postmaster General; or~~
  - ~~(d)~~ (d) an electronic communications line, an electric line, a main or pipe (including cooling water intake and outfall works) or sewer under the Thames vested in any ~~statutory operator of an electronic communications network, or~~ electricity, gas ~~or~~ water or sewerage undertakers;

the Port Authority shall give to the person in whom the bridge or tunnel is vested, ~~the local authority, the Postmaster General~~ or the undertakers concerned, as the case may be, not less than fourteen days' notice

in writing of their intention so to do stating the position and depth of the proposed dredging:

Provided that this subsection shall not apply in relation to any electronic communications line, electric line, main-~~or~~-pipe (including cooling water intake and outfall works) or sewer unless the ~~undertakers~~ operator of an electronic communications network or the undertaker concerned ~~have~~has supplied the Port Authority with a plan showing the position and depth in which the electronic communications line, electric line, main-~~or~~-pipe or sewer is laid under the Thames.

- (3) No material taken up and removed in the exercise of the said powers shall, without the consent of the ~~Postmaster General, the local authority~~ operator of an electronic communications network or the undertakers concerned, ~~as the case may be~~, be deposited so as to obstruct or impede any work of, or connected with the inspection or repair of, any such sewer, ~~Post Office cable~~electronic communications line, electric line, main or pipe (including cooling water intake and outfall works) or so as to affect the efficient operation thereof.
- (4) For the purposes of this section a work under the control of ~~a river authority~~ the Environment Agency or of a drainage authority in exercise of their functions under the Land Drainage Act, ~~1930, the Land Drainage Act, 1961, 1991~~ or the Water Resources Act ~~1963-1991~~ shall be deemed to be vested in the Agency or the authority as the case may be.

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## **Notes**

**Postmaster General and Post Office Cable.** By the Post Office Act 1969, s 1, the office of Postmaster General was abolished and replaced by the Post Office. The British Telecommunications Act 1981 transferred the telecommunications functions and property of the Post Office to the corporation and the Telecommunications Act 1984 authorised their transfer to British Telecommunications plc.

**Statutory ... undertakers.** See statutory undertakers in s 121(7) post.

As to the authentication of documents given or issued by the Port of London Authority, see s 183 post, and as to the service of documents under this Act, see s 184 post.

**Definitions.** For "bed", "drainage authority", "enactment", "river authority" and "the Thames", see s 2(1) ante.

**Land Drainage Act 1930; Land Drainage Act 1961.** Repealed by the Land Drainage Act 1976, s 117(3), Sch 8 and replaced by provisions of that Act. The Land Drainage Act 1976 has for the most part been replaced by the Land Drainage Act 1991 and the Water Resources Act 1991. The Water Resources Act 1963 has been repealed by the Water Consolidation (Consequential Provisions) Act 1991.

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## **62. Works in the Thames**

- (1) The Port Authority may lay down, maintain and operate in and over the Thames such works and equipment as are required for or in connection with the exercise by them of any of their functions.
- (2) The Port Authority shall obtain the approval of the Trinity House before placing in or near the Thames a buoy, beacon, light or other device of any nature designed to assist navigation.

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## **Notes**

**General Note:** For restrictions on the powers of the Port of London Authority under this section, see s 187, Sch 8, paras 1, 2 post; within the delineated lands as defined by the Thames Barrier Act the provisions of ss 60, 62, 65, 66 and 73 of Port of London Act 1968 are subject to section 48(3) of the Thames Barrier Act

**Definitions.** For "the Thames" and "the Trinity House", see s 2(1) ante.

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## **63. Removal of private moorings**

- (1) ~~Section 66 (Licensing of works) and section 70 (Works not to be constructed, etc., without works licence) of this Act shall not apply to~~ The owner of a mooring chain placed in the Thames before 29th September, 1857, ~~but the Port Authority may remove~~ which was exempt from licensing under section 66 (Permitting of works) and



section 70 (Works, mooring or dredging without permission) prior to the registration period, or any replacement in whole or in part of such chain, must within the registration period apply to the Port Authority to register any such mooring chain provided that, unless it is broken, dangerous or useless, they pay compensation to the owner for any loss or damage which he may sustain by the removal.

(2) To register such a mooring chain the owner must-

- (a) plot on a chart the location of the mooring chain and provide written evidence that the mooring chain dates from before 29th September 1857 on a balance of probabilities;
- (b) provide evidence that the mooring has been in use from time to time on a more than occasional basis over the 20 years immediately prior to application for registration; and
- (c) demonstrate to the satisfaction of the Port Authority that the owner has the necessary right over land or right to use land to retain and use the mooring chain in the Thames.

(3) On the date of registration of a mooring chain under this section the Port Authority must grant for no fee a works permission to retain and maintain the mooring chain in the Thames and the terms of the works permission shall be such terms as the Port Authority thinks fit, including conditions as to variation and revocation of the works permission.

(4) Section 69 (Appeal to the Minister) applies in relation to a refusal by the Port Authority to register a mooring chain, or the imposition of terms in a works permission under subsection (3), as it applies to the refusal to grant a works permission or the imposition of terms under section 66.

(5) The Port Authority must maintain a register of mooring chains which is to be open to the public and sets out the name of the owner and the details of the mooring chains (including their location) which have been registered under subsection (2).

(6) Subject to subsection (4), the owner of a mooring chain which is refused registration under subsection (2), must apply within 30 working days for a works permission to retain it, or at the end of that period will be deemed to be in breach of section 70.

(7) The Port Authority may during the registration period remove any mooring chain to which this section applies provided that unless it is broken, dangerous or useless or has not been in use over the preceding 3 years, the Port Authority must-

- (a) pay compensation to the owner, and
- (b) if the owner is known to the Port Authority on the date of its removal serve notice on the owner that it has been removed and the reason for its removal;

and the owner is not entitled to replace any mooring chain removed under this subsection without first obtaining a works permission.

(8) Unless the owner and the Port Authority agree, the compensation payable under this section shall be to be assessed by a single arbitrator to be agreed between the parties or, failing agreement to be appointed on the application of either party, after notice to the other, by the President of the Royal Institution of Civil EngineersChartered Surveyors.

(9) After the registration period the Port Authority may remove any mooring chain to which this section applies which has not been registered or granted a works permission except if either of the following apply-

- (a) there has been an application for registration under subsection (1) or for a works permission which has not been determined; or
- (b) an appeal against a refusal to register or the grant of a works permission is under way.

(10) After the registration period, any mooring chain to which subsection (9) applies which has not been removed under subsection (9) and in relation to which no property interest has been established in accordance with subsection (2)(c) will vest in the Port Authority.



(11) The Port Authority may recover the expenses incurred by them in removing a broken, dangerous or useless mooring chain under subsection (47) of this section or removing a mooring chain under subsection (9), from its owner as a debt in any court of competent jurisdiction and if subsection (9) applies, the Port Authority shall not be required to pay any compensation to the owner for such removal.

(12) In this section-

- (a) "mooring chain" means the chain and mooring root by which the chain is fixed in or to the bed of the Thames and includes any ancillary chain, links, buoys or other appendages;
- (b) "registration period" means the period of three years commencing on [the date of the commencement of the Order]; and
- (c) "working day" means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day that is a bank holiday in England and Wales within the meaning of the Banking and Financial Dealings Act 1971.

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### **Notes**

*General Note:* This section does not apply to certain areas; see s 187, Sch 8 para 1, post.

*Arbitrator.* The provisions of the Arbitration Act 1996, Pt I are applied by s 94 to every arbitration under an enactment subject to the adaptations and exclusions in ss 95-98 thereof.

*Definition.* For "the Thames", see s 2(1) ante.

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## **64. Use of Thames Water**

The Port Authority may for the purposes of the undertaking take, impound and use water from, and discharge water to, the Thames.

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### **Notes**

*Definitions.* For "the Thames" and "undertaking", see s 2(1) ante.

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## **65. Reclaiming creeks etc.**

(1) The Port Authority may fill up, raise and reclaim creeks, inlets, bends, mud flats, sands and sloblands in and adjoining the Thames, and for that purpose may place piles in the Thames and construct groynes, retaining walls and other works in or upon the bed and banks of the Thames:

Provided that the Port Authority shall not exercise the powers of this section-

(a) in relation to any land not owned by them including that belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners on behalf of Her Majesty, unless they first obtain the consent in writing of the owner thereof; or

(b) in relation to any part of the Thames-

(i) in front of or adjoining land belonging to Her Majesty in right of the Crown or to a government department or held in trust for Her Majesty for the purposes of a government department and protected by section 186 (Crown rights) of this Act;

{(ii) [in front of land which is vested in any body by virtue of any provision made by or under the Local Government Act 1985 (being land which immediately before 1<sup>st</sup> April 1986 belonged to the Greater London Council) and which was acquired by the predecessors of the Council before the 23rd December, 1920;]}

without the consent in writing of the Crown Estate Commissioners, the government department or the

[body], ~~as the case may be.~~

(2) For the purposes of subsection (1)(b), "in front of" means in the half of the river directly in front of land vested in a local government body ("Area A") except that where there is an island or other permanent feature within or partly within Area A –

(a) if the island or feature is not owned by the local government body, "in front of" means in that half of the channel between the bank directly in front of the land vested in the local government body ("the near bank") and the island or feature; or

(b) if the local government body also owns the island or feature, "in front of" includes the area between the near bank and the island or feature and that half of the channel between the island or feature and the far bank of the Thames or the next island or feature.

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### **Notes**

*The words in square brackets were substituted by the Local Government Reorganisation (Miscellaneous Provision) Order 1986, SI 1986/1, art 3(2)(a).*

**General Note.** *For restrictions on works under this section, see ss 195(2), 198 post; within the delineated lands as defined by the Thames Barrier Act the provision of ss 60, 62, 65, 66 and 73 of the Port of London Act 1968 are subject to section 48(3) of the Thames Barrier Act.*

**Greater London Council.** *The Greater London Council was originally established by the London Government Act 1963, s 2(2), (4), Sch 2 (repealed), and it was continued in being by the Local Government Act 1972, s 8(1), Sch 2 (repealed so far as they relate to that council). The council was abolished on 1 April 1986 by the Local Government Act 1985, s 1, and its functions are transferred mainly to the London borough councils and the Common Council of the city of London by Pt II of the 1985 Act.*

**Crown Estate Commissioners.** *The Commissioners referred to in the Crown Estate Act 1961, s 1.*

**Definitions.** *For "bed", "land" and "the Thames", see s 2(1) ante*

### *(b) Control of works and dredging*

## **66. Licensing Permitting of works**

~~(1) (a) The Port Authority may for a consideration to be agreed or assessed in accordance with section 67 (Consideration for licence) of this Act and on such terms as they think fit, including conditions as to variation and revocation of the licence and reassessment of the consideration from time to time, grant to a person a licence to carry out, construct, place, and termination of the permission, grant to a person a permission to carry out, construct, place, use, alter, renew, or carry out maintenance to or on, maintain or retain or remove works, notwithstanding that the works interfere with the public right of navigation or any other public right.~~

~~(b) A works licence granted under paragraph (a) of this subsection to carry out, construct, place, alter, renew, maintain or retain works in, under or over land belonging to the Port Authority shall be deemed to confer on the holder of the licence such rights in, under or over land as are necessary to enable the holder of the licence to enjoy the benefit of the licence.~~

(b) The grant of a permission under this section does not confer an interest in or rights over or under, or right to use land and the holder of a works permission may not exercise the rights conferred by that permission unless and until the permission holder has been granted such interest in or rights over or under, or right to use land as is necessary to enjoy the benefit of the permission or to comply with any conditions imposed by the permission.

~~(2) Application for a works licence shall be made in writing to the Port Authority and shall be accompanied by plans, sections and full particulars of the works to which the application relates, and in granting any such licence the Port Authority may require modifications in the plans, sections and particulars so submitted.~~

(2) The Port Authority may from time to time review any works permission granted under subsection

(1) on grounds of navigational safety or adverse effects on the conservancy of the Thames and may, following the review, on giving reasonable written notice vary, suspend, revoke or terminate the works permission if the work, in the reasonable opinion of-

(a) the harbourmaster, has, or is likely to, become an obstruction, danger or impediment to the safe or convenient navigation or use of the Thames; or

(b) the Port Authority, has or is likely to have adverse effects on the conservancy of the Thames.

~~(3) If within three months from the date of the making of an application under subsection (2) of this section the Port Authority do not grant a works licence in accordance with the application, they shall be deemed to have refused the application.~~

(3) The Port Authority may by notice vary, suspend, revoke or terminate a works permission granted by them if it appears to the Port Authority that the works permission should be varied, suspended, revoked or terminated on one or more of the following grounds-

(a) a permission holder fails to comply with a requirement to pay the fee for the works permission;

(b) in the course of the application for the works permission the applicant or any person on the applicant's behalf either supplied information to the Port Authority that was false or misleading or failed to supply information and if the correct information had been supplied the Port Authority would have, or it is likely that the Port Authority would have, refused the application or granted the works permission on different terms;

(c) there has been a breach of any of its provisions; or

(d) a permission holder does not hold such interest in or rights over or under, or right to use land as is necessary to enjoy the benefit of the permission or to comply with any conditions imposed by the permission.

(3A) A suspension may extend to all or some of the rights granted under the permission and is for such period as the Port Authority specified in the notice of suspension but the suspension may be extended by further notice provided no suspension exceeds 18 months.

(3B) The Port Authority may terminate a works permission granted under this section if the work so permitted has been abandoned in the reasonable opinion of the Port Authority.

(4) For the avoidance of doubt it is hereby declared that works above mean high water level which do not-

(a) ~~(a)~~ constitute or form part of an embankment;

(b) ~~(b)~~ project over the Thames; or

(c) ~~(c)~~ involve cutting its banks;

are not subject to the provisions of this Act relating to works ~~licences~~ permissions.

(5) A works ~~licence~~ permission may be given under the hand of a duly authorised officer of the Port Authority.

(6) In the exercise of the powers of a works ~~licence~~ permission the holder of the ~~licence~~ permission shall not damage or injuriously affect-

(a) ~~(a)~~ any submarine cable placed or maintained by the Postmaster General electronic communications line; or

(b) ~~(b)~~ any undertakers work (as defined in section 195 (For protection of statutory undertakers) of this Act);

or, without the consent of the ~~Postmaster General~~ operator of an electronic communications network or the undertakers concerned, as the case may be, interfere with or adversely affect the operation of any such submarine ~~cable~~ electronic communications line or undertakers work.

(7) A works ~~license~~ permission shall not be required under this section for the carrying out, construction, placing, alteration, renewal, maintenance or retention of any work by ~~a river authority~~ the Environment Agency or a drainage authority in exercise of their functions under the Land Drainage Act, 1930, ~~the Land Drainage Act, 1961, 1991~~ or the Water Resources Act ~~1963~~ 1991 but the Agency or authority must notify the Port Authority of its intention to carry out such works not less than 6 weeks prior to the commencement of them.

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(8) Subsection (7) does not affect a requirement for consent under any other enactment.

## Notes

**General Notes:** For further consents required before carrying out certain works under this section, see s.74 post and for exemptions, see s 63(1) ante, and s 187, Sch 8, para 1 post. For certain restrictions, see s 193 post; within the delineated lands as defined by the Thames Barrier Act the provisions of ss 60, 62, 65, 66 and 73 of Port of London Act 1968 are subject to section 48(3) of the Thames Barrier Act 1972.

In the Medway approach area as defined by the Medway Ports Act 1983 as varied by The Medway Ports Authority Harbour Revision Order 1989, the provisions of ss 60, 66, 69, 73 and 120 of Port of London Act 1968 are subject to section 85(3) of the Medway Ports Act 1973.

The London Underground (Northern Line Extension) Order 2014 Art 14 Works in the River and Art 39 & Sch 8 Pt 6 Protective Provisions deals with the consents for works.

The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 Art 57 & Sch 19 Pt 2 excludes sections 66-75.

**Postmaster General.** See the note to s 61 ante.

**Undertakers.** ie statutory undertakers; cf the definition in s 121(7) post.

**River authority.** See the note to s 2 ante.

**Definitions.** For "drainage authority", "mean high water level", "river authority" and "the Thames", see 2(1) ante; for "works", see s 2(1) ante, in conjunction with sub-s (4) above.

**Land Drainage Act 1930; Land Drainage Act 1961.** Repealed by the Land Drainage Act 1976, s 117(3), Sch 8 and replaced by provisions of that Act now repealed. The Land Drainage Act 1976 has for the most part been replaced by the Land Drainage Act 1991 and the Water Resources Act 1991. The Water Resources Act 1963 has been repealed by the Water Consolidation (Consequential Provisions) Act 1991.

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## 66A Permitting of mooring

(1) The Port Authority may upon such terms as they think fit, including conditions as to variation, revocation and termination of the permission, grant to a person a permission to moor a vessel in the Thames and notwithstanding that such mooring may interfere with the public right of navigation or any other public right.

(2) The grant of a permission under this section does not confer an interest in or rights over or under, or right to use land and the holder of such a permission may not exercise the rights conferred by that permission unless and until the permission holder has been granted such interest in or rights over or under, or right to use land as is necessary to enjoy the benefit of the permission or to comply with any conditions imposed by the permission.

(3) The Port Authority may from time to time review any permission granted under this section on grounds of navigational safety or adverse effects on the conservancy of the Thames and may following the review on giving reasonable written notice vary, suspend, revoke or terminate a permission if the mooring of the vessel, in the reasonable opinion of-

(a) the harbourmaster, has or is likely to, become an obstruction, danger or impediment to the safe or convenient navigation or use of the Thames; or

(b) the Port Authority, has or, is likely to have, adverse effects on the conservancy of the Thames.

(4) The Port Authority may by notice vary, suspend, revoke or terminate a mooring permission granted by them if it appears to the Port Authority that the mooring permission should be varied, suspended, revoked or terminated on one or more of the following grounds-

(a) a permission holder fails to comply with a requirement to pay the fee for the mooring permission;

(b) in the course of the permission application the applicant or any person on the applicant's behalf either supplied information to the Port Authority that was false or misleading or failed to supply information and if the correct information had been supplied the Port Authority would have, or it is likely that the Port Authority would have, refused the application or granted the permission in different terms;

(c) there has been a breach of any of its provisions; or

(d) a permission holder does not hold such interest in or rights over or under, or right to use land as is necessary to enjoy the benefit of the permission or to comply with any conditions imposed by the permission.

(5) A suspension may extend to all or some of the rights granted under the permission and is for such period as the Port Authority specified in the notice of suspension but the suspension may be extended by further notice provided no suspension exceeds 18 months.

(6) A permission under this section may be given under the hand of a duly authorised officer of the Port Authority.

(7) The Port Authority may terminate a mooring permission granted under this section if, in the reasonable opinion of the Port Authority, the vessel to which the mooring permission relates has been abandoned.

#### **66B. Permission applications**

(1) The Port Authority may require an application for-

(a) a works permission;

(b) a mooring permission; or

(c) a dredging permission;

to be made in such form as they may determine but any such permission application must be made in writing to the Port Authority and must be accompanied by plans, sections and full particulars of the works, mooring or dredging to which the application relates so that the permission application can be registered, and in granting any such permission the Port Authority may require modifications in the plans, sections and particulars so submitted.

(2) The Port Authority may—

(a) determine different forms for each of the permissions referred to in subsection (1); and

(b) provide for different fees for each-

(i) stage of application; and

(ii) type of permission.

(3) The Port Authority may require an applicant—

(a) to supply such further information;

(b) to produce such articles; and

(c) to permit such investigations, examinations and tests.

as in the reasonable opinion of the Port Authority may be necessary or expedient to enable them to register a permission application prior to its determination.

(4) If the Port Authority carry out any investigation, examination or test (whether or not by virtue of subsection (3)(c)) which in its reasonable opinion is necessary or expedient to enable it to register a permission application, the authority may require the applicant to pay a fee towards the reasonable expenses of that investigation, examination or test.

(5) The Port Authority shall only register a permission application when they are satisfied they have any necessary fees and sufficient information to enable them to determine the application.

(6) Following registration of a works or dredging permission application, the Port Authority must—

(a) publish notice of the permission application, or

(b) require the applicant to publish notice of it,

unless it is an application for a temporary permission.

(7) If the Port Authority publish notice of a permission application, in pursuance of subsection (6)(a), they may require the applicant to pay a fee towards the reasonable expenses of doing so.

(8) Publication under subsection (6) must be in such manner as the Port Authority think appropriate in the context of that application and is best calculated to bring the application to the attention of any persons likely to be interested in it.

(9) If an applicant fails to comply with a requirement made by the Port Authority under this section, the Port Authority may—

(a) refuse to proceed with the permission application; or

(b) refuse to proceed with it until the failure is remedied.

(10) Subsection (6) does not apply in the case of any particular application if—

(a) the Port Authority considers that notice of the application should not be published; or

(b) the Minister certifies that in the opinion of the Minister publication of notice of the application would be contrary to the interests of national security.

#### **66C. Determination of permission applications**

(1) The Port Authority must not proceed to determine a permission application unless—

(a) the permission application has been registered in accordance with section 66B (Permission applications); and

(b) where required under that section, notice has been published.

(2) In determining any permission application (including the terms on which it is to be granted and what conditions, if any, are to be attached to it) the Port Authority must have regard to—

(a) their powers and duties as set out in this Act and other relevant legislation;

(b) the ability of the applicant to comply with and observe the terms of the permission including any requirement for removal of works or vessels or equipment; and

(c) any representations received within any period for receiving representations specified in the notice published under section 66B.

(3) In the case of an application for a works permission to authorise the carrying out, construction, alteration, renewal, maintenance or retention of any works the Port Authority must have regard (amongst other things) to the effects of any use intended to be made of the works in question when carried out, constructed, altered, renewed, maintained or retained.

(4) If within three months from the date of the registration of a permission application under section 66B the Port Authority do not grant a permission, they are to be deemed to have refused the permission application unless the applicant agrees an extension of time.

(5) In determining any permission application the Port Authority may impose as a term of that permission a requirement that the applicant provides such security as is, in the opinion of the Port Authority, sufficient to guarantee any obligations arising from the grant of the permission.

#### **66D Public register of permissions**

(1) The Port Authority must maintain a register of information, in relation to permissions granted under this Part.

(2) The register must contain particulars of or relating to—

(a) applications for permissions including the names and addresses of the applicants;

(b) permissions granted including the names and addresses of the permission holders;

(c) variations of permissions granted;

(d) suspensions of permissions granted;

(e) revocations of permissions granted;

(f) terminations of permissions granted;

(g) information supplied in connection with any permission in pursuance of any provision including plans; and

(h) such other matters relating to permission or the activities requiring a permission as the Port Authority considers appropriate for inclusion on the register

but no particulars of a temporary permission, unless the Port Authority determines that they should be included.

(3) The Port Authority must make arrangements for its register to be available for inspection at all reasonable times by members of the public free of charge.

(4) Information must not appear in the register if—

(a) the Minister determines that its disclosure in the register would be contrary to the interests of national security; or

(b) the Port Authority determines that its disclosure in the register would adversely affect the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate commercial interest.

(5) The Port Authority must review a determination to exclude information under subsection (4)(b) every four years.

(6) On a review under subsection (5) the Port Authority must include the information in the register unless, on the application of any person to whom the information relates, the Port Authority determines that it should continue to be excluded.

(7) Where information of any description is excluded from a register by virtue of subsection (4)(b), a statement must be entered in the register indicating the existence of information of that description.

#### **67. ~~Consideration for licence~~ Charge for permission**

The Port Authority may charge a reasonable fee for—

(a) registering and determining a permission application in accordance with section 66B (Permission applications);

and

(b) monitoring compliance with the terms and conditions of any such permission granted.

~~(1) The consideration for a works licence shall be such [...] as may be agreed between the Port Authority and the applicant or as shall, failing agreement, be assessed in accordance with subsection (2) of this section by an arbitrator appointed on the application of either party, after notice to the other, by the President of the Royal Institution of Chartered Surveyors.~~



~~(2) The consideration shall be the best consideration in money or moneys worth which, in the opinion of the arbitrator, can reasonably be obtained, having regard to all the circumstances of the case including the value of any rights in, under or over land of the Port Authority deemed to be conferred by the licence, but excluding any element of monopoly value attributable to the extent of the Port Authority's ownership of comparable land.~~

~~(3) The assessment of the consideration [...] for a works licence shall not be referred to an arbitrator under this section until the other terms of the licence or, in the case of variation the other terms as proposed to be varied, have been determined.~~

## **Notes**

*The words omitted from sub-ss (1), (3) were repealed by the Port of London Act 1982, s 7, Sch 2.*

**General Note.** *This section does not apply to certain areas; see s 187, Sch 8, para 1 post. See also s 212, Sch 11, para (k) post. See further the General Note to s 66 ante.*

*The London Underground (Northern Line Extension) Order 2014 Art 14 Works in the River and Art 39 & Sch 8 Pt 6 Protective Provisions deals with the consents for works.*

*The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 Art 57 & Sch 19 Pt 2 excludes sections 66-75.*

**Works licence.** *ie a licence under s 66 ante; see s 2(1) ante.*

**Arbitrator.** *See the note to s 63 ante.*

**Definition.** *For "land", see s 2(1) ante*

## **68. Exemption for works authorised or powers conferred before 17<sup>th</sup> August, 1894**

~~The provisions in this Part of this Act relating to works licences shall not apply to works authorised, or powers to execute, alter or maintain works conferred, under or by virtue of an enactment which came into force before 17th August, 1894.~~

## **Notes**

**General Note.** *This section does not apply to certain areas; see s 187, Sch 8, para 1 post. See also s 212, para (k) post. The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 Art 57 & Sch 19 Pt 2 excludes sections 66-75.*

**Provisions ... relating to works licences.** *ie ss 66 and 67 ante, ss 69-72 post, and s 74 post, so far as it relates to s 66 ante.*

**Before 17<sup>th</sup> August 1894.** *For the purposes of this Part of this Act, Pt II of the Thames Barrier and Flood Prevention Act 1972, is deemed to be an enactment which came into force before 17 August 1894; see s 48(1) of that Act.*

**Definitions.** *For "enactment", "works" and "works licences", see s 2(1) ante*

## **69. Appeal to Board of Trade the Minister**

(1) An applicant for a works ~~licence~~ permission, a mooring permission or a dredging permission who is aggrieved by-

(a) the refusal by the Port Authority to grant the ~~licence~~ permission;

(b) any term upon which the Port Authority propose to grant the ~~licence~~ permission (other than ~~the~~



~~consideration any fee for the licence or its reassessment permission~~); or

(c) any modification by the Port Authority in the plans, sections, ~~charts~~ or particulars submitted by the applicant;

and a holder of a works ~~licence permission, a mooring permission or a dredging permission~~ who is aggrieved by the ~~suspension, revocation, termination~~ or variation of ~~his licence that permission~~ by the Port Authority or by the refusal of the Port Authority to vary any term of ~~his licence (other than the consideration for the licence or its reassessment) that permission~~ may within twenty-eight days from the date upon which the Port Authority are under ~~subsection (3) of section 66-66C(4) (Licensing of works Determination of permission applications)~~ of this Act deemed to have refused the application or the date upon which the Port Authority notify ~~him them~~ of their decision, as the case may be, appeal to the ~~Board of Trade Minister~~ and the provisions in Schedule 4 to this Act shall apply to such an appeal.

(2) The notification by the Port Authority of their decision shall inform the person notified of ~~his the~~ right to appeal to the ~~Board of Trade Minister~~ under this section.

(3) In any case where the holder of a works ~~licence permission, a mooring permission or a dredging permission~~ appeals to the ~~Board of Trade Minister~~ against the revocation, ~~termination~~ or variation of ~~his licence that permission~~, such revocation, ~~termination~~ or variation shall not have effect until such appeal has been determined.

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## Notes

**General Notes:** This section does not apply to certain areas; see s 187, Sch 8, para 1 post.

The London Underground (Northern Line Extension) Order 2014 Art 14 Works in the River and Art 39 & Sch 8 Pt 6 Protective Provisions deals with the consents for works.

The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 Art 57 & Sch 19 Pt 2 excludes sections 66-75.

In the Medway approach area as defined by the Medway Ports Act 1983 as varied by The Medway Ports Authority Harbour Revision Order 1989 SI 1989/775 the provisions of ss. 60, 66, 69, 73 and 120 of Port of London Act 1968 are subject to section 85(3) of the Medway Ports Act 1973.

**Board of Trade.** See the note to s 60 ante.

**Definition.** For "works licence", see s 2(1) ante.

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## 70. Works ~~not to be constructed, etc, mooring or dredging~~ without ~~works licence permission~~

(1) ~~No person shall, or shall cause or permit another person to-~~

(1) ~~No person shall (a)~~ carry out, construct, place, alter, renew, ~~maintain or carry out maintenance to or on~~ or retain ~~or remove~~ works unless ~~he is licensed permitted~~ so to do by a subsisting works ~~licence permission~~ and except upon the terms and conditions, if any, upon which ~~the licence a works permission for those works~~ is granted and in accordance with ~~the any~~ plans, sections and ~~full~~ particulars approved in pursuance of section 66 (~~Licensing Permitting of works~~) ~~of this Act;~~

(b) ~~subject to subsection (1A), after [the date of the commencement of the Order], moor a vessel in the Thames except in accordance with a subsisting mooring permission and except upon the terms and conditions, if any, upon which that mooring permission is granted and in accordance with any plans, sections and full particulars approved in pursuance of section 66A (Permitting of mooring); or~~

(c) ~~carry on dredging, or cause or permit any other person to carry on such dredging except in accordance with a subsisting dredging permission and except upon the terms and conditions, if any, upon which a dredging permission for that dredging work is granted and in accordance with any plans, sections and full particulars approved in pursuance of section 73 (Permitting of dredging etc).~~

(1A) The requirements of subsection (1)(b) do not apply to—

(a) any vessel which does not moor in the Thames for a period longer than 7 days in any 3 month period;

(b) any vessel moored under a right conferred by a works permission granted in accordance with section 66(1)(a);

(c) any vessel secured solely to a mooring to which section 63(1) (Removal of private moorings) applies until the end of the registration period referred to in that section or for so long as the circumstances described in section 63(9) continue to apply;

(d) any vessel—

(i) which is moored without a permission before [the date of the commencement of the Order] and is the subject of an application for a mooring permission made but not yet determined by the Port Authority or is the subject of an appeal under section 69 (Appeal to the Minister) in relation to the refusal of a mooring permission; or

(ii) which is the subject of an appeal made in accordance with section 69 in relation to the revocation of a mooring permission; and

(iii) which does not moor on the Thames for a period longer than 14 days after notification of the determination of that appeal or application;

(e) any vessel belonging to or used by the Port Authority; or

(f) any vessel anchoring in the ordinary course of navigation.

(2) A person who contravenes the provisions of this section ~~or who fails to comply with any term or condition upon which a works licence is granted by the Port Authority~~ shall be guilty of an offence and—

(a) liable to a fine not exceeding [level 5 on the standard scale] and to a daily fine not exceeding [£50] in respect of a works permission, and;

(b) liable to a fine not exceeding [level 4 on the standard scale] and to a daily fine not exceeding [£50] in respect of a dredging permission or a mooring permission.

(3) The Port Authority may by notice require a person who contravenes one or more of the provisions of this section ~~to remove or abate within a reasonable~~ the time specified in the notice ~~any works to-~~

(a) remove or abate any works and restore the site to its former condition;

(b) stop-

(i) any carrying out, construction, placing, alteration, renewal, removal or maintenance and remove or abate any works;

(ii) mooring and remove any mooring and any vessel; or

(iii) carrying on any dredging;

to which the contravention relates and to restore the site ~~thereof~~ to its former condition ~~and, if the person to whom the notice is given fails to comply with the notice, the Port Authority may carry out the work~~

(c) comply with a term or condition of the relevant permission; and

(d) take such remedial or compensatory steps as the Port Authority considers appropriate; and the Port Authority may by a further notice revoke the original notice or vary or extend it.

(4) Any notice given under subsection (3)-

(a) must state the Port Authority's grounds for believing that subsection (1) has been contravened;

(b) must state the date and time from which the requirement is to take effect (which may be a time on the date of the notice but must allow a period for compliance which is reasonable in all the circumstances of

the case);

(c) may require the person to take such steps as the Port Authority consider appropriate to ensure that the cessation takes place safely; and

(d) if relating to activities requiring a permission under sections 66, 66A or 73 and issued to a person who does not hold a permission authorising those activities, may remain in force until such time (if any) as such a permission is granted to that person.

(5) The notice given subsection (3) must also state the consequences of failing to comply with the notice, including setting out the action the Port Authority may take under subsections (6) to (9).

(56) If the person to whom notice is given in subsection (3) fails to comply with the notice,

(a) compliance with the terms of the notice shall be enforceable in civil proceedings brought by the Port Authority for an injunction;

(b) the Port Authority may—

(i) carry out any work or action required by the notice and any further works or action which in their reasonable opinion appear to them to be necessary or expedient, including seizing and detaining any work or vessel to which the notice relates and recover the cost of so doing from that person as a debt in any court of competent jurisdiction; and

(ii) sell or otherwise dispose of any work or vessel to which the notice relates or any vessel belonging to the owner of the work moored to that work.

(76) The Port Authority may recover out of the proceeds of the sale all the following costs—

(a) any unpaid fee payable under section 21(2)(a) (Power to make certain charges) or section 67 (Charge for permission) or any consideration under section 11(3) (Powers relating to land) or both for the retention or use of works, on or over the land of the Port Authority or for the carrying out of the dredging or mooring or any of them;

(b) any other unpaid fee in respect of the permission;

(c) the costs of any survey and administration costs associated with the service of a notice or with taking any court proceedings;

(d) the expense of removal, storage and disposal of any works and any vessel under this section; and

(e) the costs of undertaking any further works or actions which the Port Authority considered necessary or expedient under subsection (5);

and shall hold any surplus proceeds of sale in trust for the owner of the work or the vessel.

(8) If within a period of 6 months after the sale under subsection (6) above no person proves ownership of the works or vessel, the proceeds of sale shall vest in the Port Authority.

(9) If the proceeds of sale are insufficient to reimburse the Port Authority for their expenses under this section, or if there is no sale, the Port Authority may recover the deficiency from the owner of the works or any vessel as a debt.

(10) The Port Authority must, before removing works and any vessel, in exercise of their powers of this section give seven clear days' notice in writing of their intention to do so to the owner of the works or vessel, except in a case of emergency when they must give notice as soon as reasonably practicable after they have removed the works or vessel.

(11) In a case where the name and address of a person to whom notice is to be given under subsection (3) or (10) cannot be identified such notice shall be left on the works or vessel associated with the mooring to which it relates.

(12) The power to require removal or to remove a work under subsections (3) to (11) may be exercised notwithstanding that the work supports a walkway created pursuant to an agreement under section 35 of the Highways Act 1980, a city walkway declared under section 6 of the City of London (Various Powers) Act 1967 or a walkway declared under section 11 of the Greater London Council (General Powers) Act 1969.

(13) References in this section to any vessel include reference to any tackle, appurtenances or other chattels with or on that vessel.

(14) Subject to subsection (6)(b)(ii) Any vessel removed by the Port Authority must be returned to a person who can prove they are the owner of the vessel, on payment of any costs referred to in subsection (7) which have been incurred by the Port Authority in relation to the vessel.

#### **70A. Emergency safety notice**

(1) This section applies if in the reasonable opinion of the Port Authority a work or any dredging or other activity or moored vessel has, or is likely to, become an obstruction, danger or impediment to the safe or convenient navigation or use or conservancy of the Thames as a result of –

(a) any works, mooring or dredging for the carrying out of which a works permission, a mooring permission or a dredging permission is or was needed, or

(b) any substantial and unforeseen change in the state or position of any such works, mooring or dredging.

(2) The Port Authority may issue an emergency safety notice to any person who is in control of the works, dredging, vessel or other activity to which the notice relates.

(3) By issuing an emergency safety notice to a person, the Port Authority imposes on that person such requirements as are prescribed in the notice with respect to any of the matters specified in subsection (4).

(4) Those matters are –

(a) the provision of lights, signals or other aids to navigation;

(b) the stationing of guard vessels.

(5) An emergency safety notice (in addition to specifying the requirements which it imposes) –

(a) must state the Port Authority's grounds for believing that a work or vessel, or dredging or other activity has, or is likely to, become an obstruction, danger or impediment to the safe or convenient navigation or use or conservancy of the Thames;

(b) must state the date and time from which the requirements are to take effect (which may be a time on the date of the notice but must allow a period for compliance which is reasonable in all the circumstances of the case); and

(c) may require the person to take such steps as the Port Authority considers appropriate to ensure that compliance with the requirements takes place safely.

(6) Any emergency safety notice issued by the Port Authority must be served on each of the following -

(a) if a works permission, mooring permission or dredging permission has been granted authorising the carrying out of the works, mooring or dredging, as the case may be, the permission holder; and

(b) if there is in effect a notice under section 70(3) (Works, mooring or dredging without permission) which relates to the works, or dredging or vessel or activity any person on whom the notice under section 70(3) was served.

(7) The Port Authority may by a further notice revoke an emergency safety notice or vary it so as to substitute an altered date for the date specified in accordance with subsection (5)(b) (but such date must

allow a period for compliance which is reasonable in all the circumstances of the case).

(8) A person who fails to comply with an emergency safety notice commits an offence and is liable to a fine not exceeding level 4 on the standard scale.

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### **Notes**

*The reference to level 5 on the standard scale in sub-s (2) is substituted by virtue of the Criminal Justice Act 1982, s 46. (The maximum fine was previously increased to £1,000 by the Port of London Act 1982 s 3(1), Sch 1, Pt I). Under s.37(2) of the Criminal Justice Act 1982, as amended by The Criminal Justice Act 1991, level 5 is now £5,000*

*The sum of £50 in square brackets in sub-s (2) was substituted by the Port of London Act 1982, s 3(1), Sch 1, Pt I.*

**Application.** *The River Thames (Hungerford footbridges) Order 1999 SI 2981/1999, Sch 13 provides that this Section shall not apply to any works authorised by the Order.*

*Section disapplied by Crossrail Act 2008 s.40 Sch 14 para 6(a).*

*The London Underground (Northern Line Extension) Order 2014 Art 14 Works in the River and Art 39 & Sch 8 Pt 6 Protective Provisions deals with the consents for works.*

*The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 Art 57 & Sch 19 Pt 2 excludes sections 66-75.*

**Definitions.** *For "daily fine", "works" and "works licence", see s 2(1) ante.*

**Standard scale.** *See the note to s 38 ante.*

**Exemptions.** *See s 63(1) ante, and ss 186(2), 187, 195(3), 197, Sch 8, para 1 post.*

**Powers of entry.** *See s 90 post*

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## **71. Works to be within nearest parish**

So much of any work constructed or placed in accordance with a ~~licence-permission~~ granted under section 66 (~~Licensing-Permitting~~ of works) of this Act as is not within any parish and so much of any alteration or extension of any such work ~~licensed-permitted~~ under that section shall be deemed for all purposes to be within the parish to which it is nearest.

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### **Notes**

**Work.** *For meaning, see s 2(1) ante.*

**Parish.** *The urban parishes in England existing immediately before 1 April 1974 were abolished on that date by the Local Government Act 1972, ss 1(10), 20(6), and by virtue of s 179(1), (4) of that Act the reference to a parish is now to be construed, as respects England, as a parish (ie generally a rural parish construed by the name of a parish by s 1 (6) of that Act)*

**Applications:** *The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 Art 57 & Sch 19 Pt 2 excludes sections 66-75.*

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## **72. Vesting of embanked land**

~~(1) Where pursuant to a works licence land is reclaimed by embankment and a certificate that the embankment has been completed is endorsed on the works licence by the Port Authority, the land reclaimed by the embankment shall thereupon vest in the owner of the land in front of which the embankment has been made (hereinafter in this section referred to as "the adjoining land") for the like estate or interest as that upon which the adjoining land is then held and subject to, and with the benefit of, the like estates, interests, exceptions, reservations, incumbrances, covenants and conditions (hereinafter in this section referred to as "incidents ") as then attached to the adjoining land and subject to any continuing terms of the works licence.~~

- (2) ~~A certificate under this section may be given under the hand of a duly authorised officer of the Port Authority and may, if the Port Authority and all persons directly affected by any incidents proposed to be modified so agree, contain provisions modifying any incident attaching to the land reclaimed by the embankment.~~

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### **Notes**

*Authorised.* As to the authentication of documents given or issued by the Port Authority, see s 183 post.

*Definitions.* For "land" and "works licensee", see s 2(1) ante

*Applications.*

*The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 Art 57 & Sch 19 Pt 2 excludes sections 66-75.*

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### **73. Licensing Permitting of dredging, etc**

(1) Subject to section 74 (Crown property) of this Act, the Port Authority may upon such terms as they think fit, including conditions as to variation ~~and~~ revocation and termination of the ~~licensee permission~~, grant to a person a ~~licensee to cleanse, scour, cut, deepen, widen, dredge or take up or remove material from the bed and banks of the Thames~~ permission to dredge.

(1A) The Port Authority may from time to time review any dredging permission granted under this section on grounds of navigational safety or adverse effects on the conservancy of the Thames and may, following the review, on giving reasonable written notice vary, suspend, revoke or terminate the dredging permission if the dredging has, or is likely to, become, in the reasonable opinion of-

(a) the harbourmaster, an obstruction, danger or impediment to the safe or convenient navigation or use of the Thames or;

(b) the Port Authority, a danger or damaging to its conservancy including through the spread of polluted material or alien species.

(1B) The Port Authority may by notice vary, suspend, revoke or terminate a dredging permission granted by them if it appears to the Port Authority that the dredging permission should be varied, suspended, revoked or terminated on one or more of the following grounds-

(a) a permission holder fails to comply with a requirement to pay the fee for the dredging permission;

(b) in the course of the application for the dredging permission the applicant or any person on the applicant's behalf either supplied information to the Port Authority that was false or misleading or failed to supply information and if the correct information had been supplied the Port Authority would have, or it is likely that the Port Authority would have, refused the application or granted the permission on different terms; or

(c) there has been a breach of any of its provisions.

(1C) A suspension may extend to all or some of the rights granted under the permission and is for such period as the Port Authority specified in the notice of suspension but the suspension may be extended by further notice provided no suspension exceeds 18 months.

- (2) ~~A licensee~~ A permission under this section may be given under the hand of a duly authorised officer of the Port Authority.

- (3) ~~A person who cleanses, scours, cuts, deepens, widens, dredges or takes up or removes material from the bed or banks of the Thames and who cannot show that he is acting under and in accordance with a subsisting licensee granted under this section shall, without prejudice to any other remedy or proceeding against him, be guilty of an offence and liable to a fine not exceeding [level 4 on the standard scale].~~

- (4) The issue of a ~~licensee permission~~ under this section shall not confer statutory authority for the carrying out of the work covered by the ~~licensee permission~~.

- (5) In the exercise of the powers conferred by a dredging ~~licence~~ permission the holder of the ~~licence~~ permission shall not damage or injuriously affect
- (a) any submarine ~~cable placed or maintained by the Postmaster General~~ electronic communications line;  
or
- (b) any undertakers work (as defined in section 195 (For protection of statutory undertakers) of this Act);
- or, without the consent of the ~~Postmaster General~~ operator of an electronic communications network or the undertakers concerned, as the case may be, interfere with or adversely affect the operation of any such submarine ~~cable line~~ or undertakers work.
- (6) A dredging ~~licence~~ permission shall not be required under this section by ~~a river authority~~ the Environment Agency or drainage authority in exercise of their functions under the Land Drainage Act, ~~1930~~ 1991, ~~the Land Drainage Act, 1961~~, or the Water Resources Act ~~1963~~ 1991 but the Agency or authority must notify the Port Authority of its intention to carry out such works not less than 6 weeks prior to the commencement of them.
- (7) Subsection (6) does not affect a requirement for consent under any other enactment.

## Notes

*The reference to level 4 on the standard scale in sub-s (3) is substituted by virtue of the Criminal Justice Act 1982, s 46. (The maximum fine was previously increased to £500 by the Port of London Act 1982 s 3(1), Sch 1, Pt 1). Under s.37(2) of the Criminal Justice Act 1982, as amended by The Criminal Justice Act 1991, level 4 is now £2,500*

**General Note.** For further consents required before carrying out certain works under this section, see s 74 post. For certain restrictions, see ss 193, 195(3) and 197 post; within the delineated lands as defined by the Thames Barrier Act the provisions of ss 60, 62, 65, 66 and 73 of Port of London Act 1968 are subject to section 48(3) of the Thames Barrier Act.

*In the Medway approach area as defined by the Medway Ports Act 1983 as varied by The Medway Ports Authority Harbour Revision Order 1989 SI 1989/775, the provisions of ss 60, 66, 69, 73 and 120 of the Port of London Act 1968 are subject to section 85(3) of the Medway Ports Act 1973.*

*The Dartford-Thurrock Crossing Act 1988 provides that s. 73 shall not apply to anything done in exercise of any powers granted by the Act.*

*The River Thames (Hungerford Footbridges) Order 1999, SI 2981/1999, provides that section 73(3) shall not apply to any works authorised by the Order.*

*Section 73(3) disappplied by Crossrail Act 2008 s.40 Sch 14 para 6 as to the disapplication of this section).*

*The London Underground (Northern Line Extension) Order 2014 Art 14 Works in the River and Art 39 & Sch 8 Pt 6 Protective Provisions deal with consent for dredging.*

*The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 Art 57 & Sch 19 Pt 2 excludes sections 66-75.*

**Sub-s (1): Licence.** Where the Port Authority have formed a company to operate the port of Tilbury pursuant to the Ports Act 1991, s 21 post, and property consisting of or comprising works requiring a works licence is transferred to the company under s 22 of that Act, a works licence for the said property is regarded as having been granted to the Company for a consideration agreed or assessed under this section; see s 25 of the 1991 Act post.

**Authorised.** As to the authentication of documents given or issued by the Port Authority, see s 183 post.

**Standard scale.** See the note to s 38 ante.

**Postmaster General.** See the note to s 61 ante.

**River authority.** See the note to s 2 ante.

**Definitions.** For "bed", "drainage authority", "river authority" and "the Thames", see s 2(1) ante.

**Land Drainage Act 1930: Land Drainage Act 1961.** Repealed by the Land Drainage Act 1976, s 117(3), Sch 8 (repealed) and replaced by that provisions of that Act. The Land Drainage Act 1976 has for the most part been replaced by the Land Drainage Act 1991 and the Water Resources Act 1991. The Water Resources Act 1963 has been repealed by the Water Consolidation Act (Consequential Provisions) 1991.

## 74. Crown property

A person ~~licensed~~ permitted by the Port Authority under section 66 (~~Licensing~~ Permitting of works) or



section 73 (~~Licensing-Permitting~~ of dredging, etc.) of this Act to carry out the works or dredging and raising of gravel, sand, ballast and other substances in, upon or from any part of the bed of the Thames belonging to Her Majesty or a government department shall, in addition to the ~~licence-permission~~ of the Port Authority, require the consent of the Crown Estate Commissioners on behalf of Her Majesty or of the relevant government department, as the case may be, to carry out the works or to dredge and raise gravel, sand, ballast and other substances.

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### **Notes**

*Crown Estate Commissioners.* See the note to s 65 ante.

*Definitions.* For "bed", "the Thames, and "works", see s 2(1) ante

*Applications:* The London Underground (Northern Line Extension) Order 2014 Art 14 Works in the River and Art 39 & Sch 8 Pt 6 Protective Provisions deal with consent for dredging.

The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 Art 57 & Sch 19 Pt 2 excludes sections 66-75.

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## **75. Lands above mean high water level**

- (1) In this section "mean high water" means high water of the medium tide between the spring tides and the neap tides.
- (2) This section applies to lands which are submerged by the waters of the Thames at high water of spring tides but not at mean high water and which lie between a line drawn in prolongation of the line marking the former seaward limit and a straight line passing through Margaret Ness on the south bank of the Thames in the London borough of Greenwich and a point true north thereof on the north bank of the Thames.
- (3) A person proposing to carry out on, in or under lands to which this section applies any operation which would or might have the effect of causing those lands or any other lands to be submerged by the waters of the Thames at mean high water shall before commencing that operation give notice of the proposed operation to the Port Authority accompanied by plans, sections and particulars thereof.
- (4) If the Port Authority are of opinion that detriment to the interests of navigation would or might ensue if the proposed operation were carried out they may give notice of that opinion to the person who gave the notice referred to in subsection (3) of this section and, if the Port Authority are of opinion that the proposed operation could be carried out in a modified form without detriment to the interests of navigation, they shall send with the notice plans, sections and particulars of the manner in which the proposed operation could, in their opinion, be carried out without such detriment.
- (5) No person shall commence or proceed with any such operation as is mentioned in subsection (3) of this section
  - (a) unless he has complied with the requirements of that subsection and the Port Authority have informed him that they are of opinion that the operation can be carried out without detriment to the interests of navigation either as proposed by him or in a modified form; or
  - (b) if he is dissatisfied with the decision of the Port Authority, without the consent of the Board of Trade;and in either case, otherwise than in accordance with plans, sections and particulars approved by the Port Authority or by the Board of Trade, as the case may be.
- (6)
  - (a) A person who proves that his property is injuriously affected or that in relation to such property he suffers loss or injury by reason of his having been prohibited by this section from carrying out any such operation as is mentioned in subsection (3) of this section shall be entitled to compensation from the Port Authority in respect of such injurious affection, loss or injury.
  - (b) Any question whether compensation is payable under this subsection or as to the amount of compensation so payable shall in default of agreement be determined by the [Upper Tribunal].
- (7) Without prejudice to any other right or remedy of the Port Authority any person contravening the provisions of subsection (5) of this section shall be guilty of an offence and liable to a fine not exceeding [level 3 on the standard scale].
- (8) Nothing in this section shall take away, interfere with, limit, prejudice, affect, abridge or impeach any rights, powers, privileges, authorities or properties vested in any river authority or drainage authority.

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### **Notes**

The reference to the Upper Tribunal in sub-s (6)(b) is substituted by The Transfer of Tribunal Functions (Lands Tribunal and



Miscellaneous Amendments) Order 2009 Articles 5(1) and (2) and para 88 of Sch 1 which came into force on 1 June 2009. The reference to level 3 on the standard scale in sub-s (7) is substituted by virtue of the Criminal Justice Act 1982, s 46. (The maximum fine was previously increased to £200 by the Port of London Act 1982 s 3(1), Sch 1, Pt I). Under s.37(2) of the Criminal Justice Act 1982, as amended by The Criminal Justice Act 1991, level 3 is now £1,000

**Board of Trade.** See the note to s 60 ante.

**Standards.** See the note to s 38 ante.

**River authority.** See the note to s 2 ante.

**Definitions.** For "drainage authority", "land", "river authority", "the former seaward limit" and "the Thames", see s 2(1) ante

**Applications:** The London Underground (Northern Line Extension) Order 2014 Art 14 Works in the River and Art 39 & Sch 8 Pt 6 Protective Provisions deal with consent for dredging.

The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 Art 57 & Sch 19 Pt 2 excludes sections 66-75.

## **75A Transfer of work or mooring**

(1) Any person to whom an interest in a work to which a permission relates is transferred must on or before such transfer make an application to the Port Authority for a new works permission and until the grant of the new works permission the current permission holder remains responsible for the discharge of any obligations under the permission.

(2) The grant of a new works permission applied for under subsection (1) does not confer an interest in or rights over or under, or right to use land and the holder of a works permission may not exercise the rights conferred by that permission unless and until that permission holder has been granted such an interest in or rights over or under, or right to use land as is necessary to enjoy the benefit of the permission or to comply with any conditions imposed by the permission.

(3) Any person to whom a works permission has been granted must upon being requested to do so by a duly authorised person acting on behalf of the Port Authority if known to them give the name and address of the person who is currently the owner and identify any person occupying or known to have an interest in that work.

(4) The holder of a works permission or mooring permission who transfers their interest in the work or the vessel to which the permission relates must, no later than 28 days after such transfer, give notice in writing of the transfer to the Port Authority specifying the name and address of the person to whom the work or vessel is transferred and, if requested by the Port Authority, provide evidence of that transfer.

(5) Any person who—

(a) fails to give the name and address as required by subsection (3) or (4); or

(b) gives a false or inaccurate name or address under subsection (3) or (4);

is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(6) An application for a permission under subsection (1) need not be published in accordance with section 66B(6) (Permission applications).

### *(c) Obligations relating to tidal works*

## **76. Works to be approved by Board of Trade**

(1) A work shall not be placed or constructed on the bed of the Thames under the direction or licence of the Port Authority and a work so placed or constructed shall not be altered or renewed under such a direction or licence unless the work or the alteration or renewal—

(a) has been previously approved in writing by the Board of Trade; or

(b) if such approval has not been previously obtained, a condition has been imposed in any works licence granted that the work will be removed immediately if the Board of Trade so require it.

(2) If a work is placed, constructed, altered or renewed in contravention of this section—

(a) the Board of Trade may by notice in writing require the owner of the work at his own expense to remove the work or any part thereof and restore the site thereof to its former condition; and if, on the expiration of thirty days from the date when the notice is served upon the owner, he has failed to comply with the requirements of the notice, the Board of Trade may execute the works specified in the notice; or

~~(b) if it appears to the Board of Trade urgently necessary so to do, they may themselves remove the work or part of it and restore the site to its former condition; and any expenditure incurred by the Board of Trade in so doing shall be recoverable from the owner as a simple contract debt.~~

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(c) Obligations relating to tidal works

**Notes**

**Board of Trade.** See the note to s 60 ante.

**Application.** The Thames Barrier and Flood Prevention Act 1972, s 49(3)(c), provides that this section (except sub-s (1)(b)) applies in relation to a tidal work as if it were, or were to be, a work placed or constructed on the bed of the river under the direction or licence of the Port Authority.

**Definitions.** For "bed", "the Thames", "works" and "works licence", see s 2(1) ante

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**77. Provision against danger to navigation**

- (1) In case of injury to or destruction or decay of a tidal work or any part thereof the Port Authority shall forthwith upon it becoming aware of such destruction or decay, or that it is likely to occur, monitor the tidal work and, if it considers necessary, lay down such buoys, exhibit such lights and take such other steps as are necessary for preventing danger to navigation.
- (2) If the Port Authority fail to comply in any respect with this section they shall be guilty of an offence and liable to a fine not exceeding [the statutory maximum] and on conviction on indictment to a fine.
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**Notes**

The words in square brackets in sub-s (2) were substituted by the Port of London Act 1982, s 3(2), Sch 1, Pt II, para 2.

**Definitions.** For "the statutory maximum" and "tidal work", see 2(1) ante.

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**78. Abatement of works abandoned or decayed**

- (1) Where a tidal work is abandoned, or suffered to fall into decay, the ~~Board of Trade~~ Minister may by notice in writing require the Port Authority at their own expense either to repair and restore the work or any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the ~~Board think~~ Minister thinks proper.
- (2) Where a work consisting partly of a tidal work and partly of works of the Port Authority on or over land above the level of mean high water springs is abandoned or suffered to fall into decay and that part of the work on or over land above the level of mean high water springs is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the ~~Board of Trade~~ Minister may include that part of the work, or any portion thereof, in any notice under this section.
- (3) If, on the expiration of thirty days from the date when a notice under this section is served upon the Port Authority, they have failed to comply with the requirements of the notice the ~~Board of Trade~~ Minister may execute the works specified in the notice and any expenditure incurred by ~~them~~ the Minister in so doing shall be recoverable from the Port Authority as a simple contract debt.
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**Notes**

*Board of Trade.* See the note to s 60 ante.

*Definitions.* For "land", "tidal work" and "works", see s 2(1) ante

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## 79. Survey of tidal works

The ~~Board of Trade Minister~~ may at any time if they deem it expedient order a survey and examination of a tidal work or of the site upon which the Port Authority propose to construct a tidal work, and any expenditure incurred by the ~~Board of Trade Minister~~ in any such survey and examination shall be recoverable from the Port Authority as a simple contract debt.

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### Notes

*Board of Trade.* See the note to s 60 ante.

*Definitions.* For "tidal work", see s 2(1) ante

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## 80. Permanent lights on tidal works

- (1) The Port Authority shall exhibit on each tidal work every night from sunset to sunrise such lights, if any, and take such other steps as are necessary for preventing danger to navigation.
- (2) If the Port Authority fail to comply in any respect with this section they shall be guilty of an offence and liable to a fine not exceeding [the statutory maximum] and on conviction on indictment to a fine.

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### Notes

The words in square brackets in sub-s (2) were substituted by the Port of London Act 1982, s 3(2), Sch 1, Pt II, para 3.

*Definitions.* For "the statutory maximum" and "tidal work", see s 2(1) ante.

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## 80A Permanent lights on works

- (1) Any person who places or retains a work in the Thames which is subject to a works permission under section 66 (Permitting of works) and anyone else who maintains works in the Thames by virtue of statutory authority, or otherwise, must exhibit on each such work every night from sunset to sunrise and at times of restricted visibility such lights, if any, as the harbourmaster may require for preventing danger to navigation.
- (2) Any person failing to exhibit such lights as required by the harbourmaster under subsection (1) is guilty of an offence and liable on summary conviction or on conviction on indictment, to a fine, and the Port Authority are to be entitled to enter on the work and any adjacent land giving access to that work for the purpose of repairing such lights or replacing them with temporary lights and the Port Authority's costs incurred in doing so shall be recoverable from the person in default as a debt.
- (3) In proceedings for an offence under subsection (1) it is a defence for a person to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of such offence.
- (4) If in any case the defence provided by subsection (3) involves the allegation that the commission of the offence was due to the act or default of another person, the person subject to the proceedings shall not, without leave of the court, be entitled to rely on that defence unless, within a period of seven clear days before the hearing, the person charged has served on the prosecutor a notice in writing giving such information identifying, or assisting in the identification of, that other person as was then in the possession of the person charged.
- (5) Compliance with the harbourmaster's requirements under subsection (1) shall also be enforceable in civil proceedings brought by the Port Authority for an injunction.

(6) Subsection (1) does not apply to any works authorised by the Port of Tilbury (Expansion) Order 2019.

(7) In this section “restricted visibility” means all circumstances when visibility is less than 0.5 nautical miles.

*(d) Landing places*

**81. Port Authority's landing places**

- (1) The Port Authority may construct, maintain and operate in the Thames such landing places as they think fit.
- (2) Notwithstanding anything in section 6 (Public access to port premises) of this Act the Port Authority may dispose of a landing place belonging to them in such manner, whether by way of sale, exchange, lease, the creation of any right or privilege or otherwise, upon such conditions and for such consideration as they think fit.

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**Notes**

*General Note.* This section does not apply to certain areas; see s 187, Sch 8, para 1 post.

*Definitions.* For “landing places” and “the Thames”, see s 2(1) ante

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**82. Transfer of landing places by Greater London Council**

- (1) [The Thames Water Authority] may transfer to the Port Authority a landing place belonging to [the Thames Water Authority], whether by way of sale or lease, upon such conditions and for such consideration as may be agreed between [them].
- (2) (a) Upon such transfer, unless the instrument of transfer stipulates otherwise, byelaws of [the Thames Water Authority] which immediately before the transfer applied to the transferred landing place shall continue to apply and may be enforced by the Port Authority in relation to that landing place.
- (b) The Port Authority may revoke a byelaw applied by paragraph (a) of this subsection.

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**Notes**

*The words in square brackets were substituted by the Local Government Reorganisation (Miscellaneous Provision) Order 1986, SI 1986/1, art 3(2)(b).*

*Thames Water Authority.* As from 1 September 1989 (the date appointed by order under the Water Act 1989, s 4, as the transfer date for the purposes of that Act) the functions of the water authorities (established under the Water Act 1973, s 2 (repealed)) were transferred to the National Rivers Authority (now the Environment Agency; see the Environment Act 1995, ss 1, 2) and the successor companies appointed under s 4 of the 1989 Act. By the Water Authorities (Successor Companies) Order 1989, SI 1989/1465, Thames Water Utilities Limited was appointed as the successor company to the Thames Water Authority.

*Definition.* For “landing place” see s 2(1) ante

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**83. Charges by transferee of landing place to which public have access**

If the Port Authority dispose, otherwise than by sale, of a landing place on terms that the public shall have a right of access to it, the person to whom the disposition is made shall, to the extent provided by the instrument effecting the disposition, have the same powers and rights to make, recover and enforce the payment of charges in respect of the use of the landing place by members of the public as the Port Authority would have had if they had not made the disposition.

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## **Notes**

*Definition.* For "landing place" see s 2(1) ante

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### **84. Replacement of marked landing places**

If the Port Authority remove, close or permanently interfere with the public use of a landing place which on the 1st January, 1967, was marked by the Port Authority as a free public landing place, they shall provide in lieu thereof an equally convenient free public landing place.

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## **Notes**

*Definitions.* For "landing place" see s 2(1) ante.

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### **85. Agreements about calling at landing places**

(1) Notwithstanding anything in section 6 (Public access to port premises) of this Act, the Port Authority may make an agreement

(a) with the owner of a vessel with respect to the times at which his vessel; or

(b) with a ~~waterman~~ master with respect to the times at which a vessel not owned by him;

may call at a landing place belonging to or administered by the Port Authority and the length of stay there.

(2) A vessel in respect of which an agreement has been made under subsection (1) of this section shall, so far as is practicable, use the landing place at the times specified in the agreement and not otherwise, and, for the purpose of giving effect to agreements made under this section, the Port Authority may control the use of their landing places by vessels.

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## **Notes**

*Agreement.* All agreements made by the Port Authority under this section relating, or in so far as they relate, to any landing place acquired by Thames Water Utilities Limited and in force immediately before the date of such acquisition continue on and after that date and are as binding and of as full force and effect in every respect against or in favour of the Authority and are enforceable as fully and effectively as if, instead of the Port Authority, Thames Water Utilities Limited had been a party thereto: see the Greater London Council (General Powers) Act 1973, s 15. See also the note "Thames Water Authority" to s 82 ante.

*Definitions.* For "landing place", "owner", "vessel" and "waterman", see s 2(1) ante.

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(e) Fish

### **86. Area of jurisdiction relating to fish**

Repealed by The Marine and Coastal Access Act 2009 section 321 and Schedule 22 Part 5(C) from 1 April 2010.

### **87. Entry on fishing vessel**

Repealed by The Marine and Coastal Access Act 2009 section 321 and Schedule 22 Part 5(C) from 1 April 2010.

(f) Richmond lock, footbridge, etc.

## 88. Maintenance of Richmond works and working of sluices

- (1) Subject to subsections (2) and (3) of this section the Port Authority shall maintain the Richmond works and shall work the sluices forming part thereof so as to hold the water upstream of the works to a height at the site of the works of not less than ~~5 feet 9 inches~~ 1.72 metres above ~~below~~ Ordnance Datum Newlyn ~~the datum line referred to in section 89 (Construction of references to Trinity High Water) of this Act.~~
- (2) The Port Authority may ~~with the consent of the Board of Trade~~ keep the said sluices up for such period as the Port Authority think necessary for the protection of the navigation of the Thames.
- (3) The ~~Board of Trade~~ Minister may with the consent of the London boroughs of Hounslow and Richmond upon Thames make an order by statutory instrument releasing the Port Authority from the obligations imposed upon them by subsection (1) of this section.
- (4) An order under this section shall be subject to special parliamentary procedure.

### Notes

*Board of Trade.* See the note to s 60 ante.

*Definitions.* For "the Richmond works" and "the Thames", see s 2(1) ante.

*Orders under this section.* No Order has been made under this section.

(g) Miscellaneous

## 89. Construction of references to Trinity High Water

- ~~(1) Reference in any enactment to the level of Trinity High Water or Trinity Standard shall be deemed to be to a level having a value of 11.4 feet above the datum line called mean sea level at Newlyn in the county of Cornwall in the Second Geodetic Levelling of England and Wales published by order of the Minister of Agriculture, Fisheries and Food.~~
- ~~(2) No bridge, building, structure or work in existence on 12th July, 1950, shall by reason solely of the enactment of this section be deemed to be erected or placed otherwise than in accordance with any enactment applicable to the said bridge, building, structure or work.~~

## 90. Entry on land to survey, etc.

- (1) A duly authorised person acting on behalf of the Port Authority may, on producing if so required his authority, enter on land in or near the Thames at any reasonable time for the purpose of-
  - (a) carrying out a survey of the bed of the Thames under section 7 (Hydrographic surveys) of this Act;
  - (b) ascertaining whether any work has been carried out, constructed, placed, altered, renewed, maintained, removed or retained contrary to section 70 (Works not to be constructed, etc., without ~~the~~ permission) of this Act; ~~and~~
  - (c) ascertaining whether a landing place or embankment is in such an insecure condition or want of repair that action is necessary under subsection (1) of section 123 (Repair of landing places and embankments) of this Act;
  - (d) ascertaining whether the terms and conditions imposed by a permission granted under section 66 (Permitting of works), section 66A (Permitting of mooring) or section 73 (Permitting of dredging, etc) have been complied with;
  - (e) investigation into a navigational incident; and

(f) any enactment conferring powers or duties on the Port Authority or of any byelaw of the Port Authority including the enforcement thereof.

Provided that no land shall be entered under this section unless the Port Authority, not less than seven days before the date of the first entry and not less than twenty-four hours before any subsequent entry, have given notice in writing to the owner and occupier of the land.

(1A) Subsections (2) and (5) to (8) of Section 137 (Powers of inspection of works and vessels) apply in relation to an inspection of land under this section as they apply to an inspection of a work or vessel under that section.

(1B) The power of entry conferred by subsection (1) of this section does not include power to enter a dwelling.

(2) The power of survey conferred by subsection (1) of this section includes power to bore for the purpose of ascertaining the nature of the subsoil.

(3) Where property is damaged in the exercise of a power conferred by this section, any person interested in the property may recover from the Port Authority compensation for the damage to be determined in case of dispute by the [Upper Tribunal] and, so far as compensation is properly to be calculated by reference to the depreciation of the value of his interest in the property, Rules 2 to 4 of the Rules set out in section 5 of the Land Compensation Act, 1961, shall apply.

(3A) Compensation under subsection (3) is not payable in respect of any damage necessarily caused in identifying that there has been a breach of the terms and conditions imposed by a permission referred to in subsection (1)(d).

(4) In exercise of the powers of this section in relation to any land occupied or used by any statutory undertakers in connection with the manufacture, storage or supply of gas or generation or supply of electricity an authorised person shall observe any precautions reasonably required by the undertakers in the interests of safety and for preventing interference with the supply of gas or electricity.

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(5) The Port Authority may authorise the powers under this section to be exercised by a constable.

(6) An authorisation under subsection (5) must be given in writing and may apply generally or to particular constables or particular circumstances specified in the authorisation.

(7) In this section "dwelling" means any building or part of a building used as a residence, but does not include the common parts of such a building.

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## **Notes**

*The reference to the Upper Tribunal in sub-s (3) is substituted by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 Articles 5(1) and (2) and para 89 of Sch 1 which came into force on 1 June 2009.*

*On producing, if so required, his authority. See the note to s 38 ante. As to the authentication of documents given or issued by the Port Authority, see s 183 post.*

*Statutory undertakers. Cf the definition of "statutory undertaker" in s 121(7) post.*

*Definitions. For "bed", "land", "landing place, "the Thames", "work" and "works licence", see s 2(1) ante.*

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## **91. Times when public use of Thames may be restricted**

(1) Without prejudice to any other powers exercisable in that behalf, the Port Authority may exclude the public from, or restrict public use of, a part of the Thames in an emergency and for any of the following

purposes :-

(a) to preserve public order;

(b) to allow or facilitate the carrying out of any ~~public~~ works or operations (including works or operations of the Port Authority) affecting the Thames or adjoining land;

(c) to facilitate the safe and orderly conduct of a procession, boat race, regatta or similar event or any other event or activity taking place in, under or over the Thames and to prevent accident to the spectators;

(d) to preserve the safety of the public.

~~(2) Subsection (1) of this section shall not be construed as empowering the Port Authority to impose a permanent exclusion or restriction.~~

(2) No restriction or exclusion imposed under this section shall extend longer than is reasonably required for the purpose for which it is imposed.

(3) ~~Where practicable the The~~ Port Authority shall give notice, ~~in whatever~~ of a proposed exclusion or restriction under this section in such manner as they consider appropriate for bringing it, as soon as reasonably practicable, of their intention to exercise the powers conferred by this section to the attention of persons likely to be affected by it.

(4) Any person who, and the master and owner of any vessel which, enters an area of the Thames in contravention of an exclusion or restriction imposed under this section without the prior consent of the Port Authority or without other lawful authority or reasonable excuse shall be guilty of an offence and liable on summary conviction or on conviction on indictment, to a fine.

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## Notes

*Shall give notice.* As to the service of notices under this Act, see s 184 post.

*Definition.* For "the Thames, see s 2(1) ante.

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## 92. Abatement of nuisances

For the purpose of maintaining and improving the Thames ~~as a navigable waterway~~, or of improving the flow of water therein, the Port Authority may abate or remove annoyances and nuisances in- under or over the Thames or on its banks ~~and may recover as a debt in any court of competent jurisdiction the costs reasonably incurred in doing so from the person who caused the annoyance or nuisance.~~

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## 93. Flood prevention

~~Notwithstanding the repeal by this Act of section 26 (Saving provisions for certain Acts) of the London and India Docks Company (New Works) Act, 1901, and of section 39 (For protection of London County Council) of the Port of London Act, 1917, the works executed by the Port Authority under the powers conferred by those Acts shall continue to be subject to the provisions of section 17 (Provision as to certain dock companies) of the Metropolis Management (Thames River Prevention of Floods) Amendment Act, 1879.~~



## Notes

*London and India Docks Company (New Works) Act 1901.* 1 Edw. 7 c cccxxvii. That Act was repealed with savings by the Port of London (Consolidation) Act 1920, ss 3, 4, Sch 3, Pt IV, Sch 4. The 1920 Act is repealed with savings by ss 208, 209, Schs 9, 10 post.

*Port of London Act 1917.* 7 & 8 Geo 5 c xliv. That Act was repealed with savings by the Port of London (Consolidation) Act 1920, ss 3, 4 Sch 3, Pt VII, Sch 4. The 1920 Act is repealed with savings by ss 208, 209, Schs 9, 10 post.

### 93A. Grab chains and escape ladders

- (1) Any owner of land adjoining the Thames must install and maintain such grab chains and escape ladders on the river bank as the Port Authority may reasonably require in the interests of safety.
- (2) If, within 28 days of receiving notice from the Port Authority of the requirement to install and maintain such grab chains or escape ladders, the landowner gives to the Port Authority notice objecting to the installation of such equipment on the ground that it is not practicable to do so, the question must be referred to and determined by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party, after notice to the other, by the President of the Institution of Civil Engineers.
- (3) Any owner failing to install and maintain such grab chains and escape ladders as required by the Port Authority under subsection (1), except where the owner has had an objection upheld under subsection (2), is guilty of an offence and liable on summary conviction or on conviction on indictment, to a fine, and the Port Authority shall be entitled to enter on the land for the purpose of installing and maintaining such grab chains and escape ladders and the Port Authority's costs incurred in doing so shall be recoverable from the person in default as a debt.
- (4) Compliance with the Port Authority's requirements under subsection (1) is also to be enforceable in civil proceedings brought by the Port Authority for an injunction.

## PART VI Prevention of Pollution

94-107 Repealed by the Water Authorities etc (Miscellaneous Provisions) Order 1974, SI 1974/607, art 12(1)).

## PART VII Vessels And Navigation

*Note.* This Part of this Act does not apply to vessels belonging to or employed in the service of Her Majesty, or to their moorings; see s 186(3) post. The provisions of this Part relating to general and special directions (see ss 111 and 112 post, respectively) do not apply to certain areas; see s 187 and Sch. 8, para 2 post.

### *(a) Regulation of vessels in the Thames and the docks*

#### 108. **General rules for navigation**

A master who navigates his vessel on the Thames-

(a) without due care and attention; or

- (b) in a manner liable to injure or endanger persons, other vessels, the banks of the Thames (whether above or below mean high water level) or any structure or installation in or beside the Thames (whether or not such navigation was also without due care and attention);

shall be guilty of an offence and liable to a fine not exceeding [the statutory maximum and on conviction on indictment to a fine].

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**Notes**

*The words in square brackets were substituted by the Port of London Act 1982, s 3(2), Sch 1, Pt II, para 4. The statutory maximum is currently £5,000.*

**Definitions.** For "master", "mean high water level", "the statutory maximum", "the Thames" and "vessel", see s 2(1) ante.

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**109. Vessels adrift**

- (1) The owner or master of a vessel adrift in the Thames or in the docks shall be guilty of an offence and liable to a fine not exceeding [level 3 on the standard scale].
- (2) It shall be a defence to the owner or master of a vessel charged with an offence under subsection (1) of this section to prove that the vessel did not become adrift as the result of any neglect or default on his part.

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**Notes**

*The reference to level 3 on the standard scale in sub-s (1) is substituted by virtue of the Criminal Justice Act 1982, s 46. (The maximum fine was previously increased to £200 by the Port of London Act 1982 s 3(1), Sch 1, Pt I). Under s.37(2) of the Criminal Justice Act 1982, as amended by The Criminal Justice Act 1991, level 3 is now £1,000*

**Standard scale.** See the note to s 38 ante.

**Definitions.** For "docks", "master", "owner", "the Thames", and "vessel", see s 2(1) ante.

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**110. Overcrowding of vessels**

- (1) Subject to subsection (2) of this section the master of a vessel shall not ~~carry~~have in that vessel in the Thames a number of persons greater than it is licensed by the Port Authority as fit to ~~carry~~have on board, or, if it is not so licensed, than it is reasonably fit to ~~carry~~have on board.
- (2) This section shall not apply to the master of a vessel for which there is in force a certificate issued under ~~section 274 regulations 13 or 14~~ of the Merchant Shipping ~~Act, 1894~~(Survey and Certification) Regulations 2015.
- (3) A master who contravenes this section shall be guilty of an offence and liable on conviction to a fine not exceeding [level 5 on the standard scale].

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**Notes**

*Sub-s (3) was substituted by the Port of London Act 1982, s 3(2), Sch 1, Pt II, para 5, and the reference in that subsection to level 5 on the standard scale is substituted by virtue of the Criminal Justice Act 1982, s 46. Under s.37(2) of the Criminal Justice Act 1982, as amended by The Criminal Justice Act 1991, level 5 is now £5,000*

**General Note.** If there have been two or more convictions for an offence against this section in respect of a boat, the Port of London Authority may (subject to s 129 post) refuse to register it or revoke its registration; see 128 (2) post.

**Standard scale.** See the note to s 38 ante.

**Definitions.** For "master of a vessel", "the Thames" and "vessel", see s 2(1) ante.

## 111. General directions to vessels in the Thames

(1) The Port Authority may, subject in each case to the agreement of the Pilotage Authority and the Chamber of Shipping of the United Kingdom, give directions for the purpose of promoting or securing conditions conducive to the ease, convenience or safety of navigation in the Thames, and, without prejudice to the generality of the foregoing, for any of the following purposes :-

(a) for designating areas, routes or channels in the Thames which vessels are to use or refrain from using for movement or mooring;

(b) for securing that vessels move only at certain times or during certain periods;

(c) for prohibiting-

(i) entry into or movement in the Thames by vessels at times of poor visibility due to the weather or to the presence of dust or smoke; and

(ii) entry into the Thames by a vessel which for any reason would be, or be likely to become, a danger to other vessels in the Thames;

[*cc*] for requiring vessels which fall outside the scope of any formal risk assessment in respect of safety of navigation carried out by the Port Authority and currently valid, to submit to a specific risk assessment before entering the Thames or any specified part of the Thames;]

(d) requiring the master of a vessel to give to a harbour-master information relating to the vessel reasonably required by the harbourmaster in order to effect the objects of this subsection.

(2) Directions given under subsection (1) of this section may apply-

(a) to all vessels or to a class of vessels designated, or the designation of which is provided for, in the direction;

(b) to the whole of the Thames or to a part designated, or the designation of which is provided for, in the direction; and

~~(c)~~ (c) at all times or at times designated, or the designation of which is provided for, in the direction;

and every direction made under this section shall specify the extent of its application in relation to the matters referred to in paragraphs (a), (b) and (c) of this subsection.

(3) The Port Authority may revoke directions given under this section, or, with the agreement of the Pilotage Authority and the Chamber of Shipping of the United Kingdom, amend them.

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### Notes

*The words in square brackets were added by the Port of London Authority Harbour Revision Order 2003 article 3 which came into force on 8 October 2003.*

**Pilotage Authority.** For provisions as to the abolition of pilotage authorities, see the Pilotage Act 1987, Pt III.

**Exemptions.** See the Introductory Note to this Part of this Act.

**Further provisions.** See further ss 114 (publication), 116 (master's responsibility unaffected) and 117 (failure to comply) post.

**Definitions.** For "harbourmaster", "master of vessel", "mooring", "the Thames" and "vessel", see s 2(1) ante.

---

## 112. Special directions to vessels in the Thames

(1) A direction under this section may be given-

- (a) by a harbourmaster to a vessel anywhere in the Thames; and
- (b) by a dockmaster to a vessel in a part of the Thames adjacent to a dock and designated by the Port Authority as an area in which the power to give directions under this section shall be exercisable by a dockmaster<sup>2</sup>

and may where it is necessary for making the special direction effective override any provision of a works permission, mooring permission or dredging permission.

(2) A direction under this section may be given for any of the following purposes :-

- (a) requiring a vessel to comply with a requirement made in or under a general direction, byelaw or statutory power of the Port Authority;
- (b) regulating or requiring the movement, mooring or unmooring of a vessel;
- (c) regulating the manner in which a vessel takes in or discharges cargo, fuel, water or ship's stores<sup>2</sup>, discharges waste or is supplied with services;
- (d) requiring a vessel to comply with a restriction or exclusion imposed under section 91 (Times when public use of Thames may be restricted); or
- (e) regulating the embarking or landing of passengers.

(3) In an emergency a harbourmaster may give special directions applicable to all vessels in the Thames or to a particular class of vessel in the Thames for any of the purposes mentioned in subsection (2).

(4) In this section "dockmaster" means the dockmaster for the adjacent dock, whether or not appointed by the Port Authority.

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### Notes

**Exemptions.** See the Introductory Note to this Part of this Act.

**Further provisions.** See further ss 114 (publication), 115 (manner of giving special direction), 116 (master's responsibility unaffected), 117 (failure to comply), 118 (enforcement) post.

**Definitions.** For "dock", "dockmaster", "general direction", "harbourmaster", "mooring", "the Thames" and "vessel", see s 2(1) ante.

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## 113. Directions to vessels at the docks

(1) The Port Authority may give directions applicable to all vessels, or to a specified class of vessels, at the docks, for the purpose of ensuring the safety of vessels at the docks, preventing injury to persons at, or to property at, or forming part of, the docks or of securing the efficient conduct of the business carried on at the docks, and, without prejudice to the generality of the foregoing, such directions may relate to-

- (a) the movement, berthing or mooring of a vessel;
- (b) the dispatch of its business at the dock;
- (c) the disposition or use of its appurtenances or equipment;
- (d) the use of its motive power;

- (e) the embarking or landing of passengers;
- (f) the loading or discharging of cargo, fuel, water or ship's stores;
- (g) the use of ballast.

(2) A dock manager or dockmaster may give a direction requiring the removal from a dock of a vessel if

- (a) it is on fire;
- (b) it is in a condition where it is liable to become immobilised or waterlogged, or to sink;
- (c) it is making an unlawful or improper use of the dock;
- (d) it is interfering with the use of the dock by other vessels, or is otherwise interfering with the proper use of the dock or the dispatch of business therein;
- (e) the removal is necessary to enable maintenance or repair work to be carried out to the dock or to an adjacent part of the port premises.

(3) A dock manager or dockmaster may give a direction to a vessel at the docks for the following purposes-

- (a) any of the purposes referred to in subsection (1) of this section ;
- (b) requiring the vessel to comply with a general direction made under this section.

(4) In this section reference to a vessel at a dock includes reference to a vessel entering or about to enter a dock and to a vessel leaving or having just left a dock.

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#### **Notes**

***Definitions.** For "dock", "docks", "dock manager", "dockmaster", "general direction", "mooring" and "vessel", see s 2(1) ante. Note as to "vessel at a dock", sub-s (4) above.*

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### **114. Publication of designations and general directions**

(1) Notice of the designation of an area of the Thames under subsection (1) of section 112 (Special directions to vessels in the Thames) of this Act or of the revocation of such a designation, and, except in an emergency, notice of a general direction and of the amendment or revocation of a general direction, shall, so soon as practicable after it is made, be published by the Port Authority once in Lloyds List and Shipping Gazette newspaper or some other newspaper specialising in shipping news, and, if the notice relates to the making of a designation or the making or amendment of a general direction, it shall state a place at which copies of the designation or direction may be inspected and bought and the price thereof.

(2) In an emergency notice of a general direction or of the amendment or revocation of a general direction may be given in any manner the harbourmaster, dock manager or dockmaster considers appropriate.

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#### **Notes**

***General direction.** See, generally, as to the giving of such a direction, s 111 ante.*

***Definitions.** For "dock manager", "dockmaster", "general direction" and "harbourmaster", see s 2(1) ante.*

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### **115. Manner of giving special directions**

A special direction may be given in any manner considered appropriate by the person giving it.

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**Notes**

*Special direction.* See, generally, as to the giving of such a direction, s 112 ante.

*Person giving it.* See, as to who may give a special direction, s 112(1) ante.

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**116. Master's responsibility to be unaffected**

The giving of a general direction or a special direction shall not diminish or in any other way affect the responsibility of the master of the vessel to which the direction is given in relation to his vessel, persons on board, its cargo or any other person or property.

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**Notes**

*General direction.* See, generally, as to the giving of such a direction, s 111 ante.

*Special direction.* See, generally, as to the giving of such a direction, s 112 ante.

*Definitions.* For "master of a vessel" and "vessel", see s 2(1) ante.

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**117. Failure to comply with directions**

- (1) The master of a vessel who fails to comply with a general or special direction shall be guilty of an offence and liable to a fine not exceeding [level 5 on the standard scale].
  - (2) It shall be a defence to the master of a vessel charged with an offence under subsection (1) of this section to prove that he had reasonable ground for supposing that compliance with the direction in question would be likely to imperil his vessel or that in the circumstances compliance was impracticable.
- 

**Notes**

*The reference to level 5 on the standard scale is substituted by virtue of the Criminal Justice Act 1982, s 46. (The maximum fine was previously increased to £1,000 by the Port of London Act 1982 s 3(1), Sch 1, Pt 1). Under s.37(2) of the Criminal Justice Act 1982, as amended by The Criminal Justice Act 1991, level 5 is now £5,000*

*General ... direction.* See, generally, as to the making of such a direction, s 111 ante.

*Special direction.* See, generally, as to the making of such a direction, s 112 ante.

*Standard scale.* See the note to s 38 ante.

*Definitions.* For "master of a vessel" and "vessel", see s 2(1) ante.

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**118. Enforcement of directions**

- (1) Without prejudice to any other remedy available to the Port Authority, if a special direction is not complied with within a reasonable time, the harbourmaster, dock manager or dockmaster may, where practicable, put persons aboard the vessel to carry out the direction or may otherwise cause the vessel to be handled in accordance with the direction.
- (2) If there is no one on board a vessel to attend to a special direction, the harbourmaster, dock manager or dockmaster may proceed as if the direction had been given and not complied with:

Provided that the powers of this subsection shall not be exercised-

- (a) in relation to a vessel other than a lighter, unless, after reasonable inquiry has been made, the master cannot be found; or

(b) in relation to a lighter unless it is obstructing the access to or exit from a dock or otherwise interfering with navigation.

(3) Expenses incurred by the Port Authority in the exercise of the powers conferred by subsection (1) of this section shall be recoverable by the Port Authority as if they were a charge of the Port Authority in respect of the vessel.

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#### **Notes**

**Special direction.** See, generally, as to the making of such a direction, s 112 ante.

**Recoverable ... as if they were a charge.** See ss 22, 23, 35, 36, 38 and 39 ante.

**Definitions.** For "dock" (defined with "docks"), "dock manager", "dockmaster", "harbourmaster", "lighter" and "vessel", see s 2(1) ante.

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### **119 Regulation of crowds**

(1) ~~The Commissioner of the Metropolitan Police~~ A Police Officer of at least the rank of Assistant Chief Constable may with a view to maintaining order and securing the safety of the public give such orders as he thinks expedient for the purpose of regulating the passage of vessels on such part of the Thames as lies within his jurisdiction on any occasion when large crowds may assemble thereon.

[(2) If the master of a vessel disobeys a constable engaged in keeping order on such an occasion he shall be guilty of an offence and liable on conviction to a fine not exceeding [level 2 on the standard scale].]

(3)(a) Any superintendent, inspector or sergeant of a police force may enter a vessel the master of which refuses to comply with any orders given in pursuance of this section for the purpose of taking such measures as may be necessary for carrying into effect the objects of this section or any orders given under this section.

(b) A person obstructing the entry on his vessel of any superintendent, inspector or sergeant in pursuance of this subsection or impeding his efforts to carry this section into effect shall be guilty of an offence and liable to a fine not exceeding [level 2 on the standard scale].

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#### **Notes**

Sub-s (2) was substituted by the Port of London Act 1982, s 3(2), Sch 1, Pt II, para 6, and the reference in that subsection to level 2 on the standard scale is substituted by virtue of the Criminal Justice Act 1982, s 46. Under s.37(2) of the Criminal Justice Act 1982, as amended by The Criminal Justice Act 1991, level 2 is now £500

The reference to level 2 on the standard scale in sub-s (3)(b) is substituted by virtue of the Criminal Justice Act 1982, s 46. (The maximum fine was previously increased to £50 by the Port of London Act 1982 s 3(1), Sch 1, Pt I). Under s.37(2) of the Criminal Justice Act 1982, as amended by The Criminal Justice Act 1991, level 2 is now £500

**Constable.** This means any person holding the office of constable, not a member of a police force holding the rank of constable. As to the attestation of constables, see the Police Act 1996, s 29, Sch 4, and as to their jurisdiction, see s 30 of that Act.

**Standard scale.** See the note to s 38 ante.

**Police force.** For meaning, see the Police Act 1996 s 101(1), as applied by the Interpretation Act 1978, s 5, Sch 1 and amended by the Police Reform and Social Responsibility Act 2011.

**Definitions.** For "master of a vessel", "the Thames" and "vessel", see s 2(1) ante.

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(b) Obstructions and similar hazards to navigation

### **120. Power to raise and remove vessels sunk, etc.**

- (1) If, in the opinion of the harbourmaster or dockmaster, a vessel sunk, stranded or abandoned in the Thames or the docks is, or is likely to become, an obstruction, impediment or danger to the safe and convenient navigation or use of the Thames or the docks, or part thereof, the Port Authority ~~shall~~may cause the vessel to be raised, removed, blown up or otherwise destroyed.
- (2) Where the Port Authority have exercised any of their powers under subsection (1) of this section, they may, and if required by the person who is or was the owner of the vessel at the time of the sinking, stranding or abandonment thereof shall, cause the vessel or its cargo or anything else associated with the vessel which may be removed or saved from the vessel to be sold in such manner as they think fit and shall out of the proceeds of such sale discharge any sums payable in respect of the property sold by way of duties ~~of customs or excise, or purchase tax, or taxes under any enactment~~, and may retain the expenses incurred by them in the exercise of their powers under this section and also any expenses incurred by them in marking, buoying, watching, lighting or otherwise controlling the vessel or its cargo, in removing or saving the cargo or anything else associated with the vessel, or giving warning to shipping of the presence of the vessel and shall on demand pay the surplus, if any, to the person entitled thereto.
- (3) If the proceeds of sale are insufficient, after discharging the said duties or taxes under any enactment~~purchase tax~~, to reimburse the Port Authority for the said expenses the Port Authority may recover the deficiency, or if there is no sale, the whole of the expenses from the person who is or was the owner of the vessel at the time of the sinking, stranding or abandonment thereof as a debt in any court of competent jurisdiction.
- (4) Except where there is, in the opinion of the harbourmaster or dockmaster, as the case may be, an emergency, subsection (1) of this section shall not apply in relation to any vessel unless, before exercising in relation to that vessel any of the powers conferred on them by the said subsection, the Port Authority have given to the owner of the vessel not less than forty-eight hours' notice of their intention to do so; and if before the notice expires the Port Authority receive from the owner counter-notice in writing that he desires to dispose of the vessel himself, he shall be at liberty to do so, and the Port Authority shall not exercise the powers of the said subsection in relation to that vessel until the expiration of seven days from the receipt of the counter-notice and of any further continuous period thereafter during which the owner of the vessel proceeds with the disposal thereof with all reasonable diligence and in compliance with any directions for the prevention of interference with navigation or the business at the dock which may be given to him by the harbourmaster or dockmaster, as the case may be.
- (5) If the owner of a vessel to whom notice is to be given under subsection (4) of this section is not known to the Port Authority, or if his place of business or abode is not known to the Port Authority or is outside the United Kingdom, the notice may be given by displaying it at the ~~head-principal~~ office and on the website of the Port Authority or in other electronic form for the period of its duration.
- (6)(a) Expenses incurred by the Port Authority in the exercise of their powers under this section in relation to a [vessel which has at any time been registered or licensed by them], may, if they cannot be recovered under subsections (2) and (3) of this section, be recovered from a person whose name appears as owner of the vessel in the last licence or certificate of registration issued by the Port Authority in respect of the vessel:
- Provided that this subsection shall not apply-
- (i) to a person who disposed of the vessel on or before 12th July, 1950; or
- (ii) to a person who disposed of the vessel after 12th July, 1950-
- (a) if he gives the Port Authority not less than ten clear days' notice of his intention to dispose of the vessel and supplies the name and address of the intended donee; and
- (b) if he has obtained the Port Authority's consent to the disposition by him of the vessel to the person named in the notice.
- (b) The Port Authority shall not unreasonably withhold consent under this subsection to a disposition and shall be deemed to have consented at the time when the notice given under this subsection expires unless they have previously informed the person giving the notice that they do not consent.



(7) In this section "vessel" includes the equipment of the vessel, and " expenses " shall include an element for depreciation calculated on the straight line method and based on the replacement cost of the vessels, plant and equipment ~~used by~~ used by the Port Authority for the purposes of raising, removing or destroying the vessel, and a sum representing interest on the capital invested in the said vessels, plant and equipment, and for this purpose the capital invested at the time of the operation shall be deemed to be half the replacement cost.

(8) The Port Authority may appoint another person to raise, remove, blow up or otherwise destroy the vessel under this section on their behalf and subsections (2) to (7) are to apply to a person appointed for this purpose as they apply to the Port Authority.

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#### **Notes**

*The clarification of subsection (1) was made by the Port of Tilbury Transfer Scheme 1991 Confirmation Order 1992 SI 1992/284.*

*The words in square brackets in subsection 6(a) were inserted by the Port of London Authority Harbour Revision Order 2003 article 7 which came into force on 8 October 2003.*

**General Note.** *Within the delineated lands as defined by the Thames Barrier Act the provisions of this section of Port of London Act 1968 is subject to section 48(3) of the Thames Barrier Act.*

*In the Medway approach area as defined by the Medway Ports Act 1983 as varied by The Medway Ports Authority Harbour Revision Order 1989, the provisions of ss 60, 66, 69, 73 and 120 of PLAct 1968 are subject to section 85(3) of the Medway Ports Act 1973.*

**United Kingdom.** *See the note to s 29 ante.*

**Definitions.** *For "boat for hire", "dockmaster", "docks", "duties of customs and excise", "harbourmaster", "lighter", "owner of the vessel", "the Thames", "tug" and "vessel", see s 2(1) ante. note as to "expenses", sub-s (7) above.*

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#### **120A. Power to deal with unserviceable vessels**

(1) The Port Authority may sell, break up or otherwise dispose of any vessel which is, in the reasonable opinion of the harbourmaster, laid by or neglected as unserviceable in the Thames or, if the state of the vessel may affect the navigation or conservation of the Thames, on land immediately adjoining the Thames.

(2) The Port Authority may retain out of the proceeds of sale of any such vessel, or any part of the vessel, any expenses incurred by them, or by any persons appointed by them to sell, break up or otherwise dispose of a vessel on their behalf, in exercising the powers of this section in respect of the vessel or in marking, buoying, lighting or otherwise controlling the vessel or warning shipping of its presence and will pay the surplus, if any, to the owner of the vessel.

(3) If the proceeds of sale are insufficient to reimburse the Port Authority for those expenses, or there is no sale, the Port Authority may recover the deficiency, or, where there is no sale, the whole of the expenses, from the owner as a simple contract debt.

(4) Except in the case of emergency, the Port Authority must, before exercising their powers under this section, give 28 clear days' notice in writing of its intention to do so to the owner of the vessel:

Provided that, if the owner of a vessel or their place of business or abode is not known to the Port Authority or is outside the United Kingdom, the notice may be given by displaying it at the principal office and on the website of the Port Authority or in other electronic form for the period of its duration.

(5) The Port Authority may appoint another person to sell, break up or otherwise dispose of a vessel under this section on their behalf and subsections (2) to (4) apply to a person appointed under this section as they apply to the Port Authority.

(6) In this section "unserviceable" means laid by or neglected as unfit for river service and 'vessel' includes the equipment of the vessel.

## 120B. Sale or disposal of vessels

- (1) The following provisions have effect in relation to a sale of a vessel under this Act.
- (2) The sale of the vessel operates to vest the vessel in the purchaser freed of all mortgages, liens, charges or other interests in it and the purchaser does not require any other evidence of title to the vessel than a copy certified by the Port Authority of its authorisation of the sale.
- (3) Where the vessel is registered under Part II of the Merchant Shipping Act 1995 and the purchaser is qualified to be the owner of the vessel under that Act on production of a copy of its authorisation of the sale certified by the Port Authority, the Registrar General of Shipping and Seamen is to register the bill of sale effecting the transfer in the same manner as if the Port Authority were the registered owner of the vessel immediately prior to the transfer.
- (4) In the event of a vessel which is registered being destroyed or otherwise disposed of under section 120 (Power to raise and remove vessels sunk, etc.) or 120A (Power to deal with unserviceable vessels) the Port Authority are to give notice of such destruction or disposal to the Registrar General of Shipping and Seamen.

## 121. Removal of obstructions other than vessels

- (1) The Port Authority may remove, or if it is not reasonably practicable to remove without destroying, may destroy-
- (a) anything, other than a vessel, causing or likely to become an obstruction or impediment in any part of the Thames or in a dock;
  - (b) anything, other than a vehicle, causing or likely to become an obstruction or impediment to the proper use of a ~~towpath on the Thames~~ landing place.
- (2) (a) If anything removed by the Port Authority under subsection (1) of this section is so marked as to be readily identifiable as the property of any person, the Port Authority shall within one month of its coming into their custody give notice, as required by subsection (5) of this section, to that person and if possession of the thing is not retaken within the period specified in, and in accordance with the terms of, the notice it shall at the end of that period vest in the Port Authority.
- (b) If anything removed by the Port Authority under subsection (1) of this section which is not so marked is not within three months of its coming into the custody of the Port Authority proved to the reasonable satisfaction of the Port Authority to belong to any person, it shall thereupon vest in the Port Authority.
- (3) The Port Authority may at such time and in such manner as they think fit dispose of anything referred to in paragraph (b) of subsection (2) of this section which is of a perishable nature or the custody of which involves unreasonable expense or inconvenience notwithstanding that it has not vested in the Port Authority under this section, and if it is sold the proceeds of sale shall be applied by the Port Authority in payment of the expenses incurred by them under this section in relation to the thing, and any balance-
- (a) shall be paid to any person who within three months from the time when the thing came into the custody of the Port Authority proves to the reasonable satisfaction of the Port Authority that he was the owner thereof at that time; or
  - (b) if within the said period no person proves his ownership at the said time, shall vest in the Port Authority.
- (4) If anything removed under this section-
- (a) is sold by the Port Authority and the proceeds of sale are insufficient to reimburse the Port Authority for the amount of the expenses incurred by them in the exercise of their powers of removal; or

(b) is unsaleable;

the Port Authority may recover as a debt in any court of competent jurisdiction the deficiency or the whole of the expenses, as the case may be, from the person who was the owner at the time when the thing removed came into the custody of the Port Authority or who was the owner at the time of its abandonment or loss.

(5) A notice given under paragraph (a) of subsection (2) of this section shall specify the thing removed and state that upon proof of ownership to the reasonable satisfaction of the Port Authority possession may be retaken at a place named in the notice within the time specified in the notice, being not less than fourteen days after the date when the notice is served.

(6) The Port Authority shall not under the powers of this section remove or destroy anything placed or constructed by a local authority or statutory undertakers under the provisions of a statute or of a consent or licence given or issued by the Port Authority thereunder.

(7) In subsection (6) of this section-

["local authority" means the council of a county, district or London borough, the Greater London Authority, the Common Council of the City of London the Thames Water Authority and an authority established under Section 10 (joint arrangements for waste disposal functions) of the Local Government Act 1985;]

"statutory undertaker" means a person authorised by statute to carry on any undertaking for the supply of electricity, gas or water.

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#### **Notes**

*The words in square brackets in sub-s (7) were substituted by the Local Government Reorganisation (Miscellaneous Provision) Order 1986, SI 1986/1, art 3(2)(c).*

**General Note.** *Within the delineated lands as defined by the Thames Barrier Act the provisions of this section of Port of London Act 1968 is subject to section 48(3) of the Thames Barrier Act.*

**Give notice.** *As to service of notices under this Act, see s 184 post.*

**Thames Water Authority.** *See the note to s 82 ante.*

**Definitions.** *For "dock", "owner", "the Thames" and "vessel, see s 2(1) ante. Note as to "local authority" and "statutory undertaker", sub-s (7) above.*

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## **122. Removal of projections**

(1) In this section-

"projection" means anything which projects over the Thames [...] and includes stairs and any tree, bush or other plant but does not include any such thing authorised by or under statute or by a works ~~licence~~ permission to be placed or constructed.

(2)(a) If any projection is or is likely to become a danger to the navigation or use of the Thames ~~[...]~~ or any part of the Thames, the Port Authority may remove or destroy it and recover the expenses of removal or destruction from the owner or occupier of the land on which the projection was situated as a debt in any court of competent jurisdiction.

(b) Before exercising their powers under this subsection the Port Authority shall, if it is reasonably practicable to do so, give notice of their intention to the owner and occupier of the land on which the projection is situated.

(c) In proceedings to recover expenses under paragraph (a) of this subsection the court may inquire whether the Port Authority might reasonably have proceeded instead under subsection (3) of this section, and, if the court determines that the Port Authority might reasonably have proceeded instead under the said sub-section (3), the Port Authority shall not recover the expenses.

(3)(a) If any projection is or is likely to become an obstruction or inconvenience to the navigation of the Thames [...] but not a danger thereto, the Port Authority may by notice in writing require the owner or occupier of the land on which the projection is situated to remove the projection within such time, not being less than seven days, as may be specified in the notice.

(b) If a person to whom notice is given under paragraph (a) of this subsection fails to comply with the notice within the time stated in the notice, or, if he appeals and the appeal is not allowed, within the time stated in the notice or such other time as the court may substitute therefor, the Port Authority may themselves remove or destroy the projection and recover the expenses of removal or destruction from the person on whom the notice was served as a debt in any court of competent jurisdiction.

(4) A notice under paragraph (a) of subsection (3) of this section shall have annexed to it a copy of this section.

(5) A person aggrieved by a notice served by the Port Authority under subsection (3) of this section may appeal to a magistrates' court.

(6) This section is subject to section 84 (Replacement of marked landing places) of this Act.

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#### **Notes**

*The words omitted (which were previously inserted by the Port of London Act 1970, s 5, Schedule) were repealed by the Port of London Act 1982, s 7, Sch 2.*

**General Note.** Within the delineated lands as defined by the Thames Barrier Act the provisions of this section of Port of London Act 1968 is subject to section 48(3) of the Thames Barrier Act.

**Definitions.** For "the Thames" and "works licence", see s 2(1) ante.

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### **123. Repair of landing places and embankments**

(1) Without prejudice to section 122 (Removal of projections) of this Act, the Port Authority may by notice require the owner or occupier of a landing place or embankment which in the opinion of the Port Authority is, or is likely to become, by reason of its insecure condition or want of repair-

(a) dangerous to persons or vessels using the Thames [...];

(b) injurious to the condition of the Thames [...] as a navigable waterway; or

(c) a hindrance to the navigation of the Thames [...];

to remedy its condition to the satisfaction of the Port Authority's chief engineer within a reasonable time specified in the notice.

(2) If a person to whom notice is given under this section fails to comply with the notice within the time stated in the notice, or, if he appeals and the appeal is not allowed, within the time stated in the notice or such other time as the court may substitute therefor-

(a) he shall be guilty of an offence and liable to a fine not exceeding [level 4 on the standard scale] and to a daily fine not exceeding [£50]; and

- (b) the Port Authority may carry out the work they consider necessary to remedy the conditions of the landing place or embankment in question and may recover the expenses of so doing from the person on whom the notice was served as a debt in any court of competent jurisdiction.

(3) A notice under subsection (1) of this section shall have annexed to it a copy of this section.

(4) A person aggrieved by a notice served by the Port Authority under subsection (1) of this section may appeal to a magistrates' court.

---

#### **Notes**

*The words omitted from sub-s (1) (which were previously inserted by the Port of London Act 1970, s 5, Schedule) were repealed by the Port of London Act 1982, s 7, Sch 2.*

*The reference to level 4 on the standard scale in sub-s (2) is substituted by virtue of the Criminal Justice Act 1982, s 46. (The maximum fine was previously increased to £500 by the Port of London Act 1982, s 3(1), Sch 1, Pt 1). Under s.37(2) of the Criminal Justice Act 1982, as amended by The Criminal Justice Act 1991, level 4 is now £2,500*

*The reference to £50 in square brackets in sub-s (2) was substituted by the Port of London Act 1982, s 3(1), Sch 1, Pt I.*

**By notice.** *As to service of notices under this Act, see s 184 post.*

**Standard scale.** *See the note to s 38 ante.*

**Powers of entry.** *See s 90 ante.*

**Definitions.** *For "daily fine", "landing place", "the Thames" and "vessel", see s 2(1) ante.*

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#### *(c) Registration of lighters, tugs and boats*

#### **[124. Unlicensed vessels not to be navigated**

(1) Subject to subsection (2) of this section, a vessel shall not be navigated, worked or moored within the vessel licensing area unless:-

- (a) there is in force in relation to it a relevant licence issued by the Port Authority in accordance with byelaws made by the Port Authority; and
- (b) the name of the vessel and such other particulars as may be prescribed in byelaws made by the Port Authority are displayed on the vessel in the manner prescribed by those byelaws.

(2) ~~Subject to subsection (2A), subsection~~ (1) of this section shall not apply to-

- (a) a vessel which is navigated, worked or moored only occasionally in the vessel licensing area;
- (b) a pleasure vessel;
- (c) a hovercraft or seaplane;

~~(d) any vessel (other than a ship registered under the Merchant Shipping Act 1995 or any vessel usually used for navigation) which is used primarily as a place of habitation, or as a place for accommodating or receiving persons for the purposes of shelter, recreation, entertainment or refreshment, or as club premises or offices, while it is moored;~~

~~(d) a houseboat or commercial and club boats;~~

(e) any vessel which-

- (i) has a navigability licence issued by a member of the [European Union] other than the United Kingdom, in accordance with Council Directive 76/135/EEC, and

- (ii) is navigating in an area which is an inland waterway or maritime shipping lane for the purpose of the Directive;
- (f) a vessel ~~licensed~~ which has a licence issued by a local authority or any other navigation authority which the Port Authority recognises as an appropriate licence;
- (g) a vessel to which Part I of the Merchant Shipping (Port State Control) Regulations 1995 applies;
- (h) a vessel to which survey requirements apply under the Merchant Shipping (Survey and Certification) Regulations 1995 or under any other rules or regulations made, or having effect as if made, under the Merchant Shipping Act 1995;
- (i) a vessel operated by a member of the United Kingdom Search and Rescue Organisation and declared to the Maritime and Coastguard Agency as a dedicated resource; and
- (j) such other vessels as may be from time to time exempted by byelaws made by the Port Authority.

(2A) The exemptions in subsection (2)(a) to (e) shall not apply in the case of any vessel carrying twelve or less passengers permitted by a certificate of compliance or other authorisation by the harbourmaster issued under byelaws made by the Port Authority to exceed any speed limit in the Thames set out in those byelaws.

(3) For the purpose of this section the Port Authority may issue a licence –

- (a) in relation to all or any part of the vessel licensing area; and
- (b) on such terms and conditions and subject to such restrictions as they think appropriate in the interests of safety.

(4) The owner of a vessel which is navigated, worked or moored in contravention of subsection (1) of this section, or in contravention of any term, condition or restriction imposed by a licence issued under subsection (3) of this section shall be guilty of an offence and liable:-

- (a) on summary conviction, to a fine not exceeding the statutory maximum; and
- (b) on conviction on indictment to a fine.

(5) In this section –

"navigation authority" means any person who has a duty or power under any enactment to work, maintain, improve or control or license vessels within, any canal or other inland navigation, navigable river, estuary, harbour or dock.;

"relevant licence" means a licence applicable to the area in which the vessel in question is being navigated, worked or moored,

and for the purpose of subsection 2(a) of this section a vessel is navigated, worked or moored only occasionally in the vessel licensing area if –

- (a) it is navigated, worked or moored within that area not more than ~~three~~ four times in any period of 12 months; and
- (b) on each such occasion it is navigated, worked or moored within the vessel licensing area for no more than 48 hours.]

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## Notes

*This section was substituted by the Port of London Authority Harbour Revision Order 2003 article 4 which came into force on 8 October 2003.*

*Sub-s (2) para (e)(i) words in square brackets substituted by Treaty of Lisbon (Changes in Terminology) Order 2011 in force 22 April 2011.*

**Definitions.** For “owner”, “pleasure vessel”, “the statutory maximum”, “vessel”, and “ vessel licensing area ”, see s 2(1) ante.

**Current Byelaws:** Craft and Boat Registration and Regulation Byelaws 2000 which have been amended by the Port of London Authority Harbour Revision Order 2003. No byelaws have been made exempting vessels under subsection (2)(j).

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## [125. Power to refuse or revoke or suspend or terminate a licence

- (1) Subject to section 126 (Appeals) of this Act, the Port Authority may refuse to licence under section 124 (Unlicensed vessels not to be navigated) or may revoke ~~or~~, suspend or terminate the licence of a vessel, in relation to the whole or to any part of the vessel licensing area, if they are satisfied that:-
  - (a) the vessel is not fit for its intended purpose;
  - (b) the vessel cannot be safely navigated, worked or moored in the vessel licensing area, or any part of it; or
  - (c) in the case of a boat for hire it is in the interests of safe navigation to prohibit boats for hire in a part of the vessel licensing area or to restrict the number of boats for hire in the vessel licensing area or in part of the vessel licensing area.
- (2) In considering for the purposes of this section the fitness of a vessel the Port Authority may have regard, amongst other things, to its life-saving equipment, fire extinguishing appliances, navigational equipment arrangements, machinery for mechanical propulsion and other auxiliary machinery.
- (3) The Port Authority may, for the purpose of their licensing functions and subject to the provisions of section 126 (Appeals) of this Act, require the owner of the vessel to give them such information or reports as they may reasonably require as to its fitness.
- (3) Nothing in this section shall be taken as imposing an obligation on the Port Authority to undertake a structural survey of a vessel for the purpose of discharging their licensing functions.]

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### Notes

*This section was substituted by the Port of London Authority Harbour Revision Order 2003 article 4 which came into force on 8 October 2003.*

**Definitions.** For “boat for hire”, “owner”, “vessel”, and “vessel licensing area”, see s 2(1) ante.

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## [126. Appeals

- (1) If the Port Authority under section 125 (Power to refuse or revoke or suspend or terminate a licence) of this Act-
  - (a) refuse to licence a vessel; or
  - (b) revoke or suspend the licence of a vessel; or
  - (c) require the owner of the vessel to give them information or reports as to its fitness;they shall give written notice to the owner of the vessel of their decision or requirement and the notice shall inform the owner of his right under subsection (3) of this section to appeal against the decision or requirement.

(2) On issuing a licence under subsection (3) of section 124 (Unlicensed vessels not to be navigated) of this Act the Port Authority shall give written notice to the owner of the vessel in question of his right under subsection (3) of this section to appeal against any conditions, restrictions or limitations attaching to the licence.

(3) The owner of a vessel who is aggrieved by any such decision, requirement, condition, restriction or limitation as is referred to in subsection (1) or (2) of this section may, within a time specified in the notice referred to in those subsections, being a date not earlier than twenty-eight days after the service of the notice on the owner, appeal to the Secretary of State, and Schedule 4 to this Act shall apply in relation to such an appeal.]

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**Notes**

*This section was substituted by the Port of London Authority Harbour Revision Order 2003 article 4 which came into force on 8 October 2003.*

**Definition.** For "vessel" see s 2(1) ante.

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**[127. Inaccurate or lost licences**

If the Port Authority are satisfied that a licence for a vessel issued by them under section 124 (Unlicensed vessels not to be navigated) of this Act and in force is-

- (a) inaccurate, they shall issue to the owner of the vessel a corrected licence and shall amend their records accordingly;
- (b) lost or destroyed, they shall issue to the owner of the vessel a duplicate of the licence.]

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**Notes**

*This section was substituted by the Port of London Authority Harbour Revision Order 2003 article 4 which came into force on 8 October 2003.*

**Definitions.** For "'owner" and vessel", see s 2(1) ante.

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**~~[128. Registers to record mortgages, etc., and to be open to inspection~~**

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~~—(1) The Port Authority shall on the written application by the mortgagee or assignee of a vessel licensed by the Port Authority under section 124 (Unlicensed vessels not to be navigated) of this Act register particulars of a subsisting mortgage of the vessel or of a subsisting assignment of the vessel by way of security or in trust for the benefit of creditors.~~

~~(2) The records relating to vessels kept by the Port Authority under this Part of this Act shall be open to inspection by any person at a reasonable time and upon payment of a reasonable fee.]~~

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~~**Notes**~~

~~*This section was substituted by the Port of London Authority Harbour Revision Order 2003 article 4 which came into force on 8 October 2003.*~~

~~**Definition.** For "vessel", see s 2(1) ante.~~

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**[129. Charges in relation to vessels**

The Port Authority may make reasonable charges in respect of the exercise of their functions under sections 124 to 128 of this Act.]



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#### **Notes**

*This section was substituted by the Port of London Authority Harbour Revision Order 2003 article 4 which came into force on 8 October 2003.*

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130 - 132. Repealed by the Port of London Authority Harbour Revision Order 2003 article 4(1).

#### *(d) Miscellaneous*

#### **133. Lights detrimental to navigation**

(1) The Port Authority may ~~by written notice~~ require a person placing or using on or near the Thames a light which is [likely] to mislead persons navigating on the Thames or to interfere with the safe navigation of vessels, to screen, alter, extinguish or remove the light within a reasonable time ~~specified in the notice~~.

(2) A person who-

(a) fails to comply with a ~~notice given~~ requirement made under this section; or

(b) after complying replaces or again uses the light or places or uses in lieu thereof another light in respect of which the Port Authority would be entitled to ~~give a notice~~ make a requirement under this section;

shall be guilty of an offence and liable to a fine not exceeding [level 3 on the standard scale] and to a daily fine not exceeding [£20].

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#### **Notes**

*The words in square brackets in sub-s (1) and the reference to £20 in square brackets in sub-s (2) were substituted by the Port of London Act 1982, ss 3(1), 5, Sch 1, Pt I.*

*The reference to level 3 on the standard scale in sub-s (2) is substituted by virtue of the Criminal Justice Act 1982, s 46. (The maximum fine was previously increased to £200 by the Port of London Act 1982, s 3(1), Sch 1, Pt I). Under s.37(2) of the Criminal Justice Act 1982, as amended by The Criminal Justice Act 1991, level 3 is now £1,000*

*Standard scale. See the note to s 38 ante.*

*Definitions. For "daily fine", "the Thames", and "vessel", see s 2(1) ante.*

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#### **133A. Fireworks**

(1) A person must not ignite or launch any firework or other explosive on or over the Thames, other than distress signals ignited as distress signals or race starting guns loaded with blank cartridges, which is likely to mislead persons navigating on the Thames or to interfere with the safe navigation of vessels, without the prior written consent of the Port Authority, which may be given subject to such conditions as the Port Authority thinks fit.

(2) Any person who ignites or launches any firework or other explosive without lawful authority or reasonable excuse in contravention of subsection (1) is guilty of an offence and liable to a fine not exceeding level 4 on the standard scale.

#### **134. Damage by a vessel**

(1) (a) The owner of a vessel shall be liable to pay to the Port Authority the cost of making good any damage done by any means whatsoever by the vessel or by any person employed on or about the vessel to-

(i) any part of the port premises in the Thames; ~~or~~ (including the bed of the Thames);

(ii) equipment in the Thames belonging to the Port Authority ~~;~~ or

(iii) any vessel belonging to or chartered or hired by the Port Authority.

(b) The Port Authority may recover from the owner of the vessel as a debt in any court of competent jurisdiction the cost of making good any such damage including the costs of any survey carried out by the Port Authority of a vessel of the Port Authority or part of the port premises.

(2) Where any damage has been done to a dock entrance or any part of the port premises not in the Thames by a vessel through the wilful act or negligence of the master or a person on or about the vessel, the Port Authority may, without prejudice to any other remedy available to them, detain the vessel until the cost of making good the damage has been paid, or security therefor given, to the Port Authority.

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#### Notes

*Definitions.* For "dock", "master", "owner of a vessel", "port premises", "the Thames" and "vessel", see s 2(1) ante.

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### 135. Interfering with moorings

A person who unlawfully casts off, ... the mooring or fastening of a vessel in the Thames or in a dock shall be guilty of an offence and liable to a fine not exceeding [level 3 on the standard scale].

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#### Notes

*The words omitted were repealed by the Port of London Act 1982, s 7, Sch 2.*

*The reference to level 3 on the standard scale is substituted by virtue of the Criminal Justice Act 1982, s 46. (The maximum fine was previously increased to £200 by the Port of London Act 1982, s 3(1), Sch 1, Pt 1). Under s.37(2) of the Criminal Justice Act 1982, as amended by The Criminal Justice Act 1991, level 3 is now £1,000*

*Standard scale.* See the note to s 38 ante.

*Definitions.* For "dock", "mooring", "the Thames" and "vessel" see s 2(1) ante.

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### 136. Giving false draught

(1) The master of a vessel entering the limits or leaving a dock or intending to enter the limits or leave a dock or navigating within the limits shall if required to do so by the ~~dock-master~~ harbourmaster state the draught of his vessel.

(2) The master of a vessel who in response to a requirement under subsection (1) of this section gives incorrect information shall, without prejudice to any right of the Port Authority to compensation for loss or damage occasioned thereby, be guilty of an offence and liable to a fine not exceeding [level 4 on the standard scale].

(3) For the purposes of this section "draught" in relation to a hovercraft or hydrofoil vessel means its draught when afloat and not supported on a cushion of air, on foils or by any other means and in relation to a seaplane means its draught when afloat.

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#### Notes

*The reference to level 4 on the standard scale in sub-s (2) is substituted by virtue of the Criminal Justice Act 1982, s 46. (The maximum fine was previously increased to £500 by the Port of London Act 1982, s 3(1), Sch 1, Pt 1). Under s.37(2) of the Criminal Justice Act 1982, as amended by The Criminal Justice Act 1991, level 4 is now £2,500*

*Standard scale.* See the note to s 38 ante.

*Definitions.* For "dock", "dockmaster", "hovercraft", "hydrofoil", "master", "seaplane" and "vessel", see s 2(1) ante. Note as to "draught", sub-s (3) above.

137. **Boarding Powers of inspection of works and vessels**

(1) A duly authorised officer of the Port Authority may, on producing if so required his authority that authorisation, enter or board and inspect a or examine any work vessel in the Thames which is subject to or requires a works permission under section 66 (Permitting of works) or a vessel within the limits the docks, including the Company's docks-

(a) for the purposes of any enactment relating to conferring powers or duties on the Port Authority or of any byelaw of the Port Authority including the enforcement thereof;

(b) to prevent or extinguish fire;

(c) for the purpose of investigation into a navigational incident;

(d) in connection with any permission granted by the Port Authority, or required under, section 66 (Permitting of works), section 66A (Permitting of mooring) or section 73 (Permitting of dredging, etc) including the enforcement of any permission conditions;

and may enter or board a work or a vessel in the Thames to carry out a survey of the bed of the Thames under section 7 (Hydrographic surveys) in the vicinity of the vessel or work where the surveyor considers it would be impracticable to carry out the survey any other way.

(2) A duly authorised officer in exercising the powers of subsection (1) may-

(a) take any other authorised officer and any equipment or materials;

(b) require the work or vessel or any part of the work or vessel or any article or thing on, under, over or attached to the work or the vessel or such a part to be left undisturbed (whether generally or in particular respects) for so long as is reasonably necessary;

(c) take such measurements and photographs and make such recordings as the authorised officer considers necessary;

(d) in the case of any such article or thing as is mentioned in paragraph (b) which appears to the officer to have caused or to be likely to cause danger or a risk to safety, cause it to be dismantled or subjected to any process or test (but not so as to damage or destroy it unless that is in the circumstances necessary);

(e) in the case of any such article or thing as is mentioned in paragraph (b), take possession of it and detain it for so long as is necessary for all or any of the following purposes, namely-

(i) to examine it and do to it anything which there is power to do under this subsection,

(ii) to ensure that it is not tampered with before the examination of it is completed,

(iii) to ensure that it is available for use as evidence in any proceedings for an offence under this Act or any byelaw made under it;

(f) require the production of, and inspect and take copies of or of any entry in,-

(i) any books or documents which by virtue of any provision of this Act are required to be kept; and

(ii) any other books or documents which the authorised officer considers it necessary to see.

(3) For the purposes of exercising the power conferred by subsection (1), such authorised officer may require a vessel to stop, or to do anything else that will facilitate the boarding of that vessel or entry on to a work.

(4) Such authorised officer who has boarded a vessel or work may, for the purposes of disembarking from the vessel or work, require that or any other vessel to stop, or to do anything else that will enable the officer and any person accompanying the officer, to disembark from the vessel or work.

(5) Such authorised officer may require any person on board a vessel or in or on the works to afford such facilities and assistance with respect to matters under that person's control as the authorised officer considers would facilitate the exercise of any power conferred by this section.

(6) Nothing in this section confers any powers to search a person.

(7) Where a duly authorised officer of the Port Authority believes that a person has committed an offence the officer may require the person to provide their name and address.

(8) If a person—

(a) refuses or fails to give the required information or produce documents; or

(b) gives false or misleading information,

in response to any request under this section that person is guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.

(9) The powers to enter or board a vessel in subsection (1) do not extend to entering so much of the interior part of a houseboat as is being used for residential purposes except in an emergency or for the purpose described in subsection (1)(b).

(10) The Port Authority may authorise the powers of an officer of the Port Authority under this section to be exercised by a constable.

(11) An authorisation under subsection (10) must be given in writing and may apply generally or to particular constables or particular circumstances specified in the authorisation.

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## **Notes**

*The clarification of section 137 was made by the Port of Tilbury Transfer Scheme 1991 Confirmation Order 1992 SI 1992/284.*

***On producing, if so require, his authority.** See the note to s 38 ante. As to the authentication of documents given or issued by the Port of London Authority, see s 183 post.*

***Definitions.** For "byelaw of the Port Authority", "docks", "enactment", "the Thames" and "vessel", see s 2(1) ante.*

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## **138. Identity of master and owner or occupier**

(1) The master of a vessel in the Thames must at the request of a duly authorised officer of the Port Authority give the master's name and address and such information as the master has about the name of the owner or occupier of the vessel and the owner's or occupier's address.

(2) If a master—

(a) fails to give the required information; or

(b) gives false or misleading information,

in response to a request under subsection (1) the master is guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.

~~(4) The owner~~ (3) The master or owner or occupier of a vessel shall, on written application ~~to him~~ by the Port Authority, give to the Port Authority in writing all information in ~~his~~ the master's or owner's or occupier's power as to the person who at any particular time was the master or owner or occupier of the vessel and the master or any owner or occupier refusing to give such information ~~or by his, giving false or misleading information or by the master's or owner's or occupier's~~ own negligence or default being unable to give the name and address of such person, ~~shall be~~ is guilty of an offence and liable to a fine not exceeding ~~level 2~~ level 3 on the standard scale~~;~~.

~~(2)(4)~~ In any proceedings relating to the vessel or its master the ~~written~~ information given pursuant to subsection (1) ~~or subsection (3) of this section~~ shall be admissible as evidence for the purpose of determining the identity of the master or owner or occupier of the vessel at a particular time.

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#### **Notes**

*The reference to level 2 on the standard scale in sub-s (1) is substituted by virtue of the Criminal Justice Act 1982, s 46. (The maximum fine was previously increased to £50 by the Port of London Act 1982, s 3(1), Sch 1, Pt 1). Under s.37(2) of the Criminal Justice Act 1982, as amended by The Criminal Justice Act 1991, level 2 is now £500*

**Standard scale.** See the note to s 38 ante.

**Definitions.** For "master", "owner" and "vessel", see s 2(1) ante.

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### **138A. Autonomous vessels**

(1) The owner of an autonomous vessel must not permit it to enter the Thames unless the owner has, not less than 72 hours before the entry, provided notice in accordance with subsection (2).

(2) A notice given under subsection (1) must be made in writing to the harbourmaster and include -

(a) the name, address and contact details of a person who is in control of the vessel; or who is able to take control of the vessel;

(b) details of the type of vessel; and

(c) details of the vessel's proposed route within the Thames.

(3) The owner of a vessel which enters the Thames without them first providing the required notice is guilty of an offence and liable to a fine not exceeding level 4 on the standard scale.

PART VIII

THAMES WATERMEN AND THAMES LIGHTERMEN

139. Register of Thames watermen and Thames lightermen

The Port Authority ~~shall~~may keep a register of ~~licensed~~Thames watermen and Thames lightermen which shall be open to inspection by any person at reasonable hours upon payment of a reasonable fee.

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**Notes**

*Definitions.* For "lighterman" and "waterman", see s 2(1) ante.

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~~140. Fees for licences and list of fares~~

- ~~—(1) The Port Authority may charge a reasonable fee for the issue or renewal of a licence to act as a waterman or lighterman.~~
  - ~~—(2) The Port Authority may make a reasonable charge for supplying copies of the list of fares which a waterman is for the time being authorised by the Port Authority to charge for his services.~~
- 
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~~**Notes**~~

~~*Authorised.* As to the authentication of documents given or issued by the Port of London Authority, see s 183 post.~~

~~*Definitions.* For "lighterman" and "waterman", see s 2(1) ante.~~

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## PART IX

### GOODS TRAFFIC

#### (a) General

#### ~~141. Account of imports to be given to Port Authority~~

- ~~—(1) The master of a vessel carrying cargo which enters the docks shall, within twelve hours after entering the docks or being reported at the Custom House, whichever first occurs give the Port Authority two copies of the manifest or report of the cargo signed by him.~~
- ~~—(2) A master who fails to comply with this section shall be guilty of an offence and liable to a fine not exceeding [£20].~~

#### ~~Notes~~

~~The fine was increased to £20 by the Port of London Act 1982, s 3(1), Sch 1, Pt I.~~

~~Definitions. For "Custom House", "docks", "master" and "vessel", see s 2(1) ante.~~

#### 142. Power to survey goods

- (1) The Port Authority may survey and examine-
- (a) goods at the port premises; and
  - (b) goods on board a vessel at the port premises when those goods are to be or have been handled by the Port Authority or when the master of the vessel asks for a survey or examination to be made by the Port Authority.
- (2) The Port Authority may make a reasonable charge for a survey or examination carried out under this section.
- (3) Where a written report is made on a survey or examination under this section, the Port Authority shall on request supply a copy of the report at a reasonable price to the owner or consignee of the goods and, if the survey was requested by the master of a vessel, to that master.

#### Notes

*Definitions. For "goods", "master", "port premises" and "vessel", see s 2(1) ante.*

#### 143. Power to remove goods

- (1) The Port Authority may remove to another part of the port premises or to a place of storage elsewhere goods-
- (a) which are obstructing or interfering with the use of the port premises; or
  - (b) which remain at a place used for the deposit or storage of goods for a longer time than that specified in relation to that place in a schedule of charges published by the Port Authority;
- and such removal and storage shall be carried out at the risk and expense of the owner.
- (2) Remedies available to the Port Authority for the recovery of their charges on or in respect of goods shall be available to them for the recovery of the expenses of removal and storage of goods removed under this section.

- (3) Goods removed under this section to a place of storage outside the port premises shall be deemed to be on the port premises for the purposes-
- (a) of the provisions in this Act relating to recovery of the Port Authority's charges on or in respect of goods by the seizure, detention and sale of goods; and
  - (b) of those provisions as applied by subsection (2) of this section.

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### **Notes**

***General Note.** As to customs entries relating to certain goods that the Port of London Authority intend to remove under this section, see s 145 post.*

***Published by the Port Authority.** See s 185 post.*

***Recovery of ... charges.** See ss 22, 23 35, 36, 38 and 39 ante.*

***Definitions.** For "goods", "port premises" and "published", see s 2(1) ante.*

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## **144. Removal and disposal of offensive goods**

- (1) The Port Authority may by notice require the owner of goods at the port premises which are, or have become, offensive to remove the goods from the port premises within such a period not being less than twenty-eight days as is specified in the notice.
- (2) If a person to whom notice is given under subsection (1) of this section fails to comply with the notice within the time specified, the Port Authority may dispose of the goods at such time and in such manner as they think fit and may recover the expense of so doing from the person to whom the notice under this section was given as a debt in any court of competent jurisdiction.

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### **Notes**

***General Note.** As to customs entries relating to certain goods that the Port of London Authority intend to remove under this section, see s 145 post.*

***By notice.** As to the service of notices under this Act, see s 184 post.*

***Definitions.** For "goods" and "port premises", see s 2(1) ante.*

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## **145. Customs entry by Port Authority**

- (1) An authorised officer of the Port Authority may make and ~~a customs officer~~ Her Majesty's Revenue and Customs may accept a customs entry relating to imported goods at the port premises which-
  - (a) the Port Authority intend to remove under section 143 (Power to remove goods), section 144 (Removal and disposal of offensive goods) or section 149 (As to entry of dangerous goods) of this Act; or
  - (b) it is expedient to enter for customs in order to prevent their removal to a Queen's Warehouse by ~~a customs officer~~ Her Majesty's Revenue and Customs, or for any other good and sufficient reason.
- (2) An officer of the Port Authority when making an entry under subsection (1) of this section shall not be obliged to provide more information about the goods to be entered than is-
  - (a) within his personal knowledge; or
  - (b) ascertainable from any label or mark on the packing or from any document in the Port Authority's possession relating to the goods in question.



- (3) The Port Authority may charge for making a customs entry under this section.
- (4) Remedies available to the Port Authority for the recovery of their charges on or in respect of goods shall be available to them for the recovery of duties ~~of customs or excise and purchase tax or taxes under any enactment~~ paid by them on goods entered under this section.

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### **Notes**

*Authorised.* As to the authentication of documents given or issued by the Port of London Authority, see s 183 post.

*Recovery of ... charges.* See ss 22, 35, 36 and 39 ante.

*Definitions.* For "customs officer", "duties of customs and excise", "goods" and "port premises", see s 2(1) ante.

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## **146. Warrants for goods**

- (1) The Port Authority may at the request of a person-
- (a) warehousing or depositing goods in a warehouse or place at the port premises specially appropriated for the purpose; or
  - (b) entitled to goods so warehoused or deposited;
- issue to him a warrant for the delivery of the goods so warehoused or deposited or such part thereof as may be specified in the warrant:
- Provided that the Port Authority shall not issue a warrant under this section relating to imported goods if they have been given notice effective under subsection (2) of this section that the goods in question are subject to-
- (a) a claim for freight by the owner of the vessel in which the goods were imported; or
  - (b) a claim to which the goods were subject before being warehoused or deposited with the Port Authority.
- (2) A notice under subsection (1) of this section-
- (a) shall not be effective unless it is given-
    - (i) within seven days of the discharge of the goods in question from the importing vessel; and
    - (ii) before the Port Authority have issued a warrant relating to the goods specified in the notice;
  - (b) shall remain effective for twenty-eight days and may be renewed for successive periods of twenty-eight days.
- (3) (a) Unless the contrary is clearly stated on the face of the warrant, goods which are the subject of a warrant issued under this section shall not be liable to detention or sale by the Port Authority on account of an unpaid charge of the Port Authority on or in respect of those or other goods incurred before the issue of the warrant.
- (b) In this subsection "charge" includes expenses incurred by the Port Authority in relation to goods which by virtue of this Act are recoverable by the same means as a charge.
- (4) A warrant issued under this section shall be transferable by endorsement and shall entitle the person named therein or the last endorsee thereof to the delivery of the goods specified therein and the goods so specified shall for all purposes be deemed to be his property.
- (5) A warrant under this section may be issued under the hand of an officer of the Port Authority authorised for that purpose.

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## **Notes**

*Notice.* As to the service of notices under this Act, see s 184 post.

*Sub-s (3): Goods ... subject ... to detention or sale.* See ss 36 and 39 ante.

*Expenses ... recoverable ... as a charge.* See s 143 ante.

*Sub-s (5): Authorised.* As to the authentication of documents given or issued by the Port of London Authority, see s 183 post.

*Definitions.* For "goods", "owner", "port premises" and "vessel", see s 2(1) ante.

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### **147. Passes for goods**

- (1) A ~~member of the Port Authority's police force, or other~~ person appointed by the Port Authority to act as gatekeeper at-

(a) the port premises; or

(b) .....

may refuse to allow goods to leave the port premises ....., unless the person having charge of the goods produces to the ~~constable, or other~~ person appointed by the Port Authority as gatekeeper, a pass for the goods signed, in the case of goods leaving the port premises, by a duly authorised officer of the Port Authority .....

- (2) The Port Authority may make regulations relating to the duties of a gatekeeper, the removal of goods from the port premises ....., and the form of pass to be provided under subsection (1) of this section.
- 

## **Notes**

*References to Section 158 and specified premises shall be treated as having ceased to have effect under the provisions of the Port of Tilbury Transfer Scheme 1991 Confirmation Order 1992 SI1992/284.*

*Port Authority's police force; constable.* See ss 154 et seq post.

*Authorised.* As to the authentication of documents given or issued by the Port of London Authority, see s 183 post.

*Definitions.* For "goods", "port premises" and "specified premises", see s 2(1) ante.

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### **~~148. Accommodation for customs officers~~**

~~— The Port Authority shall, so long as the accommodation is required for use by customs officers—~~

~~(a) maintain the external parts of, and carry out structural repairs to, any accommodation provided by them at the port premises for customs officers which is in use for that purpose immediately before the commencement of this Act; and~~

~~(b) by agreement with the Commissioners [for Her Majesty's Revenue and Customs], provide at new works forming part of the port premises accommodation for customs officers on a similar scale to that provided by the Port Authority at the commencement of this Act.~~

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## **Notes**

*The Commissioners for Revenue and Customs Act 2005 brought into force by a Commencement Order on 18 April 2005, SI*

~~2005/1126 united the revenue with the customs.~~

~~Commencement of this Act means 26 July 1968.~~

~~Definitions. For "customs officers" and "port premises", see s 2(1) ante.~~

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(b) *Safety precautions*

149. **As to entry of dangerous goods**

(1) The Port Authority may-

- (a) refuse entry into the port premises of any goods which in their opinion would endanger or be liable to endanger persons or property; or
- (b) permit the entry of any such goods subject to compliance with such terms and conditions (including the part or parts of the port premises where such entry is permitted) as they think fit.

(2) The Port Authority shall publish a schedule of such goods-

- (a) entry of which is forbidden by them; and
- (b) entry of which is permitted by them only upon terms and conditions specified in the schedule.

(3) A person who after publication of the schedule referred to in subsection (2) of this section-

- (a) brings or causes or permits to be brought into the port premises any goods the entry of which is forbidden; or
- (b) fails in relation to any goods brought into the port premises to comply with any terms or conditions imposed by the Port Authority under subsection (1) of this section;

shall-

- (i) be guilty of an offence and liable ... to a fine not exceeding [the statutory maximum], and on conviction on indictment, to a fine; and
- (ii) indemnify the Port Authority against all claims, demands, proceedings, costs, damages and expenses which may be made against or recovered from or incurred by the Port Authority in consequence of the commission of the offence;

and the Port Authority may remove the goods in question and may recover from the owner or offender the costs of such removal and of placing or storing the goods elsewhere.

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**Notes**

*The words omitted from sub-s (3) were repealed by the Port of London Act 1982, s 7, Sch 2 and the words in square brackets in that subsection were substituted by s 3(2) of, Sch 1, Pt II, para 7 to, that Act.*

**General Note.** *As to customs entries relating to certain goods that the Port of London Authority intend to remove under this section, see s 145 ante.*

**Publish.** *As to the publication of documents by the Port of London Authority, see s 185 post.*

**Conviction or indictment; fine.** *See note to s 77 ante.*

**Definitions.** *For "goods", "port premises" and "the statutory maximum", see s 2(1) ante.*

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**Note**

*Although the Regulations provide for a partial repeal there is a full repeal in so far as they apply within harbours and harbour areas and within those harbours and harbour areas, to the extent that they apply in relation to dangerous substances to which the Dangerous Substances in Harbour Areas Regulations 1987 SI 1987/37 apply see Regs 2(1), 5, 47(5), Sch 8, Pt II. This is the case in Sections 150-152.*

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**153. Under declaration of weight of goods**

- (1) If a person knowingly under-declares the weight of any goods brought into the port premises, he shall be guilty of an offence and liable to a fine not exceeding [level 3 on the standard scale].
- (2) It shall be a defence to a person charged with an offence under subsection (1) of this section to prove that the safety of persons handling goods at the port premises was not, or was not likely to be, endangered as a consequence of the under-declaration of the weight of the goods in question.
- (3) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against.
- (4) In subsection (3) of this section, "director" in relation to any body corporate which is established by or under any enactment for the purpose of carrying on or under national ownership any industry or part of an industry or undertaking the affairs of which are managed by the members thereof, means a member of that body.

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**Note**

*The reference to level 3 on the standard scale in sub-s (1) is substituted by virtue of the Criminal Justice Act 1982, s 46. (The maximum fine was previously increased to £200 by the Port of London Act 1982, s 3(1), Sch 1, Pt I). Under s.37(2) of the Criminal Justice Act 1982, as amended by The Criminal Justice Act 1991, level 3 is now £1,000*

**Standard scale.** See the note to s 38 ante.

**Definitions.** For "enactment", "goods" and "port premises", see s 2(1) ante. Note as to "director", sub-s (4).

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**Note: Sections 154-160 omitted as no longer applicable to the Port of London Authority.**

## PART XI

### BYELAWS

#### 161. Byelaws for port premises

The Port Authority may make byelaws for the port premises for any of the following purposes-

- (a) to regulate the use of the port premises and of services and facilities provided there;
- (b) to regulate the conduct of vessels, including the use of their motive power and equipment;
- (c) to regulate goods traffic;
- (d) to promote the safety of persons working at the port premises;
- (e) to protect property at, or forming part of, the port premises from damage, defacement or theft;
- (f) to regulate the admittance of persons to the port premises;
- (g) to prescribe what persons, other than the Port Authority's staff, may be employed at the port premises;
- (h) to prevent trespassing;
- (i) to regulate vehicle and railway traffic;
- (j) to prevent nuisances and other misuses of the port premises; and
- (k) to prevent pollution of the water in the docks.

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#### **Notes**

*Further provisions.* See also ss 167 (fines for breach of byelaws), 168 (confirmation of byelaws), 169 (proof of byelaws) and 212, Sch 11, para (h) (transitional provisions) post.

*Definitions.* For "docks", "goods", "port premises" and "vessels", see s 2(1) ante.

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#### 162. Thames byelaws

(1) The Port Authority may make byelaws for the Thames for any of the following purposes-

- (a) to secure the conservation and improvement of the Thames as a harbour and a navigable waterway and to promote ease and convenience of navigation;
- (b) for the regulation of vessels in the Thames and their entry into and departure from the Thames and, without prejudice to the generality of the foregoing, to prescribe rules for navigation and the lights and signals to be exhibited or made by, or for the benefit of, vessels;
- (c) for prescribing parts of the Thames-
  - (i) where vessels or a specified class of vessels may not moor, anchor or be otherwise secured; or
  - (ii) which vessels of a specified class may not enter;
- (d) to regulate the use and to prevent the misuse of services and facilities provided by the Port Authority in or beside the Thames including, without prejudice to the generality of the foregoing, the Richmond works;
- (e) to promote the safety of persons and vessels on the Thames;

- (f) to regulate the conduct of persons using the Thames or its banks ~~or towpaths~~ or the Richmond works whether for business, recreation or any other purpose;
- (g) to prohibit bathing in specified areas of the Thames;
- (h) to prevent nuisances in -, under, over or beside the Thames;
- [(i) subject to subsection (2) of this section, to prevent or regulate the exhibition of advertisements on or over the Thames.
- (j) to regulate the licensing of vessels for the purpose of sections 124 to 129 of this Act;
- (k) for regulating the equipment of vessels and requiring vessels to carry specified equipment in the interests of safety;
- (l) in relation to any vessels other than pleasure vessels, to impose requirements as to the standards of competence and experience required by persons navigating or working vessels and requirements as to the number, competence and experience of its crew;]
- (m) to secure the conservation of the natural beauty of the countryside and of flora, fauna and geological, physiographical or archaeological features of special interest; and
- (n) to regulate bunkering services and vessels undertaking bunkering.

[(1A) Paragraph (l) of subsection (1) of this section does not authorise the imposition of requirements as to the standards of competence and experience of a person serving as master of a vessel (within the meaning of regulation 5(4) of the Merchant Shipping (Inland Waterway and Limited Coastal Operations) (Boatmasters' Qualifications and Hours of Work) Regulations 2006.)]

(2) No byelaw made under paragraph (i) of subsection (1) of this section shall prevent-

- (a) the exhibition on board a vessel of advertisements connected with the business of the owner of the vessel; or
- (b) the exhibition on the Thames of an advertisement which is not visible from the banks of the Thames;
- [(c) the exhibition of advertisements by or authorised by any body on land vested in that body by virtue of any provision made by or under the Local Government Act 1985 (being land which immediately before 1<sup>st</sup> April 1986 belonged to the Greater London Council) and used by that body under any enactment;]
- (d) the exhibition of advertisements by the corporation of Southend-on-Sea on land belonging to them and used by them under any enactment or on Southend Pier.

[(3) Byelaws made under subsection (1) of this section may impose different requirements in relation to different vessels or types of vessels, different parts of the Thames and different types of activity or movement.

(4) Byelaws made under subsection (1)(l) of this section may authorise the imposition of reasonable charges by the Port Authority for assessing standards of competence and experience and for issuing any relevant certificates and endorsements required by such byelaws.]

## **Notes**

*Sub.s (1) (j) (k) and (l) were added by the Port of London Authority Harbour Revision Order 2003 article 5 which came into force on 8 October 2003.*

*Sub.s (1A) was added by The Merchant Shipping (Inland Waterway and Limited Coastal Operations) (Boatmasters' Qualifications and Hours of Work) Regulations 2006 article 21(a) which came into force on 1 January 2007.*

*Sub.s (2) (c) was substituted by the Local Government Reorganisation (Miscellaneous Provision) Order 1986, SI 1986/1, art 3(2)(a).*

*Sub.s (3) and (4)) were added by the Port of London Authority Harbour Revision Order 2003 article 5 which came into force on*

8 October 2003.

**General Note.** So much of this section as empowers the Port of London Authority to make byelaws prohibiting or regulating bathing and byelaws for the regulation of the Thames and the navigation thereof and the lights to be exhibited by vessels does not apply to certain areas; see s 187, Sch 8, paras 1, 2 post.

The Port of London Authority Harbour Revision Order 2003 which came into force on 8 October 2003 included in articles 8 (1)(2) and (3) transitional provisions in relation to the Craft and Boat Registration and Regulation Byelaws 2000 and the Port of London Watermen and Lightermen Byelaws 1992.

**Greater London Council.** See the note to s 65 ante.

**Extension.** This section is extended by the Thames Barrier and Flood Prevention Act 1972, s 41(2).

**Definitions.** For "enactment", "owner" "pleasure vessel", "the Richmond works", "the Thames" and "vessel", see s.2(1) ante.

**Current Byelaws.** Port of London Thames Byelaws 2012

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### 163. Fishing byelaws

Repealed by The Marine and Coastal Access Act 2009 section 321 and Schedule 22 Part 5(C) in force 1 April 2010.

### 164. Watermen and lightermen byelaws

Repealed by The Merchant Shipping (Inland Waterway and Limited Coastal Operations) (Boatmasters' Qualifications and Hours of Work) Regulations 2006 article 21(b) in force 1 January 2007.

### 165. Craft and Boat byelaws

Repealed by the Port of London Authority Harbour Revision Order 2003 article 7(4).

### 166. Dangerous goods byelaws

Repealed by the Dangerous Substances in Harbour Areas Regulations 1987 SI1987/37.

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## Notes

Although the Regulations provide for a partial repeal there is a full repeal in so far as they apply within harbours and harbour areas and within those harbours and harbour areas, to the extent that they apply in relation to dangerous substances to which the Dangerous Substances in Harbour Areas Regulations 1987 SI 1987/37 apply see Regs 2(1), 5, 47(5), Sch 8, Pt II. This is the case in Section 166.

**Note.** The Port of London Dangerous Substances in Bulk Byelaws 1991 and Port of London Dangerous Substances in Bulk (Amendment) Byelaws 2006 have been made under Regulation 43 of the Dangerous Substances in Harbour Areas Regulations 1987.

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### [167. Fines for breach of byelaws

Byelaws made under this Act may provide for imposing on persons offending against them –

- (a) in the case of byelaws made under section 162 (Thames byelaws), a fine not exceeding [level 5 on the standard scale] and a daily fine not exceeding one hundred pounds;
- (b) .....
- (c) in the case of byelaws made under section 166 (Dangerous goods byelaws) the statutory maximum and, on conviction on indictment a fine; and
- (d) in the case of any other byelaws, a fine not exceeding [level ~~3-4~~ on the standard scale] and a daily fine not exceeding ~~twenty pounds~~ £50.]

## Notes

*This section was substituted by the Port of London Act 1982, s 3(2), Sch 1, Pt II, para 9) (Royal Assent 28 May 1982). Sub-section (b) was repealed by The Marine and Coastal Access Act 2009 section 321 and Schedule 22 Part 5(c).*

*References to levels 2, 3 and 5 on the standard scale were substituted by virtue of the Criminal Justice Act 1982 (Royal Assent 28 October 1982) s 46, which came into force in 1983. The Criminal Justice Act 1988 s.57 provides that for a summary offence a harbour authority may in a Byelaw increase the maximum fine to scale 4 on the standard scale. Under s.37(2) of the Criminal Justice Act 1982, as amended by The Criminal Justice Act 1991, level 4 is now £2,500.*

*Section 167(b) has been repealed by the Marine and Coastal Access Act 2009 s. 321 Sch 22 Pt 5(C) in force 1 April 2010.*

**Standard scale.** See the note to s 38 ante.

**Conviction or indictment; fine.** See the notes to s 77 ante.

**Definitions.** For "daily fine" and "the statutory maximum", see s 2(1) ante.

### 168. Confirmation of byelaws

(1) Byelaws made by the Port Authority under this Act shall not come into operation until they have been confirmed by the confirming authority.

(2) The confirming authority shall be the Minister.....

(3) (a) At least one month before an application for confirmation of byelaws is made by the Port Authority to the confirming authority, notice of the intention to apply for confirmation and of the place at which and the times during which a copy of the byelaws shall be open to inspection shall be published ~~as follows:-~~ in the London Gazette and one or more newspapers circulating in the area to which the byelaws are to apply.

~~(i) once in the London Gazette;~~

~~(ii) once in each of two successive weeks in some one and the same daily morning newspaper published in London;~~

~~(iii) once at least in a newspaper published in Greater London and in any administrative county or county borough affected by the byelaws or, if there is no newspaper published in any such administrative county or county borough, then in a newspaper published in some county adjoining or near to such administrative county or county borough.~~

(b) Not later than the ~~first~~ date on which the notice under paragraph (a) of this subsection is published, the Port Authority shall send a copy of the notice-

[ (i) to the council of every county, district or London borough affected by the byelaws to which the notice relates and if those byelaws affect the City of London to the town clerk of the City and if those byelaws affect Greater London to the Greater London Authority; ]

(ii) to the Environment Agency and to the clerk of every ~~river authority and~~ drainage authority having jurisdiction in any part of the area to which the byelaws apply;

(iia) to the Company;

(iib) to London Gateway Port Limited (company number 04341592);

and if the byelaws apply to any part of the Thames between the former seaward limit and the seaward limit

(iii) to the Secretary of State for Defence;

(iv) to the [Secretary] of the [Medway Ports Authority]



(v) to Southend-on-Sea Borough Council.

- (c) During a period of at least one month before application is made for confirmation of the byelaws a copy of the byelaws shall be kept at the ~~head-principal~~ office of the Port Authority and shall at reasonable hours be open to public inspection without payment.
- (d) The Port Authority shall supply a copy of the byelaws or of part of the byelaws to a person who shall apply for it on payment of a reasonable charge if demanded.
- (4) During the period of one month after completion of the publication of any notice required by paragraph (a) of subsection (3) of this section any person may make in writing to the confirming authority any objection to or representation respecting the byelaws to which the notice relates.
- (5) The confirming authority may confirm the byelaws in the form submitted to him with such modifications as he thinks fit:
- Provided that where the confirming authority proposes to make a modification which appears to him to be substantial, he shall inform the Port Authority and require them to take any steps he thinks necessary for informing persons likely to be concerned with that modification and shall not confirm the byelaws until there has elapsed such period as he thinks reasonable for consideration of, and comment upon, the proposed modification by the Port Authority and by other persons who have been informed of it.
- (6) When confirmed the byelaws shall be published by the Port Authority.

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**Notes**

*Sub-s (2) the exception which formed the second part of this sub-section was repealed by The Marine and Coastal Access Act 2009 section 321 and Schedule 22 Part 5 (C) in force 1 April 2010 SI 2010/298.*

*Sub-s (3)(b)(i) was substituted by the Local Government Reorganisation (Miscellaneous Provision) Order 1986, SI 1986/1, art 3(2)(e).*

*The variation to paragraph (iv) of subsection (b) was made by the Medway Ports Act 1973.*

**Sub-s (2): The Minister.** *For meaning, see s 2(1) ante and the note "Minister of Transport" thereto.*

**River authority.** *See the note to s 2 ante.*

**Sub-s (6): Published.** *See s 185 post.*

**Definitions.** *For "drainage authority", "river authority", "the former seaward limit", "the seaward limit" and "the Thames", see s 2(1) ante.*

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**169. Proof of byelaws**

A copy of a byelaw of the Port Authority duly confirmed purporting to be printed by direction of the Port Authority and being authenticated by their seal ~~and the signature of their secretary~~ shall for all purposes be prima facie evidence of such byelaw and of the due making and confirmation thereof without proof of such seal ~~or signature~~.

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**Notes**

**Definition.** *For "byelaw of the Port Authority", see s 2(1) ante.*

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**170. Arrest of offender against byelaws**

Repealed by the Serious Organised Crime and Police Act 2005 ss 111, 174(2) Sch 7 pt 3 para 41(1)(2) Sch 17 Pt 2 from the 1 January 2006.

**PART XII**

## THE SURREY CANAL

**171-174 Repealed by the Port of London Act 1982, s7, Sch.2.**

### PART XIII

#### MISCELLANEOUS PROVISIONS

##### *(a) General*

#### **175. Application of Town and Country Planning Acts to Port Authority's land**

- (1) It is hereby declared that for the purposes of the Town and Country Planning Acts, 1962 and 1963, anything done by the Port Authority in the exercise of the powers conferred by section 5 (General duties and powers) or by section 11 (Powers relating to land) of this Act, so far as those sections relate to development of land for use otherwise than for the purposes of the undertaking, does not constitute the carrying on by the Port Authority of their statutory undertaking and, in particular, that land which is used, or in which an interest is held, by the Port Authority exclusively for the purpose of exercising those powers does not constitute operational land.
- (2) Without prejudice to subsection (1) of this section and subject to subsection (3) of this section, any development of operational land by the Port Authority in the exercise of the said powers shall not for the purposes of the said Acts constitute development of operational land.
- (3) Subsection (2) of this section shall not apply to development if—
- (a) the development comprises development by the Port Authority for the purpose of carrying on the undertaking or is development for a purpose which includes that purpose ; and
  - (b) the development is such that so much of it as is exclusively referable to the exercise by the Port Authority of the said powers cannot fairly be treated for the purposes of the said Acts as separate development.
- (4) Any question under subsection (3) of this section whether part of any development can fairly be treated as separate development shall be determined by the local planning authority to whom application is made for permission for the development in question, or, where an application for permission for the development in question is referred to the Minister of Housing and Local Government, by the Minister of Housing and Local Government and the Minister; and where part of any development is so treated this section and the said Acts shall apply to the parts of the development in all respects as if they were separate development.
- (5) If an applicant is aggrieved by a determination of a local planning authority under subsection (4) of this section, he may appeal to the Minister of Housing and Local Government, and any such appeal shall be determined by the Minister of Housing and Local Government and the Minister.
- The provisions of the said Acts and of any development order as to the time and manner for appealing to the Minister of Housing and Local Government against planning decisions of local planning authorities shall apply, subject to any necessary modifications, to an appeal under this subsection.
- (6) The provisions of the said Acts as to the validity, and proceedings for challenging the validity, of decisions of the Minister of Housing and Local Government on applications for planning permission referred to him under those Acts or on appeals to him under those Acts against planning decisions of local planning authorities shall apply to any determination of the Minister of Housing and Local Government and the Minister under this section as if a reference to this section were included in those provisions.
- (7) Subject to this section, any expression in this section which is used in the Town and Country Planning Acts, 1962 and 1963, shall have the same meaning as in those Acts.

## **Notes**

**Minister of Housing and Local Government.** By the Secretary of State for the Environment Order 1970, SI 1970/1681, arts 2, 6, the Ministry of Housing and Local Government was dissolved and the Minister's functions under (inter alia) this Act were transferred to the Secretary of State.

**The Minister.** For meaning, see s 2(1) ante and the note "Minster of Transport" thereto.

**Definition.** For "undertaking", see s 2(1) ante.

**Town and Country Planning Acts 1962 and 1963.** ie the Town and Country Planning Act 1962 and the Town and Country Planning Act 1963; see s 4(3) of the 1963 Act. Those Acts were mostly repealed by the Town and Country Planning Act 1971, s 292, Sch 25, and replaced by provisions of the 1971 Act (repealed) and replaced.

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### **175A Rights of way over permitted works and land of Port Authority**

As from [the date of commencement of the Order] no right of way may be acquired by prescription or user over any permitted work in, under or over the Thames or any road, way, slipway, steps, place on land or landing place within the ownership of the Port Authority and giving access to the Thames.

### **175B Adverse possession claims in relation to the Thames**

(1) Subject to subsection (2), paragraph 11 of Schedule 1 to the Limitation Act 1980 applies to actions brought by the Port Authority to recover foreshore of the Thames in the ownership of the Port Authority as it applies to actions brought by the Crown in relation to land in its ownership.

~~(1)~~(2) This section does not apply in respect of any action which has accrued more than 12 years before [the date of the commencement of the Order].

### **176. Modifications of advertising requirements of Harbours Act 1964**

Where the Port Authority come under an obligation imposed by the Harbours Act 1964 to make a publication by "Gazette and local advertisement" as defined in section 57 of that Act, the obligation shall, notwithstanding the provisions of that Act, be discharged in relation to local advertisement if the Port Authority make the publication in each of two successive weeks in-

- (a) a newspaper specialising in shipping news which is published or circulates in Greater London ; and
- (b) if the Minister thinks fit, another newspaper specified by him.

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## **Notes**

**Greater London.** See the note to s 168 ante.

**The Minister.** For meaning, see s 2(1) ante and the note "Minister of Transport" thereto.

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### **177. Removal of vehicles at port premises**

(1)(a) If a vehicle is left without the permission of the Port Authority-

- (i) in a parking place provided by the Port Authority for a longer period than twenty-four hours;
- (ii) in any part of the port premises where the parking of vehicles is prohibited by notice erected by the Port Authority; ~~or~~
- (iii) in any part of the port premises, for a period longer than twenty-four hours after a notice giving the date and time and requiring its removal within twenty-four hours is left on the vehicle by the Port Authority; or

(iv) in any place ~~where it within the port premises where the Port Authority consider it is unsafe to leave a vehicle or the vehicle~~ is likely to ~~or does~~ obstruct or interfere with the use of ~~or access to~~ the port premises ~~or it poses a security risk;~~

the Port Authority may, ~~at the risk of the owner,~~ remove the vehicle to a place of safe custody.

(b) If it appears to the Port Authority that a vehicle has been abandoned in any part of the port premises, the Port Authority may, at the risk of the owner, remove the vehicle to a place of safe custody.

~~(b)(c)~~ Any such notice as is referred to in sub-paragraph (ii) of paragraph (a) of this subsection shall be conspicuously posted in or in proximity to the place to which it relates.

(2) Where the Port Authority in exercise of the powers of this section remove a vehicle, or use the services of any other person to remove a vehicle, the expenses of and incidental to the removal and safe custody ~~shall be~~ are recoverable by the Port Authority from the ~~owner of the vehicle~~ person responsible as a debt in any court of competent jurisdiction.

(3) For the purposes of subsection (2) “the person responsible” means—

(a) the keeper of the vehicle at the time when it was put in the place from which it was removed under subsection (1); or

(b) if that person shows that they were not concerned in, and did not know of, its being put there, the person who put the vehicle in that place.

~~(3)(4)~~ If the Port Authority in exercise of the powers of this section remove a vehicle ~~or cause it to be removed, they shall to a place not readily visible from the place from which it is so removed they must,~~ if and as soon as it is reasonably practicable to do so, report that fact to a constable or a police station and send to the person for the time being registered as the owner of the vehicle for the purposes of the Road Vehicles (Registration and Licensing) Regulations 1964, or any other regulations having the same effect for the time being in force, at his keeper of the vehicle at the last known address, his—the registered address or at the address where the vehicle is ordinarily kept, notice that they have exercised the powers of this section and of the place to which the vehicle has been removed.

(a) the Port Authority have exercised the powers of this section and of the expenses incurred and the place to which the vehicle has been removed; and

(b) the Port Authority require proof of identity as the keeper of the vehicle, payment of the expenses incurred by the Port Authority and removal of the vehicle within two weeks from the date the notice is served or within such period as the parties agree.

(5) If in their opinion the vehicle is in such a condition that it ought to be destroyed the Port Authority must also inform the keeper of the vehicle that if the vehicle is not collected within the period required in subsection (4)(b) they propose to destroy the vehicle and the keeper of the vehicle will be responsible for the expense of such destruction.

~~(4)(6)~~ A notice stating the general effect of ~~paragraph (a) of~~ subsection (1)(a)(i) of this section ~~shall must~~ be displayed in a prominent position at each entrance to any parking place provided by the Port Authority and at each place where a road accessible to vehicles enters any part of the port premises ~~and shall be endorsed on any tickets issued to persons leaving vehicles in any such parking or at a place as close as reasonably practicable to that place or elsewhere at the port premises.~~

(7) Subject to subsections (10) and (11), the Port Authority may in such manner as they think fit (provided that they have given prior notice under subsection (4) to any keeper of the vehicle if they intend to destroy the vehicle) dispose of any vehicle which is in their custody in pursuance of subsection (1) if the keeper of the vehicle has not complied with the requirements of the notice referred to in subsection (4) within two weeks from the service of the notice referred to in subsection (4) or such extended period as the parties shall agree.

(8) The power to dispose of vehicles conferred on the Port Authority by subsection (7) above includes power

to provide plant and apparatus for the purpose of disposing of vehicles.

(9) The expenses of and incidental to the removal recoverable by the Port Authority include the costs of employing any contractor, the removal of the vehicle, storage of the vehicle and its safe custody and the expenses of disposal (including the provision of any plant and apparatus for its disposal) or destruction of the vehicle.

(10) If before a vehicle is disposed of by the Port Authority in pursuance of this section the Port Authority is satisfied that a person who claims the vehicle is the keeper of the vehicle and pays the Port Authority's expenses, the Port Authority shall permit that person to remove the vehicle from their custody.

(11) If before the expiration of the period of one year beginning with the date on which a vehicle is sold by the Port Authority in pursuance of this section any person satisfies the Port Authority that at the time of its sale that person was the keeper of the vehicle, the Port Authority must pay that person any sum by which the proceeds of sale exceed the expenses recoverable by the Port Authority.

(12) In this section, references to the keeper of the vehicle and their registered address are to the person for the time being registered as the keeper of the vehicle and their address recorded in the register in accordance with regulations under the Vehicle Excise and Registration Act 1994.

(13) In this section "vehicle" has the same meaning as in section 99 of the Road Traffic Regulation Act 1984.

### **Notes**

*Send ... notice.* As to the service of notices under this Act, see s 184 post.

*Definition.* For "port premises", see s 2(1) ante.

*Road Vehicles (Registration and Licensing) Regulations 1964.* SI 1964/78. Revoked by the Road Vehicles (Registration and Licensing Regulations 1971, SI 1971/450.

## **178. Exemption from rates**

Repealed by the Local Government and Finance Act 1988 S.67(12) from 29<sup>th</sup> July 1988.

### **Notes**

*Repeal of this section confirmed by the case of Woodbury (VO) v Toby Restaurants Ltd [1998] RA 315, LT.*

## **~~179. Millwall docks: exemption from London Building Acts~~**

~~—The provisions of the London Building Acts, 1930 to 1939, shall not extend or apply to any building at the docks, basins, cuts, locks, entrances, canal, works, buildings, wharfs, quays and land formerly vested in the Millwall Dock Company and transferred to the Port Authority by virtue of the Port of London Act, 1908:~~

~~Provided that this section shall not extend to any building on any area added to the Millwall Docks after 22nd December, 1920.~~

### **~~Notes~~**

~~*Definitions.* For "docks" and "land" see s 2(1) ante.~~

~~*Port of London Act 1908.* Repealed, with savings by the Port of London (Consolidation) Act 1920 and now wholly repealed by s 208, Sch 9, Pt I post.~~

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#### ~~180. Obligations as to bridges, lights, roads, etc.~~

- ~~(1) In relation to each of the bridges, footways and other works specified in the first column of Schedule 7 to this Act—~~
- ~~(a) the Port Authority shall comply with the obligations specified in the third column of the schedule to the satisfaction of the authority specified in the second column thereof; and~~
- ~~(b) the authority specified in the second column of the said Schedule 7 shall comply with any obligation set out in the fourth column thereof.~~
- ~~(2) Subject to subsection (3) of this section and to the provisions contained in the said Schedule 7, the public shall have free and uninterrupted use of the bridges and footways described in the first column of the said schedule subject to interruptions required for—~~
- ~~(a) the maintenance and repair of the bridges and footways ; and~~
- ~~(b) the working of the undertaking.~~
- ~~(3) An authority specified in the second column of the said Schedule 7 may release the Port Authority from an obligation imposed on them by this section and, where such consent is required, may consent in writing to the closure, removal or alteration of a bridge, footway or other work described in the first column of the said schedule.~~
- ~~(4) Any question or dispute arising under this section shall be referred to a single arbitrator to be agreed upon between the parties or, failing agreement, to be appointed by the President of the Institution of Civil Engineers on the application of either party to the dispute (after notice in writing to the other).~~

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#### ~~Notes~~

~~*Arbitrator.* See the note to s 63 ante.~~

~~*Definition.* For "undertaking", see s 2(1) ante.~~

~~*Note.* The London Borough of Newham entered into a Deed dated 21<sup>st</sup> May 1999 releasing the Port Authority from obligations under this section.~~

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#### 181. Access for government officers

A person employed by the Minister or ~~the Board of Trade and a customs officer~~ Her Majesty's Revenue and Customs shall have free access to the port premises while in the execution of his duty.

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#### Notes

*The Minister.* For meaning, see s 2(1) ante and the note "Minister of Transport" thereto.

*Board of Trade.* See the note to s 60 ante.

*Definitions.* For "customs officer" and "port premises", see s 2(1) ante.

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#### 182. Docks deemed to be in port of London

The docks and any parts of the port premises appurtenant thereto shall for the purposes of any custom or of any public Act in force at the commencement of this Act, be deemed to be part of the port of London.

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### **Notes**

*Commencement of this Act. means 26 July 1968..*

*Definitions. For "docks" and "port premises", see s 2(1) ante.*

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### **183. Authentication of Port Authority's documents**

- (1) Any notice, licence, permission or other document given or issued by the Port Authority under any enactment shall, unless the contrary intention is expressed in the enactment in question, be sufficiently authenticated if signed by the secretary of or an officer authorised by the Port Authority ~~or by one of his deputies~~, and need not be sealed by the Port Authority.
- (2) Without prejudice to the generality of subsection (1) of this section all documents relating to goods at the port premises ~~or to the management of the business at a dock~~ shall be sufficiently authenticated if signed by a duly authorised officer of the Port Authority and need not be sealed by the Port Authority.
- (3) A bill of exchange or promissory note shall be deemed to have been made, accepted or endorsed on behalf of the Port Authority if made, accepted or endorsed in the name of, or by or on behalf of, or on account of the Port Authority by a duly authorised officer of the Port Authority.

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### **Notes**

*Definitions. For "dock", "enactment", "goods" and "port premises, see s 2(1) ante.*

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### **184. Service of documents**

- (1) Any document required or authorised by or under this Act to be given to or served on a person-
  - (a) being a corporation, society or association, shall be duly given or served if it is given to or served on the secretary or clerk of the corporation, society or association-;
  - (b) being a partnership, including a limited liability partnership, shall be duly given or served if it is addressed to the partnership identifying it by the name or style under which its business is carried on.
- (2) Subject to the provisions of this section, any notice, consent, approval, demand or other document required or authorised by or under this Act to be given to or served on any person may be given or served either in any one of the following ways -
  - (a) by delivering it to that person-; or
  - (b) by leaving it at his proper address-; or
  - (c) by post; or
  - (d) by sending it by electronic means,

so however that, where such a document is sent by post otherwise than in a letter sent by the recorded delivery service, it shall be deemed not to have been given or served if it is proved that it was not received by the person to whom it was addressed.
- (3) For the purposes of this section, and of section 26 of the Interpretation Act, 1889, in its application to this section, the proper address of any person to or on whom such a document is to be given or served shall-
  - (a) in the case of the secretary or clerk of a corporation, society or association, be that of the registered or principal office of the corporation, society or association ;

- (b) in the case of a partnership, including a limited liability partnership, be the principal place of business of the partnership and in the case of a limited liability partnership, be the address of its registered or principal office; and
- (c) in any other case, be the usual or last known place of abode of the person to whom the document is given:

Provided that, where the person to or on whom such a document is to be given or served has furnished an address for service in accordance with arrangements agreed to in that behalf, his proper address for the purpose of this subsection shall be the address so furnished.

- (4) If the name or address of any owner or occupier of any premises to or on whom any such document is to be given or served cannot after reasonable inquiry be ascertained by the person seeking to give or serve the document, the document may be given or served by addressing it to the person to whom it is to be given or on whom it is to be served by the description of "owner" or "occupier" of the premises (describing them) to which the document relates, and by delivering it to some responsible person at the premises, or, if there is no such person to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.
- (5) The provisions of subsections (1) to (4) of this section shall not apply to the service of a summons.
- (6) For the purpose of enabling any document to be served on the owner of any premises, the Port Authority may by notice in writing require the occupier of the premises to state the name and address of the owner thereof, and if the occupier refuses or wilfully neglects to do so, or wilfully misstates the name and address of the owner, he shall, unless in the case of a refusal he shows cause to the satisfaction of the court for his refusal, be guilty of an offence and liable to a fine not exceeding [level 1 on the standard scale].

- (7) Where a document is to be served by electronic means under subsection (2)(d) the party who is to be served must have previously indicated in writing to the party serving-  
(a) that the party to be served is willing to accept service by electronic means; and  
(b) the email address or other electronic identification to which it must be sent.
- (8) Where a party intends to serve a document by electronic means under subsection (2)(d) that party must first ask the party who is to be served whether there are any limitations to the recipient's agreement to accept service by such means (for example, the format in which documents are to be sent and the maximum size of attachments that may be received).

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## Notes

*The reference to level 1 on the standard scale in sub-s (6) is inserted under the provisions of the Criminal Justice Act 1982, ss 38(8).*

**Post.** *The Postal Services Act 2000 para 1, Sch. 8 provides that the reference to post shall not be construed as limited to requiring or authorising that thing to be sent by the postal system of the Post Office company.*

**Recorded Delivery.** *The Postal Services Act 2000 para. 3, Sch. 8 provides that this wording shall be construed as if it required or authorised that thing to be sent by a postal service which provides for the delivery of the document or other thing by post to be recorded.*

**Standard scale.** *See the note to s 38 ante.*

**Interpretation Act 1889, s 26.** *Repealed by the Interpretation Act 1978, s 25, Sch 3, replaced by s 7 of, Sch 2, para 3, to that Act.*

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## 185. Port Authority's publications

Any obligation to publish a document imposed on the Port Authority by this Act shall, unless the contrary intention is expressed in the provision containing that obligation, be held to be discharged if the Port



Authority-

- (a) make a copy of the document available at their head-principal office during reasonable hours, for public inspection free of charge; and
- (b) have copies of the document available in hard copy (or if the document is in electronic form, in a printable format) at their head-principal office for sale to the public at a reasonable price; if demanded; or
- (c) make a copy of the document publically available by electronic means.

## 186. Crown rights

- (1) With the exception of the provisions of this Act relating to dangerous erections and the removal of obstructions, nothing in this Act shall affect prejudicially any estate, right, power, privilege or exemption of the Crown and, in particular, nothing in this Act shall authorise the Port Authority to take, use or interfere with any land or rights-

- (a) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners on behalf of Her Majesty ; or
- (b) belonging to a government department or held in trust for Her Majesty for the purposes of a government department ;

without the consent in writing of the Crown Estate Commissioners or the government department, as the case may be.

- (2) ~~Section 70 (Works, mooring or dredging without ~~not to be constructed, etc., without works licence~~ permission) of this Act shall not extend to works constructed by the Ministry of Defence on that part of the bed of the Thames referred to in section 200 (Reservation of part of the bed and soil) of the Port of London (Consolidation) Act, 1920, consisting of land in which there is an interest belonging to-~~

- (a) a government department or held in trust for Her Majesty for the purposes of a government department,
- (b) Her Majesty in right of the Crown, or
- (c) Her Majesty in right of the Duchy of Lancaster or of the Duchy of Cornwall, and so held since 1856.

- (3) Nothing in Part VII (Vessels and navigation) of this Act shall extend to a vessel belonging to or employed in the service of Her Majesty or to any present or future moorings of, or for, any such vessel.

## Notes

*Provisions of this Act relating to dangerous erections ... obstructions. See ss 120-123 ante.*

*Crown Estate Commissioners. The Commissioners referred to in the Crown Estate Act 1961, s 1.*

*That part of the bed of the Thames referred to. See the last note to this section.*

*Definitions. For "bed", "mooring", "the Thames" and "vessel", see s 2(1) ante.*

*Part VII of this Act. ie ss 108 – 138 of this Act.*

*Port of London (Consolidation) Act 1920, s 200. Repealed, with savings, by ss 208, 212, Schs 9, 11 post. The section read as follows:-*

*"200. Reservation of part of the bed and soil. Notwithstanding anything in this Act the portion of the bed or soil or shores of the Thames or any encroachment embankment or enclosure therefrom or thereupon in front of or immediately adjacent to any lands buildings or hereditaments whereof or whereto His Majesty or any person or body in trust for Him was or were on the eighteenth day of December eighteen hundred and fifty-six seised or entitled in possession reversion or remainder or which then were the property of any department of His Majesty's Government or in the possession of any such department or any officers of the same shall not be vested in the Port Authority but shall continue vested in or in trust for His Majesty or in or in trust for such department or officers and be subject to the exercise therein of the same powers authorities rights and privileges as if this Act had not been passed".*

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**187. Certain powers not exercisable in Medway approach area and areas off Southend-on-Sea and Sheerness**

- (1) (a) Unless otherwise agreed in writing by the relevant authority the provisions of this Act specified in the first column of Schedule 8 to this Act shall not apply in the areas described in the second column of the said schedule, provided that the restriction on laying down moorings in paragraph (1)(a) in the first column does not apply when the Port Authority lays down moorings in the carrying out of their functions as a local lighthouse authority.
- (b) In this subsection the relevant authority means the Southend-on-Sea ~~Corporation~~ Borough Council except in relation to the area described in paragraph 1 (c) in the said second column where it means ~~the urban district council of Sheerness~~ Swale Borough and in relation to the area described in paragraph 2 (b) in the said second column where it means the [Medway Ports Authority].
- ~~(2) Section 47 (Exception of application of enactments in parts of river Thames) of the Southend-on-Sea Corporation Act, 1947, is hereby repealed.~~

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**Notes**

*The Urban District Council of Sheerness is now Swale Borough Council*

*The variation to subsection 1(b) was made by the Medway Ports Act 1973.*

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**188. Duchy of Lancaster may sell land to Port Authority**

The chancellor and council of the Duchy of Lancaster may sell to the Port Authority any land belonging to Her Majesty in right of the said duchy which the Port Authority think fit to purchase and the proceeds of the sale shall be paid and dealt with as if the land had been sold under the authority of the Duchy of Lancaster Lands Act, 1855.

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**Notes**

*Definition. For "land", see s 2(1) ante.*

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**189. Saving for the East London railway tunnel**

- (1) In this section-

~~"the board" means the London Transport Board;~~

"the railway tunnel" means the East London railway tunnel ~~vested in the board.~~

- (2) The Port Authority shall not exercise the powers conferred on them by this Act so as to endanger, injure or affect any part of the railway tunnel under the Thames.

- ~~(3) The Port Authority shall not, without the consent in writing of the board, carry out any dredging in that part of the dock known as the Eastern Dock of the London Docks of the Port Authority which lies over the railway tunnel for the purposes of deepening the dock to a level of less than 3 feet above the top of the structure of the said tunnel.~~

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**Notes**

**London Transport Board.** That Board was established by the Transport Act 1962, s 1, as originally enacted, but was abolished upon the establishment of the new London Transport Executive by the Transport (London) Act 1969, ss 4, 39 (repealed). The property, rights and liabilities of the Board, together with its statutory functions under (inter alia) this section were transferred to the Executive by ss 16 and 17 respectively of the 1969 Act (repealed). As from 29 June 1984 the Executive was reconstituted as London Regional Transport by the London Regional Transport Act 1984, s 1, Sch 1 and that act was repealed and replaced by the Greater London Authority Act 1999.

**Definition.** For "the Thames", see s 2(1) ante

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## 190. Saving for Postmaster General

- (1) Nothing contained in this Act shall entitle or oblige the Port Authority to install or use [wireless telegraphy apparatus (within the meaning of the Wireless Telegraphy Act 2006)] in contravention of the provisions of that Act.
- (2) The Postmaster General shall have the same powers in respect of any telegraphic line on the site of the highway stopped up by virtue of section 6 (Power to stop up part of Glengall Grove) of the Port of London Act, 1961, as he would have had if such stopping up had not taken place:

Provided that if any person entitled to an interest in land over which the said highway subsisted proposes to carry out any work which involves or is likely to involve an alteration either temporarily or permanently in any such telegraphic line, paragraphs (I) to (8) of section 7 of the Telegraph Act, 1878, shall apply to the alteration and accordingly shall have effect subject to any necessary modifications as if references therein to undertakers included references to the person proposing to carry out the work.

- (3) In subsection (2) of this section "alteration" and "telegraphic line" have the same meanings as in the Telegraph Act, 1878.

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### Notes

*In Sub.s (1) the words in square brackets were substituted by the Wireless Telegraphy Act 2006 s.123 Sch 7 para 4 in force 8 February 2007.*

**Postmaster General.** See the note to s 61 ante.

**Definition.** For "land", see s 2(1) ante.

**Wireless Telegraphy Act 1949.** For the meaning of "apparatus for wireless telegraphy", see s 19 of that Act.

**Port of London Act 1961, s 6.** Repealed by ss 208, 212, Sch 9, 11 post.

**Telegraph Acts 1878.** Repealed and not replaced by the Telecommunications Act 1984, s 109(6), Sch 7, Pt I.

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## 191. Saving for Corporation of the City of London

Except in so far as this Act otherwise expressly provides, nothing in this Act shall prejudice, alter or affect the rights, privileges, liberties and interests or the estates, franchises or authority of the corporation of the city of London.

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### Notes

**Corporation of the city of London.** The expression "Corporation" is defined in City of London (Various Powers) Acts as meaning the mayor and commonalty and citizens of the city acting by the common council; see, for example, the City of London (Various Powers) Act 1977, s 2.

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## 192. Saving for rights, etc, of Temples

Nothing in this Act, ~~other than Part VI (Prevention of pollution) thereof~~, or in any byelaw, regulation or other instrument made under this Act shall prejudice, alter or affect the rights, powers, privileges and immunities, or the estates, properties and jurisdiction, of the two Societies of the inner Temple and the Middle Temple or either of them, including their respective rights, powers and privileges under the Thames Embankment Act, 1862.

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### **Notes**

*Part VI. ie ss 94-107 (repealed) of this Act.*

*Byelaw ... made under this Act. See Pt XI (ss161-169) of this Act.*

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### **193. For protection of the Essex County Council**

For the protection of the county council of Essex (hereinafter referred to as " the county council") the following provisions shall, unless otherwise agreed in writing between the Port Authority and the county council, apply and have effect-

(1) In this section-

"the Act of 1967" means the Essex County Council (Canvey Island Approaches, etc.) Act 1967;

"the county" means the administrative county of Essex ;

"the existing bridge" has the same meaning as in the Act of 1967:

~~(2) Notwithstanding anything in section 60 (Dredging and improvement) of this Act, no material shall be deposited or otherwise disposed of at any place within the county otherwise than in accordance with the provisions of section 46 (Refuse dumps) of the Act of 1967:~~

(3) Notwithstanding the repeals effected by this Act, paragraph (14) of section 35 (For protection of port authority and users of the creeks) of the Act of 1967 shall have effect as if in relation to the county council, subsection (3) of section 223 (Saving in case of damage caused by dredging) of the Port of London (Consolidation) Act 1920 had not been repealed:

(4) Nothing in section 66 (~~Licensing Permitting~~ of works) or in section 73 (~~Licensing Permitting~~ of dredging, etc.) of this Act shall authorise any person ~~licensed-permitted~~ by the Port Authority to carry out any operations or to construct, place, lay down, maintain or operate any works or otherwise exercise their powers under the said sections so as to injuriously affect Works Nos. 1 and 2 authorised by the Act of 1967 or the existing bridge or any access thereto.

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### **Notes**

*Port of London (Consolidation Act 1920, s 223(3). Repealed with savings by ss 208, 212, Schs 9, 11 post. S223(3) read as follows:-*

*"(3) Any works of dredging and deepening carried out under the powers of this Act which are within fifty yards of any part of any bridge belonging wholly or partly to the [----] Essex [-----] County Council[-----] shall be executed under the supervision and to the reasonable satisfaction of the engineer of the [----] county council[-----]."*

*"The corporation" was defined in s 2 of the 1920 Act (repealed) as "the mayor alderman and commons of the city of London in common council assembled".*

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### **194. Saving for the Trinity House**

Nothing in this Act shall prejudice or derogate from or in any way alter, affect or interfere with the jurisdiction or authority of the Trinity House.

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### **Notes**

*Trinity House.* For meaning, see s 2(1) ante.

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### **195. For protection of statutory undertakers**

For the protection of the undertakers the following provisions shall, unless otherwise agreed in writing between the Port Authority and the undertakers, apply and have effect-

(1) In this section-

"undertakers work" means any electric line, gas main or gas pipe, apparatus, building, structure or other work of any nature whatever belonging to or maintained by the undertakers ;

"the undertakers" means the Central Electricity Generating Board, the Eastern Electricity Board, the London Electricity Board, the South Eastern Electricity Board, the Southern Electricity Board, the Gas Council, the North Thames Gas Board and the South Eastern Gas Board or any of them as the case may be;

(2) No filling up, raising or reclaiming shall be carried out under section 65 (Reclaiming creeks, etc.) of this Act so as to obstruct or impede any work of or connected with the inspection or repair of any undertakers work or so as to affect adversely the operation of any undertakers work ;

(3) (a) Section 70 (Works not to be constructed, etc., without works ~~licence~~permission) and section 73 (~~Licensing-Permitting~~ of dredging, etc.) of this Act shall not apply to the carrying out, construction, placing, alteration, renewal, maintenance or retention by the undertakers of any electric line, authorised under or by virtue of any enactment or make unlawful the carrying out by the undertakers in an emergency of any works not authorised by section 66 (~~Licensing-Permitting~~ of works) of this Act or the said section 73 necessary for the protection of, or to ensure the efficient operation of, any undertakers work, but such carrying out, construction, placing, alteration, renewal, maintenance or retention will be subject to any directions necessary for the protection of navigation or for conservancy of the Thames or to enable the construction of works in, under or over the Thames from time to time given by the Port Authority to the undertakers concerned ;

(b) If in an emergency the undertakers carry out any work or any dredging they shall inform the Port Authority as soon as practicable of the works or dredging being carried out;

(4) (a) Before granting to any person a works ~~licence~~permission or a dredging ~~licence~~permission to carry out works or dredging at, over, under or near to any undertakers work the location of which has been notified in writing to the Port Authority by the undertaker, the Port Authority shall submit to the undertakers particulars of the proposed works or dredging, as the case may be, and furnish them with such further particulars with respect thereto as the undertakers may reasonably require ;

(b) Upon the grant of a ~~licence~~permission in respect of which notice of the application is required to be given under paragraph (a) of this subsection, the Port Authority shall supply to the undertakers to whom the notice is given a copy of the ~~licence~~permission and any conditions subject to which it is granted ;

(4A) Where apparatus has been constructed, placed, altered, renewed, maintained or retained under subsection (3)(a), the Port Authority may from time to time, in addition to directions given under subsection (3)(a), issue a requirement to relocate apparatus of the undertakers at the expense of the Port Authority.

- (5) Any difference which may arise between the Port Authority and the undertakers under this section, other than a difference as to the meaning thereof, shall be referred to and determined by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party, after notice to the other, by the President of the Institution of Civil Engineers.

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## Notes

**Central Electricity Generating Board.** The Board was established under the Electricity Act 1957, s 2. As to the transfer of property, rights and liabilities, etc, of the Central Electricity Generating Board in consequence of the privatisation of the electricity industry see, in particular, the Electricity Act 1989, s 66.

**Eastern Electricity Board; London Electricity Board; South Eastern Electricity Board; Southern Electricity Board.** These Area Electricity Boards were established by the Electricity Act 1947, ss 1-4, Sch 1 (these provisions are mainly repealed). As to the transfer of property, rights and liabilities, etc, of the Area Boards in consequence of the privatisation of the electricity industry see, in particular, the Electricity Act 1989, s 65 and para 34 of Part II of Schedule 17.

**Gas Council; North Thames Gas Board; South Eastern Gas Board.** The Gas Council was established by the Gas Act 1948, ss 2, 5 (repealed) and reconstituted as the British Gas Corporation by the Gas Act 1972, s 1, Sch 1 (repealed). The Area Boards established by ss 2, 5 of, and Sch 1 to, the 1948 Act (repealed) were dissolved on 1 January 1973 and their property, rights, liabilities and obligations vested in the corporation by s 1(1) of the 1972 Act. As to the transfer of the property, rights and liabilities, etc, of the British Gas Corporation to British Gas plc in consequence of the privatisation of the gas industry, see the Gas Act 1986, s 49.

**Dredging licence.** See s 73 ante.

**Arbitrator.** See the note to s 63 ante.

**Definitions.** For "enactment", "works" and "works licence", see s 2(1) ante.

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## ~~196. Application of Merchant Shipping Act 1894 to local lights~~

~~Sections 652 to 654 of the Merchant Shipping Act, 1894, shall apply in relation to lights, buoys and beacons erected or placed or proposed to be erected or placed by the Port Authority for the purpose of assisting navigation as if the Port Authority were a local lighthouse authority.~~

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## ~~Notes~~

~~**Buoys and beacons.** For meaning, see the Merchant Shipping Act 1995, s 223(1).~~

~~**Local lighthouse authority.** As to such authorities and their areas see the Merchant Shipping Act 1995, s 193(2), 4(b), (c).~~

~~**Merchant Shipping Act 1894, ss 652-654.** Repealed by the Merchant Shipping Act 1995, s 314(1), Sch 12, and replaced by ss 198, 199, 204(1), 223(2) of that Act.~~

~~**Merchant Shipping Act 1995 under section 193(2)(a)** the Port Authority became the local lighthouse authority for their area.~~

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## 197. For protection of the Metropolitan Water Board

Section 70 (Works, mooring or dredging without permission) ~~not to be constructed, etc., without works licence~~ and section 73 (Licensing-Permitting of dredging, etc.) of this Act shall not apply to the carrying out, construction, placing, alteration, renewal, maintenance or retention by the Metropolitan Water Board of any work authorised under or by virtue of section 61 (Power to Board to exercise powers of local authorities under Public Health Act, 1875) of the Metropolitan Water Board (Various Powers) Act, 1907, or section 86 (Amendment of section 61 of Metropolitan Water Board (Various Powers) Act, 1907) of the Metropolitan Water Board Act, 1946 but any body to which this exception applies must notify the Port Authority of its intention to carry out such works not less than 6 weeks prior to the commencement of them.

## **Notes**

**Metropolitan Water Board.** *The Metropolitan Water Board was abolished by the Water Act 1973, s 33 (repealed) and its assets were transferred to the Thames Water Authority. As from 1 September 1989 (the date appointed by order under the Water Act 1989, s 4, as the transfer date for the purposes of that Act) the functions of the water authorities were transferred to National Rivers Authority (now the Environment Agency; see the Environment Act 1995, ss 1, 2) and the successor companies appointed under s 4 of the 1989 Act. By the Water Authorities (Successor Companies) Order 1989, SI 1989/1465, Thames Water Utilities Ltd was appointed as the successor company to the Thames Water Authority.*

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### **198. For protection of the Essex and Kent River Authorities**

For the protection of the Essex River Authority and the Kent River Authority (hereinafter in this section referred to as "the river authorities") the following provisions shall unless otherwise agreed in writing between the Port Authority and the river authorities, or either of them, apply and have effect-

(1) In this section unless the subject or context otherwise requires-

"appropriate river authority " in relation to a sea defence work or watercourse means the river authority in whom it is vested or who have control over it;

"authorised work" means a work or equipment in, on, under or over the Thames or the banks thereof (including an operation authorised by section 65 (Reclaiming creeks, etc.) of this Act) which may interfere with, or with the use of a sea defence work or a watercourse but does not include-

- (i) the carrying out of any works authorised by section 63 of the Land Drainage Act, 1930; or
- (ii) the erection of a structure or the carrying out of any work of alteration or repair of a structure in respect of which the consent of the Essex River Authority or the Kent River Authority is required under section 31 of the Land Drainage Act, 1961;

"to construct" includes to carry out, place, lay down, alter, renew or remove and "constructed" and "construction " shall be construed accordingly;

"dredging operation" means an operation authorised by section 60 (Dredging and improvement) of this Act;

"plan" includes sections and particulars ;

"sea defence work" means a river wall or defence work, for the time being vested in or under the control of the Essex River Authority or the Kent River Authority, as the case may be, for the purposes of the Land Drainage Act, 1930, and the Land Drainage Act, 1961, or the Water Resources Act, 1963;

"the signed plan" means Admiralty Chart No. 2151 (Edition of 12.68) signed in quadruplicate by Sir Myer Galpern, the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred, copies of which have been deposited as follows-

- (i) one copy in the office of the Clerk of the Parliaments, House of Lords ;
- (ii) one copy in the Private Bill Office of the House of Commons ;
- (iii) one copy at the principal office of the Port Authority ;
- (iv) one copy at the principal office of the Kent River Authority;

"watercourse" means a watercourse, as defined in the Land Drainage Act, 1930, subject to the control of the Essex River Authority or the Kent River Authority ;

(2) The Port Authority shall before commencing any dredging operation-

- (a) between the limits on the Kent side of the Thames and the line marked red on the signed plan ; or

- (b) in any other part of the Thames which may interfere with a sea defence work or may interfere with a watercourse or with the efficiency of a watercourse for drainage purposes ;

deliver in the case of a dredging operation to which sub-paragraph (a) of this paragraph applies, to the Kent River Authority and in the case of a dredging operation to which sub-paragraph (b) thereof applies to the appropriate river authority for their approval, which is not to be unreasonably withheld, a plan defining the nature, extent and manner of the dredging operation and the dredging operation shall not be carried out otherwise than in accordance with such plan and in such manner as may be approved by the Kent River Authority or the appropriate river authority, as the case may be, or as may be settled by arbitration:

Provided that if the Kent River Authority or the appropriate river authority, as the case may be, do not within two months after the receipt of such plan signify to the Port Authority their disapproval thereof and the grounds for their disapproval they shall be deemed to have approved the plan;

- (3)(a) Before commencing to construct an authorised work the Port Authority shall submit a plan of the work to the appropriate river authority for their approval, which is not to be unreasonably withheld, and shall not commence to construct the authorised work until the plan has been approved by the appropriate river authority or, in the case of difference, until it has been settled by arbitration:

Provided that if the appropriate river authority do not within two months after the receipt of such plan signify to the Port Authority their disapproval thereof and the grounds for their disapproval they shall be deemed to have approved the plan;

- (b) Not less than fourteen days before commencing a work of maintenance or repair of an authorised work which may interfere with a sea defence work or may interfere with a watercourse or with the efficiency of a watercourse for drainage purposes the Port Authority shall, except in the case of emergency, submit to the appropriate river authority for their information a notice of intention to commence the work and a description of the work;
- (c) Sub-paragraph (a) of this paragraph shall not apply in any case to which sub-paragraph (b) thereof applies;
- (4) In giving their approval to a plan submitted under either paragraph (2) or (3) of this section the appropriate river authority may attach thereto such conditions (including conditions requiring the construction of protective works by and at the expense of the Port Authority during the construction of an authorised work or during the carrying out of a dredging operation involving the cutting of a bank) as are reasonably necessary to safeguard a sea defence work or watercourse against damage or to secure that the efficiency for drainage purposes of a watercourse is not impaired;

- (5) If by reason of-

- (a) the construction, maintenance or repair of an authorised work; or
- (b) the failure of that work or of the Port Authority to maintain it;

a sea defence work or watercourse is interfered with or the efficiency of a watercourse for drainage purposes is impaired, the appropriate river authority may-

- (i) make good the sea defence work or watercourse so as to restore it to its former standard of efficiency; or
- (ii) where necessary, construct some other work in substitution therefor;

and may recover from the Port Authority the reasonable cost of so doing. For the purposes of this subsection the reasonable cost shall include a proper proportion of the overhead charges of the appropriate river authority and any cost of executing works needed for remedying any subsidence of the sea defence work or of the substituted work during such reasonable period as is agreed between the Port Authority and the appropriate river authority or, in default of agreement, as may be settled by arbitration;

- (6) If the appropriate river authority have reasonable grounds for believing that a sea defence work or watercourse is likely to be damaged or the efficiency of a watercourse for drainage purposes is likely to



be impaired in any of the circumstances mentioned in the last foregoing paragraph, they may carry out such protective works as may be agreed between the appropriate river authority and the Port Authority or as, in default of agreement, may be settled by arbitration;

- (7) The Port Authority shall not without the consent of the appropriate river authority construct an authorised work so as to obstruct to an unreasonable extent access to a sea defence work or watercourse by the appropriate river authority and their officers, servants, workmen, contractors and agents together with any vehicles, plant and machinery as may be reasonably necessary but such consent shall not be unreasonably withheld and may be given subject to reasonable terms and conditions;
- (8) Any difference which may arise between the Port Authority on the one hand and the Essex River Authority or the Kent River Authority on the other under this section, other than a difference as to the meaning thereof, shall be referred to and settled by a single arbitrator to be agreed between the parties or failing agreement to be appointed on the application of either party, after notice to the other, by the President of the Institution of Civil Engineers.

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## Notes

**Essex River Authority; Kent River Authority.** These river authorities were established by the Water Resources Act 1963, s 3, Sch 1 (repealed) and their functions were transferred to water authorities established under the Water Act 1973, s 2 (repealed). As from 1 September 1989 (the date appointed by order under the Water Act 1989, s 4, as the transfer date for the purposes of that Act) the functions of the water authorities were transferred to the National Rivers Authority and the successor companies appointed under s 4 of the 1989 Act. As to the abolition of the National Rivers Authority and the transfer of its functions to the Environment Agency see, in particular, the Environment Act 1995, s 2(1), (3).

**Arbitration.** See the note "Arbitrator" to s 63 ante.

**Definitions.** For "the limits", "river authority" and "the Thames", see s 2(1) ante. Note also the definitions in para (1) above.

**Land Drainage Act 1930; Land Drainage Act 1961.** Repealed by the Land Drainage Act 1976, s 117(3), Sch 8 and replaced by provisions of that Act (repealed). The Land Drainage Act 1976 has for the most part been replaced by the Land Drainage Act 1991 and the Water Resources Act 1991. For provisions replacing s 63 of the 1930 Act see now the Land Drainage Act 1991, s 68, and the Water Resources Act 1991, s 180; for provisions replacing s 31 of the 1961 Act see the Water Resources Act 1991, ss 109, 110. For the meaning of "watercourse" see now the Land Drainage Act 1991, s 72(1). The Water Resources Act 1963 has been repealed by the Water Consolidation (Consequential Provisions) Act 1991.

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## 198A. Warrant authorising use of force to enter land, work or vessel

- (1) A justice of the peace may issue a warrant authorising a person to use force in the exercise of the powers conferred by section 90(1) and section 137(1) if satisfied—
- (a) that another person has prevented or is likely to prevent the exercise of that power; and
- (b) that it is reasonable to use force in the exercise of that power.
- (2) The force that may be authorised by a warrant is limited to that which is reasonably necessary.
- (3) A warrant authorising the person to use force must specify the number of occasions on which the Port Authority can rely on the warrant when entering.
- (4) The number specified must be the number which the justice of the peace considers appropriate to achieve the purpose for which the entry is required.
- (5) Any evidence in proceedings for a warrant under this section must be given on oath.

### *(b) Offences*

#### [199. Traffic offences on dock roads

—(1) In this section—

- "the Act of 1967" means the Road Traffic Regulation Act 1967;
  - "the Act of 1972" means the Road Traffic Act 1972;
  - "dock road" means any road, pier, wharf, quay, bridge or other work which, or any land which, is
    - (i) vested in or the property of the Port Authority; and
    - (ii) situate within the customs wall or fence bounding any dock of the Port Authority; and
    - (iii) accessible to motor vehicles;
  - "motor vehicle " has the same meaning as in the Road Traffic Act, 1972.
- (2) The Act of 1967 and the Act of 1972 shall have effect as if in the provisions thereof hereinafter mentioned the expressions "road" and "highway" included a dock road and any person who commits an offence under any of those provisions as extended by this section shall be liable to be dealt with in all respects as if the offence had been committed under those provisions on a road as defined by section 196 of the Act of 1972, and all the provisions of those Acts, so far as applicable, shall apply accordingly.
- (3) The provisions referred to in subsection (2) of this section are—
- The Act of 1967—
- Section 52 (Charges for removing, storing and disposing of vehicles);
  - Section 54 (Traffic Signs)
  - Section 55 (Powers and duties of highway authorities as to placing of traffic signs);
  - Section 58 (Emergency traffic signs);
  - Section 78 (Speed limits for vehicles of different classes)
  - Section 78A (Speeding offences generally);
- The Act of 1972—
- Section 1 (Causing death by reckless driving);
  - Section 2 (Reckless driving generally);
  - Section 3 (Careless, and inconsiderate, driving);
  - Section 5 (Driving, or being in charge, when under influence of drink or drugs);
  - Section 6 (Driving or being in charge, with blood alcohol concentration above the prescribed limit);
  - Section 8 (Breath Tests);
  - Section 17 (Reckless cycling);
  - Section 18 (Careless, and inconsiderate, cycling);
  - Section 19 (Cycling when under influence of drink and drugs);
  - Section 21 (Restriction on carriage of persons on bicycles);
  - Section 22 (Drivers to comply with traffic directions);
  - Section 23 (Pedestrians to comply with directions to stop given by constables regulating vehicular traffic);
  - Section 24 (Leaving vehicles in dangerous positions);
  - Section 25 (Duty to stop, and furnish particulars, in case of accident);
  - Section 29 (Penalisation of tampering with motor vehicles);
  - Section 30 (Penalisation of holding or getting on to vehicle in order to be towed or carried);
  - Section 33B (Restrictions on carrying children in the front of motor vehicles);
  - Section 44 (Obligatory test certificates for vehicles other than goods vehicles to which s 45 applies);
  - Section 53 (Testing of condition of vehicles on roads);
  - Section 84 (Drivers of motor vehicles to have driving licences);
  - Section 99 (Offence of obtaining a licence, or driving, while disqualified);
  - Section 100 (Arrest without warrant of persons driving while disqualified);
  - Section 143 (Users of motor vehicles to be insured or secured against third-party risks);
  - Section 159 (Power of police to stop vehicles);
  - Section 161 (Power of constables to require production of driving licences and in certain cases statement of date of birth);
  - Section 162 (Power of constables to obtain names and addresses of drivers, and others);
  - Section 166 (Duty of driver, in case of accident involving injury to another, to produce evidence of insurance or security or to report accident);
- Schedule 4, Part I, column 4 (Punishment of offences under section 9(3) of the Act of 1972):
- Provided that, if no duty is chargeable under [the Vehicles Excise and Registration Act, 1994], in respect of a motor vehicle—
- (a) ...
  - (b) by reason only that the vehicle is used exclusively on roads which are not public roads within the meaning of that Act;
- the said sections 44, 84, 143, 161 and 166 of the Act of 1972 shall not apply in respect of that vehicle while it is being driven, or to any person while driving it, on a dock road.

- (4) ~~Notwithstanding that no maximum speed limit or a maximum speed limit in excess of 30 miles per hour has for the time being been fixed by or under section 78 of the Act of 1967 in relation to a motor vehicle of any class or description, that section, except subsection (2) thereof, shall for the purposes of this section have effect, so far as applicable, as if a maximum speed limit of 30 miles per hour had been fixed thereby or thereunder in relation to a motor vehicle of that class or description.~~
- (5) ~~Regulations or orders made under section 20 of the Act of 1967 or section 32, 33A, 40 or 66 of the Act of 1972, and from time to time in force, shall extend and apply to dock roads in the same manner as they apply to roads as defined by section 104 of the Act of 1967 or section 196 of the Act of 1972, as the case may be:~~  
~~Provided that, if no duty is chargeable under [the Vehicles Excise and Registration Act, 1994,] in respect of a motor vehicle-~~  
~~(a) ...~~  
~~(b) by reason only that the vehicle is used exclusively on roads which are not public roads within the meaning of that Act;~~  
~~the said regulations shall not apply in respect of that vehicle while it is being driven, or to any person while driving it, on a dock road~~
- (6) ~~For the purposes of the Act of 1967 and the Act of 1972, as extended and applied by this section, the expressions "chief officer of police " where used in those Acts includes the chief constable of the Port Authority and the expression "highway authority" means the Port Authority in relation to any dock road for the maintenance of which the Port Authority are responsible.]~~

### Notes

*This section was substituted by the Port of London Act 1982, s 4.*

*The words in square brackets in sub-ss (3), (5) were substituted by the Vehicle Excise and Registration Act 1994, s 63, Sch 3 para 4 and the words omitted therefrom were repealed by the Finance Act 1995, s 162, Sch 29, Pt V(1) from 1<sup>st</sup> July 1995.*

*Definitions. For "dock" and "land", see s 2(1) ante. Note as to "the Act of 1967", "the Act of 1972", "dock road" and "motor vehicle", sub-s (1) above.*

*Road Traffic Regulation Act 1967. That Act is mostly repealed by the Road Traffic Regulation Act 1984, s 146, Sch 14, and replaced as noted in the destination table thereto.*

*Road Traffic Act 1972. Repealed by the Road Traffic (Consequential Provisions) Act 1988, s 3(1), Sch 1, Pt I, and replaced.*

## 200. Prohibition on pollution, etc, of Thames and docks

### (1) A person who

- (a) puts or causes or suffers to fall or pass into the docks or into the Thames any article or any solid matter (including matters in suspension) or any poisonous, noxious or waste matter or liquid; or
- (b) puts any such ~~thing~~ article or any solid matter (including matters in suspension) or any poisonous, noxious or waste matter or liquid in a place where it is likely to be carried into the Thames by floods or extraordinary tides;

and who cannot show that he has a lawful excuse for so doing, shall be guilty of an offence and liable to a fine not exceeding [level 4 on the standard scale] and to a daily fine not exceeding [£50].

- (2) A person who puts or causes or suffers to fall or pass and allows to remain for forty-eight hours or longer in a place beside the Thames any article or any solid matter (including matters in suspension) or any poisonous, noxious or waste matter or liquid or other thing of an offensive character which will, or which is likely to be blown- fall or be pushed or pass into, the Thames shall be guilty of an offence and liable to a fine not exceeding [level 4 on the standard scale] and to a daily fine not exceeding [£50].
- (3) A person who contravenes subsection (1) of this section in relation to the docks and the master of a vessel from which ~~such~~ a contravention of subsection (1) has occurred shall be liable to make good damage sustained by the Port Authority or by a vessel arising from such contravention.
- (4) When an offence against subsection ~~(1)~~ or subsection (2) of this section is committed from a vessel, the master or owner of the vessel may be proceeded against.
- (5) The Port Authority may remove anything which is in or beside the Thames in contravention, or as a result of a contravention, of this section and may recover as a debt in any court of competent jurisdiction the expenses of removal and of any remediation or mitigation of damage or pollution caused by or resulting from the presence of any such matter in or beside the Thames from the person guilty of an offence under

subsection (1) or (2).

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### **Notes**

*The references to level 4 on the standard scale in sub-ss (1), (2) are substituted by virtue of the Criminal Justice Act 1982, s 46. (The maximum fines were both previously increased to £500 by the Port of London Act 1982, s 3(1), Sch 1, Pt I). Under s.37(2) of the Criminal Justice Act 1982, as amended by The Criminal Justice Act 1991, level 4 is now £2,500*

*The references to £50 in square brackets in sub-ss (1), (2) were substituted by the Port of London Act 1982, s 3(1), Sch 1, Pt I.*

**Standard scale.** See the note to s 38 ante.

**Definitions.** For "daily fine", "docks", "master", "owner", "the Thames" and "vessel", see s 2(1) ante.

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## **201. Non-compliance with officer's orders, obstruction etc**

A person who-

- (a) ... resists, obstructs or impedes a harbourmaster, dock manager, dockmaster or constable, or any other officer of the Port Authority in the execution of his duty, or ...
- (b) does not carry out the lawful orders of any harbourmaster, dock manager, dockmaster or constable or of any other officer of the Port Authority;

shall be guilty of an offence and liable to a fine not exceeding ... [level 3 on the standard scale].

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### **Notes**

*The words omitted were repealed by the Port of London Act 1982, s 7, Sch 2.*

*The reference to level 3 on the standard scale is substituted by virtue of the Criminal Justice Act 1982, s 46. (The maximum fine was previously increased by £200 by the Port of London Act 1982, s 3(1), Sch 1, Pt I). Under s.37(2) of the Criminal Justice Act 1982, as amended by The Criminal Justice Act 1991, level 3 is now £1,000*

**Constable.** For the appointment of constables, see s 154 ante.

**Standard scale.** See the note to s 38 ante.

**Definitions.** For "dock manager", "dockmaster" and "harbourmaster", see s 2(1) ante.

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## **202. Obstructing bridges**

A person who, after being warned by an officer of the Port Authority not to do so, gets on to or remains on a movable bridge ~~belonging to the Port Authority within the limits~~ when it is about to be moved, or is being moved, or before it is properly closed and fastened-

- (a) may be detained by a constable or by the officer giving the warning, if that person's name and address is unknown to and cannot be ascertained by the constable or officer; and
  - (b) shall be guilty of an offence and liable to a fine not exceeding [level 2 on the standard scale].
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### **Notes**

*The reference to level 2 on the standard scale is substituted by virtue of the Criminal Justice Act 1982, s 46. (The maximum fine was previously increased to £50 by the Port of London Act 1982, s 3(1), Sch 1, Pt I). Under s.37(2) of the Criminal Justice Act 1982, as amended by The Criminal Justice Act 1991, level 2 is now £500*

**Constable.** For the appointment of constable, see s 154 ante.

*Standard scale. See the note to s 38 ante.*

### 203. Extinguishing lamps

A person who unlawfully extinguishes the light in a lamp belonging to the Port Authority shall be guilty of an offence and liable to a fine not exceeding [level 2 on the standard scale].

#### Notes

*The reference to level 2 on the standard scale is substituted by virtue of the Criminal Justice Act 1982, s 46. (The maximum fine was previously increased to £50 by the Port of London Act 1982, s 3(1), Sch 1, Pt I). Under s.37(2) of the Criminal Justice Act 1982, as amended by The Criminal Justice Act 1991, level 2 is now £500*

*Standard scale. See the note to s 38 ante.*

### ~~204. Offences of bribery, etc~~

~~The Port Authority shall be deemed to be a public body for the purposes of the Prevention of Corruption Acts, 1889 to 1916.~~

#### *(a) Legal proceedings*

### 205. Institution and defence of proceedings

(1) The secretary of the Port Authority or any member or officer thereof acting under a general or special resolution of the Port Authority may authorise the institution and carrying on, or the defence of any proceeding which the Port Authority are authorised to institute, carry on or defend.

(2) An information or complaint to be laid or made by the Port Authority may be laid or made by the secretary or a member or officer of the Port Authority.

### 206. Offences triable summarily

Except where this Act or the relevant byelaws otherwise provide, all offences under this Act or under byelaws of the Port Authority shall be triable summarily under the Magistrates' Courts Act, 1952.

#### Notes

*Byelaws of the Port Authority. For meaning, see s 2(1) ante.*

*Magistrates' Courts Act 1952. Repealed by the Magistrates' Courts Act 1980, s 154, Sch 9, and replaced by provisions of that Act.*

### 207. Jurisdiction of justices

(1) For the purposes of this Act and of any byelaws of the Port Authority, the jurisdiction of justices of the peace acting for any area through or by which the Thames flows shall extend-

- (a) over the whole of the width of so much of the Thames as abuts on that area (hereinafter called "the abutting area");
- (b) over the whole of any island any part of which is in the abutting area; and
- (c) except in so far as the justices of the peace already have jurisdiction thereover, within ~~100 yards~~ 91.44 metres of the banks of the Thames on the side of the abutting area opposite to their area of jurisdiction.

(2) For the purposes of proceedings under this Act or any byelaws of the Port Authority an offence arising in

respect of a vessel anywhere in the Thames may be deemed to have been committed or to have arisen within Greater London.

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### **Notes**

**Greater London.** See the note to s 168 ante.

**Definitions.** For "byelaw of the Port Authority", "the Thames" and "vessel", see s 2(1) ante.

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## **PART XIV SUPPLEMENTARY**

### **208. Repeals**

- (1) The enactments referred to in the first, second and third columns of Part I of Schedule 9 to this Act are (in so far as they are not already repealed) hereby repealed to the extent specified in the fourth column of that Part of the schedule.
- (2) The orders specified in the first and second columns of Part II of the said Schedule 9 are hereby revoked to the extent specified in the third column of that Part of the schedule.

### **~~209. Saving of section 68 of the Port of London (Consolidation) Act 1920~~**

~~— Notwithstanding the repeals effected by section 208 (Repeals) of this Act, section 68 of the Port of London (Consolidation) Act, 1920, as set out in Part I of Schedule 10 to this Act shall, to the extent that it was in force immediately before the commencement of this Act, continue in force and the definitions referred to or contained in Part II of the said Schedule 10 shall apply thereto.~~

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### **Notes**

**Commencement of this Act.** means 26 July 1968.

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### **210. Amendment of Port of London and Midland Railway Act 1922**

- (1) The provisions of the Port of London and Midland Railway Act, 1922, set out in subsection (2) of this section are hereby amended as follows :-
  - (a) for the words "Port Authority" wherever they occur the words "Railway Company" shall be substituted;
  - (b) for the words "landing-stage works or any of them and for the purposes of this Act", the words "landing-stage works or for other purposes of this Act", the words "landing-stage works" and the words "the Port Authority's portion of the landing stage" wherever they occur the words "the Company's portion of the landing stage" shall be substituted.

- (2) The provisions referred to in subsection (1) of this section are-

Section	6	(Subsidiary landing-stage works);
Section	7	(Subsidiary works);
Section	9	(Restriction of limits of Work No. 2);
Section	10	(Alteration of water, gas or other pipes);
Section	11	(Sewers or drains to be removed, arched over or filled up);
Section	15	(Works below high water mark to be subject to approval of Board of Trade);
Section	16	(Lights on works during construction);

Section	17	(Permanent lights on works);
Section	18	(Survey of works by Board of Trade);
Section	19	(Abatement of work abandoned or decayed);
Section	20	(Provision against danger to navigation);
Section	21	(For protection of Postmaster General).

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### **Notes**

*Postmaster General. See note to s.61 ante.*

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### **210A. Further amendment of Port of London and Midland Railway Act 1922**

- (1) The provisions of the Port of London and Midland Railway Act 1922 set out in subsection (2) are amended such that for the words "Board of Trade" and the word "Crown" wherever they occur the words "Port Authority" are substituted.
- (2) The provisions referred to in subsection (1) are-
  - Section 15 (Works below high water mark to be subject to approval of Board of Trade);
  - Section 16 (Lights on works during construction);
  - Section 18 (Survey of works by Board of Trade);
  - Section 19 (Abatement of work abandoned or decayed).
- (3) The provisions of the Port of London and Midland Railway Act 1922 set out in subsection (4), as amended by subsection (1), are to apply in relation to any person who for the time being owns, operates or occupies the Company's portion of the landing stage.
- (4) The provisions referred to in subsection (3) are-
  - Section 9 (Restriction of limits of Work No. 2);
  - Section 15 (Works below high water mark to be subject to approval of Board of Trade);
  - Section 16 (Lights on works during construction);
  - Section 17 (Permanent lights on works during construction);
  - Section 18 (Survey of works by Board of Trade);
  - Section 19 (Abatement of work abandoned or decayed);
  - Section 20 (Provision against danger to navigation).
- (5) The London and Midland Railway Act 1922 is not to have effect, if and to the extent that it otherwise would do, so as to remove the requirement to obtain a works permission to retain and use the Company's portion of the landing stage in the event that it ceases to be used primarily in connection with the accommodation of ferry services between Tilbury and Gravesend.
- (6) In this section, "the Company's portion of the landing stage" has the meaning given to it in section 4(2) of the Port of London and Midland Railway Act 1922.

211. Repealed by Medway Ports Act 1973

### **212. Transitional provisions**

The transitional provisions contained in Schedule 11 to this Act shall have effect in relation to the repeals effected by this Act.

### **213. Meaning of "port of London"**

In any enactment or byelaw relating to or made by the Port Authority and in force at the commencement of this Act, the expression "the port of London" shall mean the Thames, or the Thames and the docks, as the context may require.

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### **Notes**

*Commencement of this Act.* means 26 July 1968.

*Definitions.* For "byelaw of the Port Authority", "docks", "enactment" and "the Thames", see s 2(1) ante.

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## **214. Amendment of related enactments**

- (1) On the request of the Port Authority the Minister may, after consultation with any person appearing to him to be concerned, by order repeal or amend any provision contained in a local enactment (including an enactment passed in the same session as this Act) where it appears to him that the provision is inconsistent with, or has become unnecessary in consequence of, any provision of this Act.
- (2) An order under this section may contain such transitional, supplemental or incidental provisions as appear to the Minister to be expedient.
- (3) An order under this section shall be made by statutory instrument.

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### **Notes**

*Minister.* For meaning, see s 2(1) ante and the note "Minister of Transport" thereto.

*Definition.* For "enactment", see s 2(1) ante.

*Orders under this section.* No order has been made under this section.

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## **215. Inquiries by the Minister ~~and Board of Trade~~**

The Minister ~~and the Board of Trade~~ may ~~each~~ cause to be held such inquiries as they may consider necessary in regard to the exercise of any powers or duties conferred or imposed upon them and the giving of any consent or approval or the making of any order or the confirmation of any byelaw under this Act and section 290 of the Local Government Act, 1933, shall apply to any such inquiry as if it were an inquiry held in pursuance of subsection (1) of that section and the Port Authority were a local authority.

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### **Notes**

*Minister.* For meaning, see s 2(1) ante and the note "Minister of Transport" thereto.

*Board of Trade.* See the note to s 60 ante.

*Byelaw.* See Pt XI (ss 161-170) of this Act.

*Local Government Act 1933, s 290.* Repealed by the Local Government Act 1972, s 272 (1), Sch 30, replaced by s 250 of that Act.

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## **216. Costs of Act**

All costs, charges and expenses of and incidental to the preparing for, obtaining and passing of this Act shall



be paid by the Port Authority out of the port fund.

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## Notes

*Definition.* For "port fund", see s 2(1) ante.

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## SCHEDULES

### SCHEDULE 1

#### Section 2

#### DESCRIPTION OF PORT LIMITS

##### 1. In this Schedule-

"the landward limit" means a line drawn across the Thames from a stone pillar erected at latitude 51.43427 north, longitude 0.32742 west on the Surrey bank to the nearest point of mean high water level on the Middlesex bank means a line drawn across the Thames from a stone pillar erected at grid co ordinates T.Q. 16361 71912 on the Surrey bank by the Port Authority and the Thames Conservators to the nearest point of mean high water level on the Middlesex bank;

"the former seaward limit" means a line drawn from the pilot mark at the entrance of Havengore Creek in the county of Essex on a bearing 166° reckoned clockwise from the true north point of the compass to mean high water level on the Kent bank of the Thames;

"the seaward limit" means a line drawn from the point of mean high water level on the line from latitude 51.61741 north, longitude 0.95411 east (Foulness Point in the county of Essex) to latitude 51.76868 north, longitude 1.34057 east (Gunfleet Old Lighthouse) and from there to latitude 51.44386 north, longitude 1.42325 east (most south-easterly point) and from there to latitude 51.41450 north, longitude 0.90456 east (Historical Warden Point in the county of Kent) and from there at 166° from true north to the high water level on the Kent bank of the Thames.

lines drawn from latitude 51° 37' 00" north, longitude 00° 57' 19" east (Foulness Point in the county of Essex) to latitude 51° 46' 05" north, longitude 01° 20' 32" east (Gunfleet Old Lighthouse) and thence to latitude 51° 26' 36" north, longitude 01° 25' 30" east and thence to latitude 51° 24' 55" north, longitude 00° 54' 21" east (Warden Point in the county of Kent).

##### 2. The limits shall commence at the landward limit and shall extend down both sides of the Thames at mean high water level to the seaward limit and shall include-

all islands, rivers, streams, creeks, waters, watercourses, channels, harbours, ~~docks and places, and places, the tidal River Brent excluding that part which is part of the Grand Union Canal, the remaining part of Chelsea Creek which originally formed part of the Kensington Canal~~ [the Company's docks] [Hermitage Basin; Western Dock Canal system; Shadwell Basin, including Brussels Wharf Surrey Water; Thames Link, Albion Canal, Albion Dry Dock and Canada Water; Greenland Dock; Steelyard Cut and South Dock; West India North Branch Dock, West India Centre Branch Dock and West India South Dock; Blackwall Basin and Poplar Dock; Millwall Inner Dock, Millwall Outer Dock and Millwall Cutting; East India Dock Basin; Royal Victoria Dock and Royal Victoria Pontoon Dock; Royal Albert Dock; King George V Dock; St. Katharine Docks; Albert Basin and; Greenland pier and associated jetties; Blackwall pier; two jetties on either side of entrance lock leading to King George V Dock; two jetties on either side of site of former entrance to Albert Basin; jetty on north side of Gallion's Yacht Lock entrance; Cory's jetty.]

but shall not include-

- (a) the river Medway above the seaward limit of the jurisdiction of the Conservators of the River Medway as specified in section 4 (Application of Act to part of river Medway) of the Medway Conservancy Act, 1881 [or the area described in the Schedule to the Medway Ports Authority Harbour Revision Order 1989 SI 1989/775];

- (b) the Swale;
- (c) the river Lee or Bow Creek above the south boundary stones referred to in section 3 (Description of Lee and tributaries) of the Lee Conservancy Act, 1868;
- (d) the Grand Union Canal;
- (e) Havengore Creek above the bridge known as Havengore Bridge which crosses the creek at a distance of approximately ~~1,000 yards~~ 914.4 metres from the point where the creek joins the Thames;
- [(ee) Mucking Creek above the work authorised by article 6 of the Mucking Creek (Closure) Order 1981;
- (eee) Rainham Creek above Work No. 1 authorised by article 6 of the Rainham Creek (Closure) Order 1976;]
- [(f)...]

## Notes

*The Company's docks were inserted by the Port of Tilbury Transfer Scheme 1991 Confirmation Order 1992 SI 1992/284.*

*The further list of docks and jetties in square brackets was inserted by the London Docklands Development Corporation Act 1994.*

*The addition to sub-paragraph (a) was made by The Port of London Authority Harbour Revision Order 1989 SI 1989/774.*

*Work No. 1 referred to in sub-paragraph (eee) was completed end 1979/early 1980, so the sub-paragraph is now in effect.*

*The repeal of sub-paragraph (f) was made by The Port of London Harbour Revision Order 1999 in force on 26 May 1999.*

**Definitions.** For "docks", "mean high water level" and "the Thames", see s 2(1) ante.

**Note.** The Thames Link area does not include the waters lying beneath Rotherhithe Street bridge in the London Borough of Southwark.

## SCHEDULE 2

Sections 3, 4

### [PART I

#### PROVISIONS RELATING TO MEMBERS OF THE PORT AUTHORITY

1. References in this Part of this Schedule to numbered paragraphs are to the paragraphs of this Part of this Schedule.
  2. (1) The Secretary of State shall not later than the 1<sup>st</sup> December in 1976 and ~~in each third year~~ thereafter ~~..... as required~~ appoint a person not being an officer of the Port Authority ~~to be chairman of the Port Authority for three years commencing on the 1<sup>st</sup> January following and, subject to paragraph 12, the appointment is to be for three years.~~
  - [3. (1) The Secretary of State shall after consultation with the chairman of the Port Authority from time to time appoint such number of persons not being officers of the Port Authority as he considers appropriate to serve as members of the Port Authority
- Provided that the number of members appointed by the Secretary of State including the chairman not being officers of the Port Authority shall not at any time be less than [two] or more than [four].
- [(1A) Subject to sub-paragraph (1B), the Port Authority shall from time to time appoint such further number of persons not being officers of the Port Authority as it considers appropriate to serve as members of the Port Authority.
- (1B) The number of members appointed by the Port Authority not being officers of it shall not at any time be less than three or more than four.]

- (2) ~~Member~~ Members appointed by the Secretary of State [or the Port Authority] under this paragraph shall, subject to this part of this Schedule, continue in office for such period not exceeding three years from the date of ~~his~~ their appointment as the Secretary of State [or the Port Authority] may specify, and in specifying such period the Secretary of State [or the Port Authority] shall have regard to the desirability of retirement in rotation.]
4. The chairman and the members to be appointed under paragraph 3 shall be selected from amongst persons appearing to the Secretary of State [or the Port Authority] to have special knowledge or wide experience ~~of~~ for ability appropriate to the statutory functions of the Port Authority, and to have shown capacity which may include, but is not limited to knowledge or experience of or an ability in, one or more of the following:-
- (a) business management
  - (b) financial matters,
  - (c) sea transport,
  - (d) inland transport,
  - (e) international commerce,
  - (f) the organisation of workers,
  - (g) riverside activities,
  - (h) environmental matters affecting the area of the port of London, and
  - (i) navigation;
- Provided that the members [appointed by the Secretary of State] shall always include at least one person with wide experience of navigation (including the command of sea-going ships, pilotage and navigational aids).
5. An appointment made by the Secretary of State under this Part of this Schedule shall be notified in writing by the Secretary of State to the secretary of the Port Authority [and any appointment made by the Port Authority under this Part of this Schedule shall be notified in writing to the Secretary of State by the secretary of the Port Authority].
6. [(1) Subject to paragraph (2) the Port Authority shall from time to time appoint such officers of the Port Authority as it considers appropriate to serve as members of the Port Authority and, subject to this Part of this Schedule, every member appointed under this paragraph shall continue in office as a member until such time as he ceases to be an officer of the Port Authority or ceases to hold the executive positions held by that member at the time of appointment.
- (2) The number of officers appointed as members by the Port Authority shall not at any time be less than two or more than four].
7. ...[repealed by article 2 of SI 2015/2003].
8. (1) ~~A~~ The chairman or a member of the Port Authority appointed by the Secretary of State may resign his membership by a notice in writing to the Secretary of State and to the secretary of the Port Authority.
- (2) A member of the Port Authority not appointed by the Secretary of State may resign his membership by a notice in writing to the Secretary of State and to the secretary of the Port Authority.
- (3) If the Secretary of State appoints as chairman a member of the Port Authority appointed by the Port Authority the appointment of that person as a member by the Port Authority shall cease immediately before the appointment of the member as chairman commences.
9. Subject to this Part of this Schedule a person who has completed his term of office as the chairman or other member of the Port Authority shall be eligible to serve again.
10. ...[repealed by article 2 of SI 2015/2003]

11. If the Secretary of State [or, in the case of an appointment by the Port Authority, the Port Authority] is satisfied that the chairman or a member of the Port Authority-

(a) has been absent from meetings of the Port Authority for three consecutive months or more without the permission of the Port Authority; or

(b) has become bankrupt or made an arrangement with his creditors; or

(c) is incapacitated by physical or mental illness from discharging the functions of a member; or

(ca) has been convicted of a criminal offence and that conviction is not spent; or

(cb) has failed to declare a conflict of interest or otherwise acted improperly; or

(d) is otherwise unable-, unwilling or unfit to discharge the functions of a member;

the Secretary of State [or, as the case may be, the Port Authority] may suspend for such period as the Secretary of State or as the case may be the Port Authority may specify, or terminate the appointment, and, on termination, declare his office as chairman or as a member of the Port Authority to be vacant and thereupon the office shall become vacant.

[12. A casual vacancy arising in the office of a chairman of the Port Authority shall be filled by the appointment by the Secretary of State of another person who is not an officer of the Port Authority, and subject to this Part of this Schedule, that person shall hold office ~~during the remainder of the term for which the person whom he replaces was appointed~~for such period as may be specified in the appointment.]

[13. The Port Authority may-

(a) pay to a member of the Port Authority such salary, fee, allowance and expenses as the Port Authority may determine; and

(b) make provision for or pay to or in respect of a person who is or has been a member of the Port Authority such pension, grant or like benefit as the Port Authority may determine.]

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## **Notes**

*This Part of this Schedule was substituted by the Port of London Authority (Constitution) Revision order 1975, SI 1975/1890, art 5(3).*

*The words omitted from para 2 were repealed, and paras 3, 12 and the words in square brackets in para 6 were substituted, by the Port of London Authority Harbour Revision Order 1992, SI 1992/3011, art 2(2).*

*In the proviso to paragraph 3(1) the numbers "two" and "four" were substituted for "five" and "eight" by the Port of London Authority (Constitution) Harbour Revision Order 2005 and came into force on 28 December 2005*

*After paragraph 3(1) the paragraphs (1A) and (1B) were inserted by the Port of London Authority (Constitution) Harbour Revision Order 2005 and came into force on 28 December 2005.*

*The additional words in square brackets to paragraphs 3(2) (4) (5) and (11) were inserted by the Port of London Authority (Constitution) Harbour Revision Order 2005 and came into force on 28 December 2005*

*Paragraphs 6(1) and 6(2) were substituted by the Port of London Authority (Constitution) Harbour Revision Order 2005 and came into force on 28 December 2005.*

*Paragraphs 7 and 10 have been repealed by The Port of London Authority (Constitution) Harbour Revision Order 2015 in force 31 December 2015.*

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## **PART II**

### **PROCEEDINGS**

- [1. Those members of the Port Authority who are not officers of the Port Authority may choose from amongst themselves one to act as vice-chairman of the Port Authority during such period as may be specified by them:

Provided that the period so specified shall not extend beyond the date upon which the appointment of that member will expire.]

2. The validity of any proceedings of the Port Authority shall not be affected by a vacancy among the members or by a defect in the appointment or co-option of a member or because any such member was disqualified from acting on grounds of interest or had ceased to hold office.
3. The Port Authority shall determine the quorum of the Port Authority and, subject to this Part of this Schedule, the arrangements relating to meetings of the Port Authority.

3A. Meetings of the Port Authority and of committees and sub-committees may be held and conducted in such a way that members of the Port Authority who are not present together at the same place may by telephonic or electronic means attend and speak and vote and any member attending a meeting by telephonic or electronic means is to be counted in the quorum for that meeting.

4. The Port Authority may, subject to such conditions as they think fit, delegate any of their functions to a committee:

Provided that-

~~.....~~a majority of the members of any such committee shall be members of the Port Authority~~.....~~.

4A. A committee to which functions have been delegated under paragraph 4 may further delegate any of those functions (other than functions set out in sub-paragraphs (a) to (f) of paragraph 9B of Schedule 2 to the Harbours Act 1964) to a sub-committee or an officer of the Port Authority except to the extent that the Port Authority limits or prohibits its further delegation.

5. (1) The Port Authority shall cause minutes to be made-

- (a) of the names of members present at a meeting of the Port Authority and of a committee of the Port Authority; and
- (b) of all proceedings and resolutions at a meeting;

and the minutes, if signed by a person purporting to be chairman of the Port Authority or in the case of a committee meeting, purporting to be chairman of that committee, shall be received in evidence without further proof.

- (2) Until the contrary is proved, a meeting for which minutes have been so made and signed shall be deemed to have been duly convened and held and, if it was a meeting of a committee, that committee shall be deemed to have had power to deal with the subject of the minutes.

5A. (1) The validity of proceedings of any committee or sub-committee of the Port Authority is not affected by any vacancy among the members.

(2) Acts done by the members of a committee or sub-committee of the Port Authority or any person acting as a member are valid notwithstanding that it is afterwards discovered-

(a) that there was some defect in the appointment of any such member or person acting as member of such committee or sub-committee; or

(b) that any such member, person acting as a member or committee or sub-committee member was disqualified from acting on grounds of interest or had ceased to hold office.

6. A member of the Port Authority who is in any way directly or indirectly interested in a contract made or proposed to be made by the Port Authority (not being a contract made or proposed to be made in the ordinary course of the business of the Port Authority) shall disclose the nature of his interest at any meeting of the Port Authority or any meeting of a committee or sub-committee of the Port Authority at which he is present and at which the contract is the subject of discussion: and the disclosure shall be recorded in the minutes of the meeting and the member shall not take any part in any deliberation or decision of the Port Authority or of the committee or sub-committee in respect to that contract.

6A. Subject to the provisions of this Schedule, the procedure of the Port Authority shall be regulated in such

| manner as the Port Authority may from time to time determine.

7. A document purporting to be a document duly executed under the seal of the Port Authority shall be received in evidence and shall, unless the contrary is proved, be deemed to be a document so executed.

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**Notes**

*Pt. II      Para. 1 was substituted by the Port of London Authority (Constitution) Revision Order 1975 SI 1975/1890, art 5(4).*

*The words omitted from para 4 were repealed by the Port of London Act 1982, s 7, Sch 2.*

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### SCHEDULE 3

#### Rules Of The Port Of London Authority Pension Fund

The Rules are not set out here but are contained in a separate booklet obtainable from the Authority's Pensions Officer, which incorporates all the alterations.

### SCHEDULE 4

Sections 69-129

#### Licensing Appeals To The Board Of Trade Minister

1. This Schedule applies to any appeal which is made under sections 11, 69 and 126.

~~1. An appeal shall be made by written notice stating the grounds of the appeal.~~

~~Notice of appeal to the Port Authority.~~

~~3. The Port Authority may make written representations to the Board of Trade within fourteen days from the receipt by them of the copy notice of appeal, and if they do so shall forthwith send a copy of their representations to the appellant.~~

~~4. The Board of Trade may confirm, vary or revoke the decision or requirement appealed against and may make any consequential amendment necessary, other than an amendment to the consideration payable for the licence or its reassessment.~~

~~5. The Board of Trade may direct the Port Authority or the appellant (as the case may be) to give effect to the decision of the Board of Trade on the appeal and the Port Authority or the appellant shall forthwith comply with any direction given.~~

2. Notice of appeal must-

(a) be made in writing to the Minister and the Port Authority; and

(b) include-

(i) the appellant's name and address and telephone number and email address;

(ii) full details of the application to which the appeal relates and all supporting information, including plans, documents and correspondence between the appellant and the Port Authority; and

(iii) further information that the appellant considers in the circumstances to be relevant to the appeal.

Notice of receipt of appeal

3. The Minister must, as soon as reasonably practicable after receipt of the notice of appeal, notify the appellant and the Port Authority in writing of—

(a) the date from which the process for deciding the appeal is to be taken to start;

(b) the reference number allocated to the appeal;

(c) the details of the application to which the appeal relates; and

(d) the address to which written communications to the Minister about the appeal are to be sent,

and at the same time request from the Port Authority any further relevant information it holds relating to the subject of the appeal.

4.

(1) The Port Authority must, within a period of 28 days beginning with the starting date notified in subparagraph 3(a), submit to the Minister any further information requested in accordance with paragraph 3.

(2) The Port Authority must at the same time send a copy of that further information to the appellant.

(3) If the Port Authority wishes to submit a statement in addition to the further information mentioned in subparagraph (1), they must—

(a) within a period of 28 days beginning with the starting date, serve notice on the Minister and on the appellant of their intention to submit such a statement; and

(b) within a period of 35 days beginning with the starting date, submit the statement to the Minister, at the same time sending a copy of it to the appellant.

(4) The further information referred to in subparagraph (1) and the statement referred to in subparagraph (3) must state the date on which it is submitted to the Minister.

#### Representations by the appellant and by the Port Authority

#### 5.

(1) The appellant may submit to the Minister representations in response to—

(a) the Port Authority's further information copied to it pursuant to paragraph 4(2); and

(b) the Port Authority's statement (if any) copied to it pursuant to paragraph 4(3)(b).

(2) Representations pursuant to subparagraph (1)(a) must be sent within a period of 28 days beginning with the date of submission by the Port Authority of the copy of the Port Authority's further information, and those pursuant to subparagraph (1)(b) within a period of 28 days beginning with the date of submission by the Port Authority of the copy of the Port Authority's statement.

(3) Any representations submitted pursuant to subparagraph (1) must be dated and submitted to the Minister on the date they bear, and the appellant must at the same time send a copy of them to the Port Authority.

#### Closing representations in respect of new matters

6. Where the appellant submits representations pursuant to paragraph 5(1), and those representations raise a new matter, the Port Authority may, within a period of 28 days beginning with the date of the appellant's submission of a copy of those representations pursuant to paragraph 6(3), submit to the Minister representations in respect of that new matter, copying them at the same time to the appellant.

#### Allowing further time

7. The Minister may in a particular case give directions setting later time limits than those set out in paragraphs 2 to 6 of this Schedule.

#### Determination

#### 8.

(1) In this paragraph—

“representations” include any statement submitted or to be submitted by the appellant or the Port Authority pursuant to this Schedule.

(2) For each appeal the Minister must proceed to a decision within 3 months of the expiry of whichever is the latest date of the relevant events in subparagraph (3), taking into account only those representations and supporting documents as were submitted before the expiry of the relevant period.

(3) The events referred to in subparagraph (2) are-

(a) if no further information is requested and the Port Authority do not provide a statement under paragraph 4(3), 35 days from the starting date notified in subparagraph 3(a);

(b) if the Port Authority submit further information requested under paragraph 3, 28 days from the date the



Port Authority sent the further information to the appellant;

(c) if the Port Authority submit a statement under paragraph 4(3), 28 days from the date the Port Authority sent the appellant a copy of that statement;

(d) if the appellant submits representations pursuant to paragraph 5(1)(a), 28 days from the date the appellant sent the Port Authority a copy of those representations;

(e) if the appellant submits representations pursuant to paragraph 5(1)(b), 28 days from the date the appellant sent the Port Authority a copy of those representations; and

(f) if the Port Authority submit representations under paragraph 6, from the date the Port Authority sent the appellant a copy of those representations.

(4) The Minister may set a date under subparagraph (2) that is later than the latest date required by that subparagraph provided that the Minister notifies the new deadline to the Port Authority and the appellant within 7 days of the new date being set.

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### **Notes**

*Board of Trade. See the note to s 60 ante.*

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## SCHEDULE 5

Repealed by the Port of London Act 1982, s7, Sch 2.

SCHEDULE 7  
Section 180

~~Maintenance Operation And Lighting Of Bridges, Footways And Other Works~~

	Bridge, road or work affected	Local or other authority	Obligation of Port Authority	Obligation of local or other authority
	(1)	(2)	(3)	(4)
1-5	.....	.....	.....	.....
	ROYAL DOCKS			
6	Footway over the outer lock-gates of the upper entrance to the Royal Albert Dock Basin, the footway over the outer lock-gates of the lower entrance to that basin and the approaches across the port premises to the latter of the two footways	London Borough of Newham	To maintain and keep in repair	
7	Footbridge across the cut between the Royal Albert Dock and the basin	London Borough of Newham	To maintain and keep in repair	
8	Swing-bridge across cut between Royal Albert and Royal Victoria Docks	[London Borough of Newham]	Subject to the right of the Port Authority to lay, maintain and alter railway lines and sidings in the roadway(a) To maintain and keep in repair(b) To keep fifteen feet of the width of the bridge appropriated to the road	

	Bridge, road or work affected	Local or other authority	Obligation of Port Authority	Obligation of local or other authority
	(1)	(2)	(3)	(4)
9	Swing-bridge across the cut between the Royal Albert Dock and the basin	[London Borough of Newham]	To light the bridge and to provide warning lights	
10	Bascule bridge across the entrance to the King George V Dock	[London Borough of Newham]	(a) To comply with any reasonable direction [of the borough council] in relation to the maintenance of the	

				bridge and of any works connected with it; ... (b) To light the bridge and to provide warning lights	
	11	The footways six feet in width over the three lock gates of the entrance to the King George V Dock	London Borough of Newham	To maintain and keep in repair	
	12	Shafts and chase, and the water mains therein, under entrance lock to King George V Dock	Metropolitan Water Board	To maintain, repair and from time to time renew and if the Port Authority neglect to do so after reasonable notice from the Metropolitan Water Board, to permit the Board to carry out the repairs or renewals specified in the notice and to refund the cost thereof to the Board	
	13-17	<i>Surrey Commercial Docks</i> .....	.....	.....	.....
18	Surrey Canal				
	WEST—INDIA AND MILLWALL DOCKS				

	Bridge, road or work affected (1)	Local or other authority (2)	Obligation of Port Authority (3)	Obligation of local or other authority (4)	
		19	Subway carrying water main under South Dock entrance lock and the connected shafts, and the means of access to the subway and shafts	Metropolitan Water Board	To maintain and keep in repair
					To permit the Port Authority to lay hydraulic, telegraphic, telephonic and electric mains and apparatus through the subway and shafts in the portions thereof shown coloured red on the signed plan referred to in section 42 (For protection of Metropolitan Water Board) of the Port of London Act 1917:

20	Opening bridge across the South Dock entrance lock	... London Borough of Tower Hamlets London Borough of Tower Hamlets	(a) To maintain and keep in repair (b) To operate bridge in accordance with regulations made by the Port Authority in consultation with the borough and approved by the Minister with a view to securing the least delay in traffic over the bridge compatible with the requirements of vessel traffic in the lock (c) To provide efficient means of warning traffic of the opening of the bridge	<p>Provided that no damage is thereby done to any mains or apparatus of the Board in the subway or shafts and that the Port Authority's mains and apparatus are so laid as to ensure that no damage can thereby be caused to the property of the Board.</p> <p>To give all reasonable facilities for providing and maintaining such means of warning.</p>
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	Bridge, road or work affected (1)	Local or other authority (2)	Obligation of Port Authority (3)	Obligation of local or other authority (4)	
21	Opening bridge across the entrance lock to the Blackwall basin		London Borough of Tower Hamlets	(a) To operate the bridge in accordance with the regulations made by the Port Authority in consultation with the borough and approved by the Minister with a view to securing the least delay in traffic over the bridge compatible with the requirements of vessel traffic in the lock (b) To provide efficient means of warning traffic of the opening of the bridge	To give all reasonable facilities for providing and maintaining such means of warning.
22	Footway between Mellish Street and East Ferry Road including the bascule bridge carrying the footway over the Millwall Dock		London Borough of Tower Hamlets	Subject to the Port Authority's right to divert the footway with the consent of the borough council, to maintain and keep in repair	Not unreasonably to withhold consent to a diversion of the footway proposed by the Port Authority.

23	Bridge—carrying—West Ferry—Road—over—the Millwall Dock Entrance	London Borough—of Tower Hamlets	To maintain and keep in repair	
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## Notes

*Items 1-4, 13-18 were repealed by the Port of London Act 1982, s 7, Sch 2.*

*Item 5 was repealed by the Port of London Act 1970, s 6.*

*The words in square brackets in items 8-10 were substituted, and the words omitted from items 10, 20 were repealed, by the Local Government Reorganisation (Miscellaneous Provision) Order 1986, SI 1986/1, art 3(2)(f), (4), Schedule, Pt II.*

*By a Deed dated 21 May 1999, the London Borough of Newham released the Port Authority from its obligations for Items 6-11.*

*By a letter dated 16 December 1983 the London Borough of Tower Hamlets partially released the Port Authority from its obligations under Item 22.*

## SCHEDULE 8

### Section 187

#### Powers Not Exercisable In The Medway Approach Area And Off Southend-On-Sea And Sheerness

Provisions of Act (1)	Area in which provisions are not to apply (2)
1 - (a) So much of section 62 (Works in the Thames) as empowers the Port Authority to lay down moorings	1. (a) The two areas lying one to the south-west and one to the south- east of Southend-on-Sea and coloured blue on the map referred to in subsection (2) of section 47 (Exception of application of enactments in parts of River Thames) of the Southend-on-Sea Corporation Act, 1947, one copy of which is retained by the said Corporation and the other by the Port Authority.
(b) Section 63 (Removal of private moorings)	(b) The area on the said map entitled "Southend Exempt Area" lying between the two areas referred to in sub-paragraph (a) of this paragraph, being bounded on the west by the eastern boundary of the first-mentioned of the two areas, on the south by a line drawn in prolongation of the southern boundary of this first-mentioned area and on the east by the western boundary of the area secondly mentioned in sub-paragraph (a).
(c) Sections 66 to 70 relating to the control of works	(c) <u>So much of the district of Swale as was formerly within T</u> he urban district of Sheerness including the foreshore opposite that district and any part of the bed of the Thames within 100 yards from that foreshore
(d) Section 81 (Port Authority's landing places)	

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(e) So much of section 162(Thames byelaws)  
as empowers the Port Authority to make  
byelaws prohibiting or regulating bathing

Provisions of Act (1)	Area in which provisions are not to apply (2)
<p><del>2. So much of section 62 (Works in the Thames) as empowers the Port Authority to lay down or place buoys; s</del>So much of section 162 (Thames byelaws) as empowers the Port Authority to make byelaws for the regulation of the Thames and the navigation thereof and the lights to be exhibited by vessels and the provisions relating to general and special directions to vessels contained in Part VII(Vessels and navigation) of this Act</p>	<p>2. (a) The areas described in paragraph 1 above. (b) An area bounded by a line drawn straight from the London Stone on the east side of Yantlet Creek on a bearing 86° reckoned clockwise from the true north point of the compass until Warden Point in the Isle of the Sheppey bears 166° reckoned as aforesaid, thence on a bearing 166° reckoned as aforesaid to the level of high water on the Kent bank of the Thames, thence in a north-westerly direction along the level of high water to Garrison Point, thence straight across the river Medway on a bearing 305° reckoned as aforesaid to Dolly Bank, and thence in a north-westerly direction along the level of high water to the London Stone hereinbefore described.</p>

## Notes

**Definitions.** For "bed" and "the Thames", see s 2(1) ante.

**Part VII of this Act:** ss 108-138 and Sch 4 ante.

Section 208

## SCHEDULE 9

### REPEALS

#### PART I Enactments Repealed

Act (1)	Section or schedule (2)	Marginal note or heading (3)	Extent of repeal (4)
Richmond Footbridge Sluices Lock and Slipway Act, 1890	-	-	The whole Act.
Port of London Act, 1908	-	-	The whole Act.
Port of London (Consolidation) Act, 1920	-	-	The whole Act.
The Port of London and Midland Railway Act, 1922	2	Incorporation of Acts	The words from "The Lands Clauses Acts" to " the expression 'the centre of the railway' shall mean the landing stage works". The whole section.
	3	Application of provisions of Act of 1920	

Act	Section or schedule	Marginal note or	Extent of repeal
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(1)	(2)	heading (3)	(4)
The Port of London and Midland Railway Act 1922-(contd.)	4	Interpretation	In subsection (1) the words "the Port Authority or" and the words " as the case may require".
	5	Power to execute works	The whole section
	8	Deviation	The whole section
	12	Port Authority's portion of landing stage to be part of their undertaking	The whole section.
	14	Saving for agreements as to apparatus	The whole section.
	16	Lights on works during construction	The words "and at or near the Port Authority's portion of the landing stage".
	22	Penalty for obstructing works	The whole section.
	23	Power to take lands	The whole section.
	24	Correction of errors in deposited plans and book of reference	The whole section.
	25	Entry on property for survey and valuation	The whole section.
	26	Persons under disability may grant easements, etc.	The whole section.
	27	Compensation in case of recently altered buildings, etc.	The whole section.
	28	Costs of arbitration etc. in certain cases	The whole section.
	29	As to private rights of way over lands taken compulsorily	The whole section.
	30	Period for compulsory purchase of lands	The whole section.
	31	Power to retain sell and lease lands etc.	The whole section.
	32	Agreements with local authorities and others	The whole section.
	33	Power to sell materials	The whole section.
	34	Works by Railway Company	The whole section.
	35	Power to stop up certain accesses and public ways	The whole section.
	36	Stopping up of parts of Ferry Road and Fort Road	The whole section.
	37	Stopping up roads in case of diversion	The whole section.
	39	Access to mercantile marine offices	The whole section.



Act (1)	Section or schedule (2)	Marginal note or heading (3)	Extent of repeal (4)
	40	Applications of sections of this Act to Works Nos. 3 and 4	(a) In the list of marginal notes, the marginal notes "Deviation" and from "Penalty for obstructing works" to "Power to sell materials" inclusive. (b) The words "road diversion or" "or the extension of the floating landing stage" and "as the case may require". (c) The words from "but nothing contained" to the end of the section.
	41	Period for completion of works	The whole section.
	42	For protection of Great Eastern Railway Company	The whole section.
	43	Facilities to Great Northern Railway Company	The whole section.
	44	For protection of Great Western Great Central and London and South Western Railway Companies	The whole section.
	47	For protection of South Essex Waterworks Company	Paragraph (1).
	49	Agreements between Port Authority and Railway Company	The whole section.
	51	Company may apply corporate funds	The whole section.
	52	Extension of time for purchase of lands under Act of 1917	The whole section.
	57	Saving for War Office	The whole section.
	58	Costs of Act	The whole section.
The Port of London Act, 1928	-	-	The whole Act.
The Port of London (Various Powers) Act, 1932	-	-	The whole Act.
The Port of London Act, 1935	-	-	The whole Act.
The Port of London Act, 1950	-	-	The whole Act.
The Port of London Act, 1957	-	-	The whole Act.
The Port of London (Superannuation) Act, 1958	-	-	The whole Act.
The Port of London Act, 1959	-	-	The whole Act.

Act (1)	Section or schedule (2)	Marginal note or heading (3)	Extent of repeal (4)
The Port of London Act, 1961	-	-	The whole Act.
The Port of London Act, 1962	-	-	The whole Act.
The Port of London Act, 1963	-	-	The whole Act.
The Port of London (Extension of Seaward Limit) Act 1964	-	-	The whole Act.
The Port of London Act 1964	-	-	The whole Act.
The Port of London Act 1965	-	-	The whole Act.
The Port of London Act 1967	-	-	The whole Act.

## PART II

### Orders Revoked

Reference number (1)	Title or description (2)	Extent of revocation (3)
S.R. & O. 1913 No.954	Regulations relating to applications for orders	The whole Order.
S.R. & O. 1921 No.1700	The Port of London Stock Regulations, 1921	Articles 3 and 52.
S.R. & O. 1921 No.1762	Regulations relating to formation of register of electors of Port Authority's elected members	The whole Order.
S.R. & O. 1921 No.1763	Regulations as to method of election of Port Authority's elected members	The whole Order.
S.R. & O. 1927 No.1216	Order applying schedule of standard charges of London and North Eastern Railway Company to the Port Authority	The whole Order.
S.R. & O. 1929 No.212	Regulations relating to the accounts of the Port Authority	The whole Order.
S.R. & O. 1933 No.329	Regulations relating to the accounts of the Port Authority	The whole Order.
S.R. & O. 1943 No.1326	The Port of London (Charges for use of moorings) Order, 1941	The whole Order.
S.I.1965 No.654	Order relating to the accounts of the Port Authority	The whole Order.
S.I.1966 No.1251	The London Government Order 1965 ...	Article 3 (23).
S.I.1967 No.168	The Port of London Act 1964 (Commencement etc.) Order 1966	The whole Order.
S.I.1967 No.1197	The Port of London (Craft and Boat Registration) Revision Order 1966	The whole Order.
S.I.1967 No.1813	The Port of London Authority Revision Order 1967	The whole Order.
S.I.1968 No.738	The Port of London Authority (Financial Provisions) Revision Order 1967	The whole Order.
	The Port of London Act, 1964 (Second Appointed Date) Order 1968	The whole Order.

## SCHEDULE 10

## PART I

## Section 68 Of The Port Of London (Consolidation) Act, 1920

~~68. Exemption of lighters and craft in certain cases~~

~~—All lighters and craft entering into the docks basins locks or cuts of the Port Authority to discharge or receive ballast or goods to or from on board of any vessel lying therein shall be exempt from the payment of any rates so long as the lighter or craft shall be bona fide engaged in so discharging or receiving the ballast or goods and also all the ballast or goods so discharged or received shall be exempt from any rate or charge whatever and as regards the Millwall Docks no tonnage rate or wharfage rate by this Act authorised shall be payable in respect of any ballast lighter or ballast where the ballast lighter does not remain in any of the canals basins cuts or entrances of the Millwall Docks more than twelve hours at a time:~~

~~Provided always that the provisions of this section shall not be deemed to exempt any such ballast or goods as aforesaid from any port rates on goods which may be from time to time chargeable by the Port Authority in respect of goods imported from parts beyond the seas or coastwise into the Port of London or exported to parts beyond the seas or coastwise from that port.~~

## PART II

Definitions Applicable To Section 68 Of The Port Of London  
(Consolidation) Act, 1920

~~In section 68 of the Port of London (Consolidation) Act, 1920, except so far as the context otherwise requires the definitions of lighter and vessel contained in section 2 (Interpretation) of this Act shall apply and-~~

~~"ballast" includes every kind of gravel, sand and soil and every commodity or thing commonly used for the ballasting of vessels;~~

~~"goods" includes live stock, minerals and merchandise of all descriptions;~~

~~"the Millwall Docks" means and includes the docks, basins, cuts, locks, entrances, canal works, warehouses, buildings, wharfs, quays, lands, estates and other landed property formerly vested in the Millwall Dock Company or now or at any time added to or forming part of the same dock system;~~

~~"Port of London" means the port within the limits;~~

~~"port rates on goods" means dues for the time being charged per ton by the Port Authority on goods imported from parts beyond the seas or coastwise into or exported to parts beyond the seas or coastwise from the limits;~~

~~"rates" includes all duties of tonnage, port rates on goods, dock dues, canal dues, registration fees and other tolls, charges and dues for the time being payable to the Port Authority under any enactment whether in respect of vessels, goods, river craft or otherwise;~~

~~"river craft" means any tug, river steamboat, motor boat, lighter [licensed] under Part VII of this Act.~~

Notes

*The word in square brackets in Part II was inserted by the Port of London Authority Harbour Revision Order 2003 article 7 which came into force on the 8 October 2003.*

## SCHEDULE 11

## Transitional Provisions

Notwithstanding the repeals and revocations effected by this Act-

- (a) the chairman of the Port Authority in office at the commencement of this Act shall, subject to the provisions of this Act, continue to hold office until the 31st December, 1970;

- (b) each member of the Port Authority (other than the chairman) in office at the commencement of this Act shall, subject to the provisions of this Act, continue to hold office until the 31st December, 1969;
- (c) each member of the Pollution Control Committee and of the Port of London Authority Pension Fund Committee in office at the commencement of this Act shall, subject to the provisions of this Act, continue to hold office;
- (d) the Port Authority shall continue incorporated as a body corporate by the name of the Port of London Authority and shall continue to have perpetual succession and a common seal;
- (e) all property vested in the Port Authority at the commencement of this Act shall continue vested in them;
- (f) all acts, matters and things done or commenced, and all notices served, before the commencement of this Act under the Port of London Acts, 1920 to 1967, and all remedies which were in force or available at the commencement of this Act may be continued, enforced and completed;
- (g) all actions, arbitrations, prosecutions and proceedings by, with or against the Port Authority by reason of any matter or thing accruing or done before the commencement of this Act under, or in execution of or in relation to, the provisions of the Port of London Acts, 1920 to 1967, may be continued, commenced, taken, made or prosecuted by or against the Port Authority;
- (h) all byelaws and regulations made by the Port Authority or their predecessors and all licences, certificates and consents issued by the Port Authority [or their predecessors] in force at the commencement of this Act shall continue in force and shall be deemed to have been made or issued under the appropriate provisions of this Act;
- (i) all orders and regulations continued by or made by the Minister ~~or the Board of Trade~~ under the Port of London Acts, 1920 to 1967, shall continue in force until repealed or amended or until their expiration;
- (j) all consents issued by the Greater London Council under section 9 (Powers to Greater London Council) of the Port of London Act 1964 in force at the commencement of this Act shall continue in force and shall be deemed to have been issued under section 99 (Powers to Greater London Council) of this Act;
- (k) references to section 254 (Consideration for a licence to be previously approved) of the Port of London (Consolidation) Act, 1920, in any other enactment or in any licence or permission granted or issued by the Port Authority shall be read as references to section ~~67-11(3)~~ (Consideration for licence Powers relating to land) of this Act:

Provided that any compensation or consideration payable in respect of any electric line (as defined in section 32 of the Electric Lighting Act, 1882) shall be assessed in accordance with the Electricity (Supply) Acts 1882 to 1936;

- (l) where the Port Authority could, immediately before the commencement of this Act, require the removal of works covered by a licence issued under Part VI of the Port of London (Consolidation) Act 1920 within seven days after notice in writing from the Port Authority (either by reason of an endorsement on the licence applying the relevant provisions of section 243 (Port Authority may licence docks, piers, embankments, etc.) of the said Act of 1920, or of the application to the licence of section 252 (No mooring chains to be put down without permission of a port authority)) the licence shall be deemed to contain a condition that, where the port authority by notice in writing require the holder of the licence to remove the works, they shall be removed by him within such reasonable period as is specified in the notice ;
- (m) a person who, immediately before the commencement of this Act, held office as a constable on the appointment of the Port Authority shall continue to hold that office, and such a person shall be deemed to have been appointed under section 154 (Appointment, etc., of constables) of this Act;
- (n) all charges and other sums at the commencement of this Act due or accruing due to the Port Authority may be collected and recovered;
- (o) all books and documents which under any of the Port of London Acts, 1920 to 1967, or otherwise, would have been receivable in evidence shall be receivable in evidence ;
- (p) any deed or agreement or other instrument which refers to the provisions of any of the Port of London Acts, 1920 to 1967, which are re-enacted with or without modifications in this Act shall be deemed to refer to the re-enacted provision contained in this Act ;
- (q) any instrument entered into by the Port Authority under the provisions of any of the Port of London Acts, 1920 to 1967, which are re-enacted, with or without modifications, in this Act shall be deemed to have

been entered into under the appropriate provisions of this Act ;

(r) the Port Authority shall continue and maintain the Port of London Authority Pension Fund established under section 5 (Establishment of pension fund) of the Port of London Act, 1928;

(s) ...

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## **Notes**

*The words in square brackets in para (h) were inserted by the Port of London Act 1970 s 5, Schedule.*

*Para (s) was repealed by the Superannuation Act 1972, s 29(4), Sch 8.*

**Commencement of this Act.** Means 26 July 1968..

**Pollution Control Committee.** This committee was established by Sch 5, Pt I to this Act (repealed).

**Port of London Authority pension Fund Committee.** The committee is constituted by Sch 3, paras 23 et seq to this Act ante.

**Byelaws ... issued under ... this Act.** For the appropriate provisions of this Act relating to byelaws, see Pt XI (ss 161-169) ante.

**Port of London Acts 1920 to 1967.** Those Acts repealed with savings by ss 208, 209, Schs 9, 10 ante. See also the definition in s 2(1) ante.

**Port of London Act 1964.** Repealed by s 208, Sch 9, Pt I ante.

**Port of London (Consolidation) Act 1920.** Repealed (except for s 68 thereof, which is saved by s 209, Sch 10, Pt I ante) by s 208, Sch 9, Pt I ante.

**Electric lighting Act 1882, s 32; Electricity (Supply) Acts 1882 to 1936.** Repealed by the Electricity Act 1989, s 112(4), Sch 18. For the meaning of "electric line", see now s 64(1) of the 1989 Act.

**Port of London Act 1928.** Repealed by s 208, Sch 9, Pt I ante.

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