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Dear Kristina

**Port of London Authority Harbour Revision Order (HRO)
Chair's request for clarification**

1. Thank you for your letter dated 11 December 2025 regarding the Public Inquiry Report.
2. The purpose of this letter is to provide the Port of London Authority's (**PLA**) response to the Chair's specific request for clarification at paragraph 823 of his Report, as requested in the 11 December letter.
3. We address each of the four matters in turn.

(i) Whether the Order that the PLA would seek to enable it to establish a right to possession of a houseboat (prior to applying for a warrant) would be sought in the Magistrates or County Court.

4. The PLA would apply for an order establishing a right to possession of a houseboat in a County Court.

(ii) Whether, in light of section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, the level of fine within section 70(2)(a) should be described as 'not exceeding level five on the standard scale' or 'at level 5 on the standard scale'. (see paragraph 456 above) [of the Report].

5. The Port of London Act 1968 Act (**1968 Act**) refers to "level 5 on the standard scale" in several places (including at section 70(2)): it is not necessary to make the amendment proposed throughout the 1968 Act because that is already the effect of section 85 of the 2012 Act. Put another way, making that amendment would only duplicate what is already set out in section 85.

(iii) The assertion by the PLA that matters relating to section 76 of the 1968 Act are now dealt with under MACAA 2009.

6. Works requiring approval under section 76 of the 1968 Act are covered by the licensing regime set out in Part 4 of the Marine and Coastal Access Act 2009 (**MACAA 2009**). In short, under the MACAA 2009 a marine licence is required for any “licensable marine activity” that occurs within the “UK marine area”. The definition of “UK marine area” (set out below) covers the same physical limits of section 76 of the 1968 Act, being the “bed of the river Thames”. The works referred to in section 76 of the 1968 Act would also fall within the wide scope of “licensable activities” set out in section 66 of the MACAA 2009. The effect of this is that any works requiring approval under section 76 of the 1968 Act will also require a licence under the MACAA 2009.
7. Section 65 of the MACAA 2009 provides that no person may carry on a licensable marine activity or cause or permit any other person to carry on such an activity except in accordance with a marine licence granted by the appropriate licensing authority. Section 66 then sets out “licensable marine activities”, and section 66(4) states “*For the purposes of this Part “the UK marine licensing area” consists of the UK marine area, other than the Scottish inshore region*”.
8. Section 42 of the MACAA defines “UK marine area” as (our emphasis added):

42 UK marine area

- (1) *For the purposes of this Act, the “UK marine area” consists of the following—*
 - (a) *the area of sea within the seaward limits of the territorial sea adjacent to the United Kingdom,*
 - (b) *any area of sea within the limits of the exclusive economic zone,*
 - (c) *the area of sea within the limits of the UK sector of the continental shelf (so far as not falling within the area mentioned in paragraph (b), and see also subsection (2)),*

and includes the bed and subsoil of the sea within those areas.

- (2) *The area of sea mentioned in subsection (1)(c) is to be treated as part of the UK marine area for any purpose only to the extent that such treatment for that purpose does not contravene any international obligation binding on the United Kingdom or Her Majesty’s government.*
- (3) ***In this section “sea” includes—***
 - (a) *any area submerged at mean high water spring tide, and***
 - (b) *the waters of every estuary, river or channel, so far as the tide flows at mean high water spring tide.***
- (4) *The area of sea referred to in subsection (3)(a) includes waters in any area—*
 - (a) *which is closed, whether permanently or intermittently, by a lock or other artificial means against the regular action of the tide, but*
 - (b) *into which seawater is caused or permitted to flow, whether continuously or from time to time, and*
 - (c) *from which seawater is caused or permitted to flow, whether continuously or from time to time.*
- (5) *Until the coming into force of the first Order in Council made under section 41 (the exclusive economic zone), the reference in subsection (1)(b) to the exclusive economic zone is to be read as a reference to a renewable energy zone.*

9. As bolded in the above, the licensing regime in the MACAA 2009 applies to the area of sea within the seaward limits of the United Kingdom, including the bed and subsoil of those areas, and includes any area submerged at mean high water tide.

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10. Section 76 of the 1968 Act applies to works on “the bed of the Thames”; this falls within the scope of both sections 42 and 66, and thereby falls within the scope of the licensing regime of the MACAA 2009.

(iv) The status of sections 154 to 160 of the 1968 Act in relation to the HRO

11. The Port of Tilbury Transfer Scheme 1991 Confirmation Order 1992 provides that these provisions no longer apply to the PLA. The PLA’s functions in relation port police have been transferred to the Port of Tilbury London Limited which is the harbour authority for the Port of Tilbury.
12. Schedule 14 of that Order sets out the amendments to the 1968 Act, and paragraph 12 states:
- 12. In so far as section 154 of the 1968 Act would, apart from the provisions of this paragraph, continue to confer functions on the Port Authority (as distinct from conferring functions on the Company by virtue of the transfer of functions under section 22(8)(b) of the 1991 Act), that section shall cease to have effect.*
13. Sections 154 to 160 of the 1968 Act deal with the Port Authority’s Police Force, and it is section 154 of the 1968 Act which granted the PLA with the ability to appoint constables. By directing that section 154 ceases to have effect, all of those provisions cease to have effect.
14. We trust the above clarifies the matters, but please do let us know if you have any further queries.

Yours faithfully



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