
STATUTORY INSTRUMENTS

201[] No.

HARBOURS, DOCKS, PIERS AND FERRIES

Port of London Authority Harbour Revision Order 201[]

Made - - - - - ***

Laid before Parliament ***

Coming into force - - - ***

The Port of London Authority have applied for a harbour revision order under section 14 of the Harbours Act 1964(a):

[No objection to the application has been made pursuant to paragraph 10(2)(f) of Schedule 3(b) to that Act:]

[Objections to the application made pursuant to paragraph 3(2)(a) of Schedule 3 to that Act have been withdrawn:]

The Secretary of State for Transport (being the appropriate Minister under section 14(7)(a) of that Act in exercise of the powers conferred by that section and now vested in the Secretary of State

(a) 1964 c.40: section 16 was amended by the Transport Act 1981 (1981 c. 56) sections 18(1) and 40, Schedule 6, paragraphs 3, 4(1), 4(2), 4(8), 14(2) and 14(3) and Schedule 12 (Part II) and by the Criminal Justice Act 1988 (1988 c. 33) section 46 and by the Transport and Works Act 1992 (1992 c. 42) section 63(1) and Schedule 3, paragraph 1.
(b) Schedule 3 was substituted by S.I. 1999/3445, as amended by S.I. 2000/2391.

(b), and of all other powers enabling the Secretary of State in that behalf, makes the following Order:

PART 1

Preliminary

Citation and commencement

1.—(1) This Order may be cited as the Port of London Harbour Revision Order 201[] and shall come into force on [].

(2) The Port of London Acts and Orders 1968 to 2005 and this Order may be cited together as the Port of London Acts and Orders 1968 to 201[].

Interpretation

2.—(1) In this Order—

“the Act” means the Port of London Act 1968(c);

“the Company” has the same meaning as in the Act.

Application of Order

3. The amendments made to the Act by the following provisions of this Order have effect only in relation to functions of the Port of London Authority and do not affect or vary the functions of the Company.

Interpretation of the Act

4. Subsection (1) of section 2 (Interpretation) of the Act is amended as follows—

(a) before the definition of “bed” insert—

(a) For the definition of “the Minister” (mentioned in section 14(7)) see section 57(1).
(b) S.I. 1981/238, S.I. 1997/2971, S.I. 2001/2568 and S.I.2002/2626.
(c) 1968 c. 32.

““barge” includes dumb vessels, collar and mooring barges, crane barges and engineering barges, pontoons and dredgers and motorised barges;”;

(b) in the definition of “charges” after “take and recover” insert “, including (except in section 28) any consideration or charge for a licence granted under sections 66, 73 or 74A,”;

(c) after the definition of “enactment” insert—

““explosive” has the same meaning as in section 3 of the Explosives Act 1875(a);”;

(d) after the definition of “financial year” insert—

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

(e) in the definition of “goods” insert at the end “including sludge, waste and rubbish but excluding bunker fuel for own use on board a vessel;”;

(f) in the definition of “mooring” after the word “anchoring” insert—

“or any other act to moor or make fast a vessel to any work or chain or other vessel or any thing, and “moor” and “moored” shall have corresponding meanings”;

(g) after the definition of “mooring” insert—

““mooring licence” means a licence granted under section 74A (Licensing of Moorings);”;

(h) for the definition of “port rates” substitute the following—

““port rates” means dues for the time being charged by the Port Authority under section 26(2) of the Harbours Act 1964 in respect of goods brought into, taken out of, or carried through the limits by ship (but not including charges in respect of work performed, services rendered or facilities provided in respect of goods so brought, taken or carried);”;

(a) 1875 c.17.

(b) 2003 c.22

(i) in the definition of “tonnage by measurement” for “tonnage of a lighter” substitute “tonnage of a barge”;

(j) for the definition of “the vessel licensing area” substitute—

““the vessel licensing area” means that part of the Thames classed as C or D waters under regulation 2 of the Merchant Shipping (Categorisation of Waters) Regulations 1992(a);” and

(k) in the definition of “waterman” delete “and includes a lighterman”.

Incorporation of Commissioners Clauses Act 1847

5. After section 4 (Proceedings) of the Act insert—

“Commissioners Clauses Act 1847

4A. (1) Section 60 of the Commissioners Clauses Act 1847 is incorporated with and forms part of this Act.

(2) The Commissioners Clauses Act 1847 as so incorporated shall have effect as if for references—

(a) to the Commissioners there were substituted references to the Port Authority; and

(b) to a Commissioner there were substituted references to a member.”.

Public access to port premises

6. In subsection (1) of section 6 (Public access to port premises) of the Act after paragraph (c) delete “and” and after paragraph (d) insert—

“and

(e) section 6A;”.

(a) S.I. 1992/2356.

Power to appropriate parts of port premises

7. After section 6 (Public access to port premises) of the Act insert—

“Power to appropriate parts of port premises

6A.—(1) The Port Authority may from time to time set apart or appropriate any part of the port premises for its own use or for the exclusive, partial or preferential use or accommodation of any particular trade, activity, person, vessel or class of vessels or goods, subject to the payment of such reasonable charges and to such terms, conditions or regulations as the Port Authority thinks fit.

(2) No person or vessel shall, otherwise than in accordance with the setting apart or appropriation, make use of any part of the port so set apart or appropriated without the consent of the harbourmaster or other duly authorised officer of the Port Authority.”.

Hydrographic surveys

8. For section 7 (Hydrographic surveys) of the Act substitute—

“Hydrographic surveys

7.—(1) The Port Authority shall make such surveys of—

- (a) the bed of the Thames from the landward limit to the seaward limit; and
- (b) the Thames Estuary and the approaches to the Thames outside the seaward limits;

as they consider necessary or desirable in the discharge of their functions.

(2) The Port Authority shall publish all surveys made by them in connection with the discharge of their functions under section (1) as they consider should be published by them.”.

Annual Report

9. Section 8 (Annual report) of the Act is amended as follows—

- (a) delete subsection (3);

(b) for subsection (4) substitute—

“(4) The Port Authority shall for a reasonable period make available at their principal office copies of the report, at a reasonable price, if demanded.”.

Power to make certain charges

10. Section 21 (Power to make certain charges) of the Act is amended as follows—

(a) in subsection (1) after the first reference to “the Harbours Act 1964” delete “entering or leaving the limits”;

(b) in subsection (2)(a) after “on their behalf” insert “or for the use of land in which they have an interest or over which they exercise control”; and

(c) after subsection (2) insert—

“(3) The charges which may be recovered under subsection (2) include a reasonable charge for removing, moving, and for mooring, maintaining or storing elsewhere, a vessel, work or goods removed or detained by the Port Authority under any of the powers conferred by this Act.

(4) 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), (2) or (3), and may vary or extinguish any such exemption or composition.”.

Charges regulations

11. Section 22 (Charges regulations) of the Act is amended as follows—

(a) for subsection 1(b)(i) substitute—

“the master, owner or operator of a vessel (or any person registered as the owner), a ship’s agent or a terminal operator;”;

(b) in subsection 1(b) after subparagraph (ii) insert—

“and

- (iii) the holder of a licence issued under section 66 (Licensing of works) or section 74A (Licensing of mooring);”;
- (c) in subsection 1(f) delete “a claim under subsection (2) of section 29 (Exemption from port rates for bunker fuel and fish) of this Act and”;
- (d) in subsection 1(g) delete “subject to subsection (1) of section 30 (Exemption from port rates for goods in transit of this Act”;
- (e) delete subsection (4)(a); and
- (f) in subsection 5(a) delete “paragraph (a) of”.

Payment of charges

12. Section 35 (Payment of charges) of the Act is amended as follows—

- (a) For subsection (2)(a) substitute—

“(2)(a) charges on or in respect of a vessel shall be payable by:—

- (i) the owner of the vessel;
 - (ii) the master of the vessel;
 - (iii) the person registered as the owner of the vessel;
 - (iv) the operator of the vessel;
 - (v) the agent of the persons referred to in sub-paragraphs (i) to (iv); or
 - (vi) in the case of the charge payable in relation to a vessel detained under subsection (2)(d) of section 39 (Recovery and enforcement of charges), the owner of the licensed work to which the vessel was moored.”;
- (b) at the end of subsection (2)(b) insert “or, in any case, the terminal operator at whose premises the goods are loaded, unloaded or stored.”

Recovery and enforcement of charges

13. Section 39 (Recovery and enforcement of charges) of the Act is amended as follows—

- (a) in subsection (2)(c) after “the vessel” delete “and its appurtenances”;

(b) in subsection (2), after paragraph (c) insert—

“(d) in the case of a consideration for a works licence agreed or assessed under the provisions of section 67 (Consideration for licence) which relates to a work used for the mooring of a vessel, seize and detain the work including removing it from the river and removing, maintaining and mooring elsewhere or storing any vessel moored to it until the consideration for the works licence has been paid together with any costs incurred by the Port Authority in removing, maintaining or storing any work or vessel, or in mooring any vessel.”;

(c) in subsection (4)—

(i) at the end of subparagraph (d) insert—

“or

(e) in the case of a work, to the licenceholder;” and

(ii) after “the vessel” delete “or its appurtenances” and insert “or the work”

(d) in subsection (6), for “the master of a vessel which is” substitute “any person removes or attempts to remove goods or a vessel or a work”, and delete “removes or attempts to remove the vessel”;

(e) in subsection (7) after “goods or vessel” insert “or work”;

(f) in subsection (9) after “goods or vessel” insert “or work”;

(g) in subsection (11)(a) for “head office” substitute “principal office”; and

(h) after subsection (12) insert—

“(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.”

Borrowing powers

14. For section 48 (Borrowing powers) of the Act substitute—

“48.—(1) The Port Authority may borrow money for any of the purposes of its 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 considers expedient.

(2) Without prejudice to the generality 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 thinks fit;
- (b) by the creation and issue of port stock;
- (c) by borrowing from a government source or bank or other provider on overdraft or loan;
- (d) by opening an acceptance credit with a bank or accepting house;
- (e) by accepting money on deposit.

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

(4) The Port Authority may for the purposes of its 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.”.

Ranking of port stock

15. In section 52 (Ranking of port stock) of the Act for “sub-paragraphs (i), (ii) and (iv) of paragraph (a) of subsection (1)” substitute “paragraphs (a), (b) and (e) of subsection (2)”.

Power to charge interest on capital

16. In section 56 (Power to charge interest on capital) of the Act—

- (a) after “as they determine,” delete “not exceeding ten years”, and
- (b) after “commencement of the work” delete “, or such longer period as the Minister may in writing agree”.

Removal of private moorings

17. In section 63 (Removal of private moorings) of the Act delete subsection (1) and insert—

“(1) With effect from [], the provisions of section 70 (Works not to be constructed, etc, without works licence) shall apply to any mooring chain that was placed in the Thames before 29th September 1857.

(1A) If the Port Authority in the exercise of the powers of section 70 require the removal, or remove, any mooring chain placed in the Thames before 29th September 1857, they shall, unless it is broken, dangerous or useless, pay compensation to the owner for any loss or damage which the owner may sustain by the removal and may not recover the costs of removal.”.

Licensing of works

18. Section 66 (Licensing of works) is amended as follows—

- (a) in subsection (1)(a) delete “for a consideration to be agreed or assessed in accordance with section 67 (Consideration for licence) of this Act and” and “and reassessment of the consideration from time to time”;
- (b) in subsections (1)(a) and (1)(b) after “construct, place,” insert “use (other than, in the case of licences operated after [], for mooring vessels),”;
- (c) in subsection (1)(b), after “benefit of the licence” insert “and may be granted for such consideration and on such terms for reassessment of that consideration as may be agreed or otherwise determined in accordance with section 67 (Consideration for licence) of this Act”;
- (d) after subsection (1) (b) insert—

“(c) The Port Authority may from time to time review any licence granted under paragraph (a) on grounds of navigational safety and may following the review on giving reasonable written notice vary or revoke the licence if in the opinion of the

harbourmaster the work has, or is likely to, become an obstruction, danger or impediment to the safe and convenient navigation or use of the Thames.

- (d) The Port Authority may revoke a licence granted under paragraph (a) if the work so licensed has been abandoned.”;
- (e) in subsection (3) after “of this section” insert “or such longer period as the Port Authority may notify in writing”;
- (f) after subsection (3) insert—
 - “(3A) The Port Authority may charge a reasonable fee for—
 - (a) considering an application for a works licence under subsection (2);
 - (b) granting a works licence; and
 - (c) for monitoring compliance with the terms and conditions of the licence granted.
- (3B) Where consideration has been paid in accordance with section 67 (Consideration for licences) for a licence which is subsequently revoked or varied by the Port Authority the licence holder (or former holder in the case of a revocation) may claim an appropriate reimbursement of a proportion of the consideration subject to the Port Authority retaining any unpaid charge or any expenses for removal, storage and disposal of the work, as agreed or failing agreement determined by an arbitrator appointed in the manner provided by subsection (1) of that section.”; and
- (g) in subsection (7) after “construction, placing,” insert “use,”.

Consideration for licence

19. In section 67 (Consideration for licence) insert—

- “(a) in subsection (1), after “ or a mooring licence” (as inserted by article 21(2) of this Order) insert “and any provision for its reassessment” and after “assessed” insert “or determined”; and
- (b) in subsection (3), after “the assessment” insert “(or the determination of any provision for its reassessment)”.”

Appeal to Board of Trade

20. In subsection 1(b) of section 69 (Appeal to Board of Trade) after “for the licence or” insert “any provision for”.

Mooring

21.—(1) The general heading before section 66 to 75 of the Act is amended by the insertion of “mooring,” before “works”.

(2) In subsection (1) and subsection (3) of section 67 (Consideration for licence) of the Act after “works licence” insert “or a mooring licence”.

(3) Section 69 (Appeal to Board of Trade) of the Act is amended as follows—

(a) in subsection (1)—

(i) after both occurrences of “works licence” insert “or a mooring licence”;

(ii) in paragraph (c) after “any modification” insert “in the case of a works licence,”;

(iii) after “Section 66 (Licensing of Works)” insert “or under subsection (4) of section 74A (Licensing and control of moorings)”;

(b) in subsection (3) after “works licence” insert “or a mooring licence”.

(4) After section 74 (Crown Property) of the Act insert the following—

“Licensing of mooring

74A.—(1) The Port Authority may grant a licence to moor a vessel over any part of the land of the Thames and notwithstanding that such mooring may interfere with the public right of navigation or any other public right.

(2) A licence under this section may be granted for such period and on such terms and conditions (including conditions as to variation and revocation and reassessment of the consideration from time to time) as the Port Authority thinks fit.

(3) A licence to moor a vessel over land belonging to the Port Authority shall be deemed to confer on the holder of the licence such rights, in or over land as are necessary to enable them to enjoy the benefit of the licence and may be granted for such consideration as may be agreed or otherwise determined in accordance with section 67 (Consideration for licence) of this Act.

(4) The Port Authority may charge a reasonable fee for—

- (a) considering an application for a mooring licence over land which does not belong to the Port Authority;
- (b) granting a mooring licence; and
- (c) monitoring compliance with the terms and conditions of the licence granted.

(5) Nothing in any licence granted under this section shall entitle any person to use or have any mooring on land not belonging to him or the Port Authority or in which he has no appropriate interest.

(6) If within three months from the date of making an application under subsection (1) or such longer period as the Port Authority may notify in writing the Port Authority do not grant a mooring licence in accordance with the application, they shall be deemed to have refused the application.

(7) The Port Authority may from time to time review any licence granted under this section on grounds of navigational safety and may following the review on giving reasonable written notice vary or revoke a licence if in the opinion of the harbourmaster the mooring of the vessel has, or is likely to, become an obstruction, danger or impediment to the safe navigation or use of the Thames.

(8) The Port Authority may revoke a licence granted under this section if the vessel moored has been abandoned.

(9) Where consideration has been paid in accordance with section 67 (Consideration for licences) for a licence which is subsequently revoked or varied by the Port Authority the licence holder (or former holder in the case of a revocation) may claim an appropriate

reimbursement of a proportion of the consideration subject to the Port Authority retaining any unpaid charge or any expenses for removal, storage, mooring or disposal of any vessel, as agreed or failing agreement determined by an arbitrator appointed in the manner provided by subsection (1) of that section.

Unauthorised mooring

74B.—(1) Subject to subsection (2) no person shall after [date] moor a vessel in the Thames unless licensed to do so by a subsisting mooring licence granted by the Port Authority under section (74A) and except upon the terms and conditions, if any, upon which that licence is granted.

(2) The requirements of this section do not apply to—

- (a) any vessel moored in the Thames which does not moor for a period longer than 7 days;
- (b) any vessel authorised prior to the date specified in subsection (1) by the Port Authority to moor **at a mooring owned by the Port Authority**;
- (c) any vessel moored under a right conferred by a works licence granted before the date specified in subsection (1) in accordance with subsection (1)(b) of section 66 (Licensing of works) of the Act;
- (d) any vessel moored under any other licence to moor issued by the Port Authority before the date specified in subsection (1);
- (e) any vessel—
 - (i) which is moored without a licence before the date specified in subsection (1) and is the subject of an application for a mooring licence made but not yet determined by the Port Authority or is the subject of an appeal under section 69 (Appeal to Board of Trade) in relation to the refusal of a mooring licence, or
 - (ii) which is the subject of an appeal made in accordance with section 69 in relation to the revocation of a mooring licence, or

(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.

(3) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.”.

Transfer of licences

22. After section 75 (Lands above mean high water level) of the Act insert—

“Transfer of licences

75A.—(1) Subject to the provisions of this section, and to the terms of the licence in question (which may include a requirement for the approval of the Port Authority), a works or mooring licence may be transferred by the holder of the licence to any person to whom the holder of the licence transfers ownership of the work or vessel to which the licence relates.

(2) In any case where a licensed work is attached to land of the licenceholder adjoining the Thames, the terms of the licence may require that there will be no transfer of that land without a transfer of the licence to the transferee, and require the licenceholder to confirm consent to the Port Authority registering a restriction to that effect against the licenceholder’s title at Her Majesty’s Land Registry.

(3) If the holder of a works or mooring licence transfers his interest in the work or the vessel to which the licence relates, that licenceholder shall within 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.

(4) Any person to whom a works or mooring licence has been granted shall upon being requested to do so by a duly authorised person acting on behalf of the Port Authority 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 or mooring.

(5) Any person to whom subsection (3) or (4) applies who—

- (a) fails to give the name and address as required by subsection (3) or (4);
- (b) gives a false or inaccurate name or address under subsection (3) or (4);

shall be guilty of an offence and be liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

Enforcement of works and mooring licensing regime

23. After section 75 (Lands above mean high water level) of the Act insert—

“Enforcement of works and moorings licensing regime

75B.—(1) The Port Authority may by notice in writing require a person who contravenes the requirements of sections 70 (Works not to be constructed etc, without works licence) or 74B (Unauthorised mooring), within a reasonable period specified in the notice—

- (a) to remove or abate any works or remove a vessel to which the contravention relates and, where the notice relates to a work, to restore the site of the work to its former condition; or
- (b) to comply with a term or condition of the works or mooring licence.

(2) If the person to whom the notice is given under subsection (2) fails to comply with the notice the following provisions shall apply.

(3) That person shall be guilty of an offence and liable to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

(4) Compliance with the terms of a notice shall also be enforceable in civil proceedings brought by the Port Authority for an injunction.

(5) The Port Authority may—

- (a) carry out any work required by the notice or remove the work or vessel to which the notice relates, and any vessel which is moored to that work;
- (b) sell or otherwise dispose of any such work or vessel;
- (c) recover out of the proceeds of the sale—
 - (i) any unpaid consideration payable under section 67 (Consideration for licences) or where no consideration has been assessed a reasonable consideration for the retention or use of a work, or the mooring of a vessel, on or over land of the Port Authority;
 - (ii) any other unpaid charge in respect of the work or vessel; and
 - (iii) the expense of removal, storage and disposal under this paragraph;

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

(6) If within a period of 3 months after the sale under subsection (5) above no person proves ownership of the work or vessel in question, the proceeds of sale shall vest in the Port Authority.

(7) 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 work or vessel as a debt.

(8) The Port Authority shall, before removing a work or 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 work or vessel except in a case of emergency when they shall give notice as soon as reasonably practicable after they have removed the vessel.

(9) In a case where the name and address of a person to whom notice is to be given under subsection (1) or (8) cannot be identified such notice shall be left on the work or vessel to which it relates.

(10) The power to require removal or to remove a work under subsections (1) or (5) 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.

(11) References in this section to removal, storage, disposal or sale of any vessel includes reference to any tackle, appurtenances or other chattels with or on that vessel.”.

Licensing of bunkering service

24. After section 75 (Lands above mean high water level) of the Act insert—

“Licensing of bunkering service

75C.—(1) The Port Authority may, upon such terms as they think fit, including conditions as to variation and revocation of the licence, grant to the owner of a vessel a licence to provide bunkering to vessels within the Thames east of the Yantlet line or such other area as may be designated by the harbourmaster for that purpose.

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

(3) Subject to subsection (6), no person shall after [date] provide bunkering to vessels in the Thames east of the Yantlet line unless licensed to do so by a subsisting licence granted by the Port Authority under subsection (1) and except upon the terms and conditions, if any, upon which that licence is granted.

(4) Any person who provides bunkering to vessels who cannot show he is acting under and in accordance with a subsisting licence shall, without prejudice to any other remedy or proceeding against him, be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(5) In the exercise of powers conferred by a licence under subsection (1) the holder of a licence shall report any spill, leakage or other damage caused by the escape of fuel or other substance or matter to the harbourmaster and any holder of a licence who fails to do so shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(6) The Port Authority may, in respect of the grant of a licence under subsection (1), make such reasonable charge as they may determine and may assess such charge by reference to the amount of fuel which is supplied or may be supplied by the holder of the licence.

(7) In this section, “bunkering” means the transfer from one vessel to another of fuel for the purpose of propulsion of the receiving vessel or powering its auxiliary machinery.”.

Permanent lights on works

25. After section 80 of the Act insert—

“Permanent lights on works

80A.—(1) Any person granted a works licence under section 66 (Licensing of works) of this Act in respect of a work and anyone else who maintains works in the Thames by virtue of statutory authority shall 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) shall be guilty of an offence and liable to a fine not exceeding the statutory maximum, or on conviction on indictment to a fine, and the Port Authority shall 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 this section “restricted visibility” means all circumstances when visibility is less than 0.5 nautical miles.”.

Replacement of marked landing places

26. Section 84 (Replacement of marked landing places) of the Act is amended as follows—

(a) after “they shall” insert “, subject to subsection (2)”; and

(b) insert—

“(2) The Port Authority may close a part of a free public landing place if in their opinion that part of the landing place remaining is adequate for public use.”.

Entry on land to survey, etc.

27. In subsection (1) of section 90 (Entry on land to survey, etc.), after paragraph (c) insert—

“(d) ascertaining whether the terms and conditions imposed by a licence granted under section 66 (Licensing of works), section 73 (Licensing of dredging) or section 74A (Licensing of mooring) have been complied with; and

(e) inspecting a vessel for the purpose of the issuing of a licence under section 124 (Unlicensed vessels not to be navigated);”.

Times when public use of Thames may be restricted

28. Section 91 (Times when public use of Thames may be restricted) of the Act is amended as follows—

(a) in subsection (1)(b) delete “public” and after “works”, in both cases where it appears insert “or operations”;

(b) in subsection (1)(c) after “or similar event” insert “or any other event or activity taking place on or over the Thames”;

(c) after subsection 1(c) insert—

“(d) to preserve the safety or security of the public.”;

(d) for subsection (2) substitute—

“(2) No restriction or exclusion imposed under this section shall extend longer than is required for the purpose for which it is imposed.”;

(e) for subsection (3) substitute—

“(3) The Port Authority shall give notice of a proposed exclusion or restriction under this section in such manner as they consider appropriate for bringing it, as soon as reasonably practicable, to the attention of persons likely to be affected by it.”;

(f) after subsection (3) insert—

“(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 to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.”.

Abatement of nuisances

29. In section 92 (Abatement of nuisances) of the Act at the end insert “and may recover as a debt in any court of competent jurisdiction the expenses of doing so from the person who caused the annoyance or nuisance.”

Special directions to vessels in the Thames

30. In section 112 (Special directions to vessels in the Thames) of the Act after subsection (2)(c) insert—

“; or

(d) requiring a vessel to comply with a restriction or exclusion imposed under section 91 (Times when public use of Thames may be restricted).

(3) 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).”.

Failure to comply with directions

31. In subsection (1) of section 117 (Failure to comply with directions) of the Act for “level 5 on the standard scale” substitute “the statutory maximum and on conviction on indictment, to a fine”.

Enforcement of directions

32. In subsection (2) of section 118 (Enforcement of directions) for the references in paragraphs (a) and (b) to “a lighter” substitute “a dumb barge”.

Regulation of crowds

33. In subsection (1) of section 119 (Regulation of crowds) after “Metropolitan Police” insert “or any other chief constable”.

Power to raise and remove vessels sunk, etc

34. In section 120 (Powers to raise and remove vessels sunk, etc) of the Act is amended as follows:

- (a) in subsection (1) after “to the safe”, delete “and convenient”;
- (b) after subsection (1) insert—

“(1A). If a vessel sunk, stranded or abandoned in the Thames is not, in the opinion of the Harbourmaster, and is not likely to become, an obstruction, impediment or danger to the safe navigation or use of the Thames but is, or is likely to become—

- (a) an obstruction, impediment or danger to the convenient navigation or use of the Thames; or
- (b) an impediment to a person wishing to moor at or obtain access to premises adjoining the Thames;

the Port Authority may cause the vessel to be raised, removed or otherwise destroyed, and where this action is carried out at the request of any other person may make a reasonable charge to that person for carrying out the action.”;

- (c) in subsection (2) after “under subsection (1)” insert “or 1A”;
- (d) in subsection (4) after “emergency, subsection (1)” insert “or 1A”; and
- (e) in subsection (5) for “head office” substitute “principal office”.

Unlicensed vessels not to be navigated

35. Section 124 (Unlicensed vessels not to be navigated) of the Act is amended as follows—

- (a) at the beginning of subsection (2) insert—

“Subject to subsection (2A),”;

- (b) for subsection (2)(f) substitute:

“(f) a vessel which has a licence issued by a local authority or any other navigation authority which the Port Authority recognises as an appropriate licence;”;

- (c) after subsection (2) insert—

“(2A) The exemptions in subsection (2) 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.”.

Lights detrimental to navigation

36. Section 133 (Lights detrimental to navigation) of the Act is amended as follows:—

- (a) in subsection (1) after “The Port Authority may” delete “by written notice”;
- (b) in subsection (2)(a) for “notice given” substitute “requirement made”; and
- (c) in subsection (2)(b) for “give a notice” substitute “make a requirement”.

Fireworks

37. After section 133 (Lights detrimental to navigation) of the Act insert—

“Fireworks

133A.—(1) No person shall on or over the Thames ignite or aim any firework or other explosive, 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 aims any firework or other explosive without lawful authority or reasonable excuse in contravention of subsection (1) shall be guilty of an offence and liable to a fine not exceeding level 4 on the standard scale.”.

Damage by a vessel

38. Section 134 (Damage by a vessel) of the Act is amended as follows—

- (a) in subsection (1)(a)(i) after “in the Thames” insert “(including the bed of the Thames)” and delete “or”;
- (b) after subsection (1)(a)(ii) insert—
 - “or
 - (iii) any vessel belonging to or chartered or hired by the Port Authority,”; and
- (c) in subsection (1)(b), after “damage” insert “including the costs of any survey”.

Boarding vessels

39. In section 137 (Boarding of vessels) of the Act—

- (a) after “in the Thames or the docks” insert “or within the limits”; and
- (b) at the end insert—

“(2) Such an authorised officer who boards any vessel pursuant to this section may exercise any of the powers conferred by subsections (2)(b) to (k) of section 259 (Powers of inspectors in relation to premises and ships) of the Merchant Shipping Act 1995^(a).

(3) Section 260 (provisions supplementary to section 259) of the Merchant Shipping Act 1995 shall apply in relation to the exercise of those powers of section 259 of that Act by virtue of this section as if in subsection (1)(c)(ii) the words “imprisonment for a term not exceeding two years, or” and “or both” were omitted.”.

Identity of master

40. For section 138 (Identity of master) of the Act substitute—

“Identity of master and owner

138.—(1) The master of a vessel in the Thames shall 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 of the vessel and the owner’s address.

(2) If a master—

(a) fails to give the required information; or

(b) gives false or inaccurate information,

in response to a request under subsection (1) the master shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.

(3) The master or owner of a vessel shall, on written application by the Port Authority, give to the Port Authority in writing all information in the master’s or owner’s power as to the person who at any particular time was the master or owner of the vessel and the master or any owner refusing to give such information, giving false or misleading information or by the master’s or owner’s own negligence or default being unable to give the name and

(a) 1995 c. 21

address of such person, shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.

(4) In any proceedings relating to the vessel or its master the written information given pursuant to subsection (3) shall be admissible as evidence for the purpose of determining the identity of the master or owner of the vessel at a particular time.

(5) In this section “owner” means the owner of a vessel and any person having any interest in a vessel (whether as joint owner, lessee, bare boat charterer, mortgagee or otherwise) and includes a person letting a vessel for hire whether or not that person owns the vessel.”.

Account of imports to be given to Port Authority

41. Section 141 (Account of imports to be given to Port Authority) of the Act is amended as follows:—

(a) for subsection (1) substitute:

“(1) The master of a vessel carrying cargo and required by the Charges Regulations made under Section 22 (Charges Regulations) to supply a manifest or report of the cargo to the Port Authority shall—

- (a) within twelve hours of arriving at a berth give to the Port Authority a copy of the manifest or report of the cargo;
- (b) within 12 hours after departure from a berth give to the Port Authority a copy of the manifest or report of the cargo.”

(b) in subsection (2) for “£20” substitute “level 1 on the standard scale.”.

Thames Byelaws

42. In subsection (1) of section 162 (Thames Byelaws) of the Act at the end insert—

“(m) to secure the conservation of the natural beauty of the countryside and of flora, fauna and geological or physiographical features of special interest.”.

Fines for breach of byelaws

43. For paragraph (d) of section 167 (Fines for breach of byelaws) of the Act substitute—

“(d) in the case of any other byelaws, a fine not exceeding level 4 on the standard scale and a daily fine not exceeding £50.”.

Confirmation of byelaws

44. In section 168 (Confirmation of byelaws) of the Act—

- (a) in subsection (3)(a) from “shall be published” to the end of the subsection substitute “in one or more local newspapers circulating in the area to which the byelaws are to apply”;
- (b) in subsection (3)(c) for “head office” substitute “principal office”; and
- (c) in subsection (3)(d) at the end insert “if demanded”.

Rights of way over licensed works

45. After section 175 (Application of Town and Country Planning Acts to Port Authority’s land) insert—

“Rights of way over licensed works and land of Port Authority

175A. As from [] no right of way shall be acquired by prescription or user over any licensed work in or over the Thames or any road, way, slipway, steps or place on land within the ownership of the Port Authority and giving access to the Thames.”.

Adverse possession claims in relation in relation to Thames

46. After section 175A (Rights of way over licensed works and land of Port Authority) inserted by article 43 of this Order insert—

“Adverse possession claims in relation to Thames

175B.—(1) Subject to subsection (2), paragraph 11 of Schedule 1 to the Limitation Act 1980(a) shall apply 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.

(2) This section shall not apply in respect of any action which has accrued more than 12 years before [*date of coming into force of the Order*].

(3) In this section “foreshore” and “the Crown” have the same meaning as in paragraph 11 of Schedule 1 to the Limitation Act 1980.”.

Port Authority’s publications

47. In section 185 (Port Authority’s publications) of the Act—

- (a) in paragraphs (a) and (b) for “head office” substitute “principal office”; and
- (b) in paragraph (b) at the end insert “if demanded”.

Crown Rights

48. In subsection (3) of section 186 (Crown Rights) after “Part VII (Vessels and Navigation)” insert “or section 74B (Unauthorised mooring)”.

Protection of statutory undertakers

49. Section 195 (For protection of statutory undertakers) is amended as follows:—

- (a) in subsection (3)(a) after “for the protection of navigation” insert “or for conservancy of the Thames or to enable the construction of works within the Thames”;
- (b) after subsection (4) insert—

“(4A) Directions given by the Port Authority under subsection (3)(a) may include a requirement to relocate apparatus of the undertakers at the expense of the Port Authority.”

(a) 1980 c.

Prohibition on pollution, etc, of Thames and docks

50. In section 200 (Prohibition on pollution, etc, of Thames and docks) of the Act—

(a) in subsection (1)—

(i) after “to fall” insert “or pass”; and

(ii) after “any solid matter” insert “(including solids in suspension) or any poisonous, noxious or waste matter or liquid.”;

(b) in subsection (5) at the end insert—

“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 from the person guilty of an offence under subsection (1) or (2).”.

Description of port limits

51. In paragraph 2 of Schedule 1 to the Act after “harbours, docks ” insert “(whether or not belonging to or administered by the Port Authority)”.

Metric measurements

52. In the sections or Schedules of the Act listed in column 1 of Schedule 1, for the imperial measurements listed in column 2 of Schedule 1 there shall be substituted the metric measurements listed in column 3 of that Schedule.

Repeals

53. The provisions of the Act specified in column 1 of Schedule 2 are repealed to the extent specified in column 2.

Signed by the authority of

Secretary of State for Transport

Date

Head of Ports Division

Department for Transport

SCHEDULE 1

<i>Section or Schedule</i>	<i>Imperial measurement</i>	<i>Metric measurement</i>
61 (Protection in relation to dredging)	20 yards	6.0 metres
88 (maintenance of Richmond works and working of sluices)	5 feet 9 inches	1.75 metres
89 (Construction of references to Trinity High Water)	11.4 feet	3.5 metres
207 (1) (c)	100 yards	91.44 metres
Schedule 1, paragraph 2(e)	1000 yards	914.4 metres
Schedule 8, column 2, paragraph 1(c)	100 yards	91.44 metres

SCHEDULE 2

<i>Provision</i>	<i>Extent of repeal</i>
Section 2	In subsection (1) the definitions of “craft”, “lighter”, “lighterman” “river duties of tonnage”, “the Surrey Canal” and “tug” Subsection (3).
Section 27	The whole section
Sections 29 to 31	The whole of those sections
Sections 32 and 33	The whole of both sections
Section 41	The whole section
Section 49	The whole section
Section 58	The whole section
Section 68	The whole section
Section 70	Subsections (2) and (3)
Sections 139 to 140	The whole of both sections
Section 175	The whole section
Section 180	The whole section
Section 189	Subsection (3)
Section 209	The whole section
Schedule 2	Paragraph 7
Schedule 7	The whole schedule
Schedule 10	The whole schedule

EXPLANATORY NOTE

(This note is not part of the Order)

[To be completed]

STATUTORY INSTRUMENTS

201[] No.

HARBOURS, DOCKS, PIERS AND FERRIES

Port of London Authority Harbour Revision Order 201[]

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