

Port of London Act 1968

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ELIZABETH II



1968 CHAPTER xxxii

An Act to consolidate with amendments the statutory provisions relating to the Port of London Authority; and for other purposes. [26th July 1968]

WHEREAS by the Port of London Act, 1908, the Port of London Authority were established for the purpose of administering, preserving and improving the port of London and for other purposes in that Act set forth:

And whereas by various subsequent Acts and Orders further powers were conferred on the Port Authority:

And whereas it is expedient that the provisions of the various enactments by which or by reference to which the constitution, powers, rights, authorities, privileges, duties and obligations of the Port Authority are at present defined should be unified, consolidated and amended as in this Act provided:

And whereas it is expedient that other powers be conferred on the Port Authority as in this Act contained and that the other provisions of this Act be enacted:

And whereas the objects of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I
PRELIMINARY

- Short title. 1. This Act may be cited as the Port of London Act 1968.
- Interpretation. 2.—(1) In this Act, except so far as the context otherwise requires—
- “ arrestable offence ” means an offence for which the sentence is fixed by law or for which a person, not previously convicted, may under, or by virtue of, any enactment be sentenced to imprisonment for a term of five years;
 - “ 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 boat let for hire for carrying persons and includes a passenger boat;
 - “ 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 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;
 - “ 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 of Customs and Excise;
 - “ 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 in section 81 of the Land Drainage Act, 1930; 1930 c. 44.
- “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 customs or excise have been applied by statute; 1952 c. 44.
- “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;
- “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;
- “the former seaward limit” 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;
- “harbourmaster” means a person appointed by the Port Authority to be a harbourmaster and includes the deputies and assistants of a person so appointed;
- “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 supported on foils;
- “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;

PART I
—cont.

- “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 any person having or taking the command, charge or management of a vessel for the time being;
- “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 Minister of Transport;
- “mooring” includes anchoring;
- “navigation tolls” means dues for the time being charged by the Port Authority on a vessel navigating the Thames westward of London Bridge and based on—
- (a) the number of tons of merchandise carried by the vessel; or
- (b) in the case of a vessel not carrying merchandise the number of tons of merchandise which the vessel is capable of carrying;
- “owner” in relation to a vessel includes the charterer;
- “passenger boat” means a boat used for carrying passengers for reward;
- “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;
- “port fund” means the port fund established under section 16 of the Port of London Act, 1908;
- “port police area” means—
- (a) the port premises and any place within one mile of the port premises; and
- (b) any specified premises;
- “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 by the Port Authority in 1909 and 1910;

1908 c. 68.

- “ 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; 1890 c. ccxxiv.
- “ river authority ” means a river authority constituted under the Water Resources Act 1963 and includes the Lee Conservancy Catchment Board; 1963 c. 38.
- “ 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 the Custom House;
- “ 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;
- “ specified premises ” means premises specified in a subsisting agreement made under section 158 (Services of police force at specified premises) of this Act;
- “ the Surrey Canal ” means the Grand Surrey Canal and includes the entrance lock to the canal;
- “ the Thames ” means so much of the river Thames, the Thames estuary, rivers, streams, creeks, watercourses and the sea as is within the limits;
- “ 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;

PART I
—cont.

“trader” in relation to port rates, means—

(a) the owner of imported goods 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 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 or moved and includes any thing constructed or used to carry persons or goods by water and a seaplane on or in the water, a hovercraft and a hydrofoil vessel;

“waterman” means a person navigating a passenger boat;

“works” where used in relation to the licensing 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 of dredging, etc.) of this Act and “work” shall be construed accordingly;

“works licence” means a licence granted under subsection (1) of section 66 (Licensing of works) of this Act;

“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.

(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.

PART I
—cont.

PART II

CONSTITUTION OF THE PORT AUTHORITY

3. The Port Authority shall consist of not less than fifteen and not more than sixteen members, and Part I of Schedule 2 to this Act shall have effect with respect to the constitution and members of the Port Authority. Constitution.

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

PART III

DUTIES AND GENERAL POWERS OF THE PORT AUTHORITY

5.—(1) It shall be the duty of the Port Authority—

- (a) 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;
- (b) to take such action as they consider necessary or desirable for or incidental to the improvement and conservancy of the Thames.

General duties
and powers.

(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.

PART III
—cont.

(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) and (2) of this section.

Public access
to port
premises.

6.—(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.

Hydrographic
surveys.

7.—(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.

(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 as they consider should be published by them.

Annual report.

8.—(1) The Port Authority shall as soon as possible after the end of each financial year report to the Minister on the exercise and performance of their functions during the preceding financial year and the Minister shall lay a copy of every such report before each House of Parliament.

(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 at a reasonable price.

PART III
—cont.

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

10. 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. Power to acquire undertakings.

11.—(1) The Port Authority may for the purposes of the undertaking acquire land by agreement, whether by way of purchase, exchange, lease or otherwise. Powers relating to 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 (Authorisation Procedure) Act, 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. 1946 c. 49.

(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, for such period, upon such conditions and for such consideration as they think fit.

(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

PART III
—cont.

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.

1965 c. 56.

(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.

Powers relating
to legislation.

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

Power to
acquire
securities, lend
money and
give
guarantees.

13. 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;

(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.

Construction
of vessels.

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

Powers
formerly
exercisable by
the Crown
and City of
London.
1857 c. cxlvii.

15. 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.

Arrangements,
etc., with
British
Railways
Board.

16. 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.

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

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

(2) The Port Authority shall not without the consent of the Commissioners of Customs and Excise 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. 1952 c. 44.

19.—(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. Staff benefits.

(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. 1928 c. xlvii.

PART III
—cont.

(3) Nothing in the Truck Acts, 1831 to 1940, shall prevent the deduction by the Port Authority of employees' contributions due under a pension scheme established by the Port Authority from the employees' wages or render invalid any provision for such deduction in any such scheme.

1902 c. 21.

(4) For the purposes of the Shop Clubs Act, 1902, a pension scheme established by the Port Authority shall be deemed not to constitute a shop club or thrift fund within the meaning of that Act.

Staff housing.

20. 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

Power to make
certain
charges.

1964 c. 40.

21.—(1) The Port Authority may demand, take and recover in respect of any 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 the limits such charge as they think fit, and the provisions of sections 30, 31, 32 and 34 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 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. PART IV
—cont.
1964 c. 40.

22.—(1) The Port Authority may make regulations—

Charges
regulations.

- (a) prescribing the time when a charge falls due for payment to the Port Authority and 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; and
 - (ii) a person using a service or facility for which the Port Authority may charge and the agent of any such person;
 to give to the Port Authority such information as is 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.

PART IV
—cont.

(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 regulations made under this section shall be included in each schedule of charges published by the Port Authority.

(b) Copies of the regulations shall 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.

Arrangements with Commissioners of Customs and Excise.

23.—(1) The Port Authority and the Commissioners of Customs and Excise 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 of Customs and Excise may produce to a duly authorised officer of the Port Authority any records or papers in their custody relating to any vessel or goods.

(b) Notwithstanding the provisions of section 64 of the Merchant Shipping Act, 1894, the said Commissioners 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 of the said Act.

1894 c. 60.

Compounding arrangements and rebates.
1964 c. 40.

24. 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.

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

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

1894 c. ccv.

26.—(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.

PART IV
—cont.

Charges for
Richmond
footbridge.
1954 c. 64.

(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.

27. No charge shall be made for the use of Richmond lock or slipway—

Exemption
from charges
at Richmond
lock and
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.

28. 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—

Exemption
from charges
for Crown, etc.

(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 of Customs and Excise or of the Commissioner of the Metropolitan Police and not carrying goods for reward; or

(iii) employed by or under the authority of the Postmaster General or 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

1953 c. 36.

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

(b) the Commissioners of Customs and Excise in respect of a vessel or goods under customs seizure;

(c) a mail bag as defined by the Post Office Act, 1953, conveyed by a vessel;

(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.

PART IV
—cont.

Exemption
from port
rates for
bunker fuel
and fish.

29.—(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.

Exemption
from port
rates for goods
in transit.

30.—(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.

31.—(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.

PART IV
—cont.

Exemption
from port
rates for
estuary
traffic.

1952 c. 44.

(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.

32.—(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—

Further
exemption
for estuary
traffic.

(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.

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

Exemption
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;

PART IV
—cont.
1894 c. 60.

- (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.

Exemption
from naviga-
tion tolls.

34. The following vessels shall be exempt from navigation tolls:—

- (a) a pleasure boat;
- (b) a vessel navigating westward of London Bridge to or from a point eastward of Strand-on-the-Green.

Payment of
charges.

35.—(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.

(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 the Custom House, 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.

Security for
charges.

36. The Port Authority may require a person who incurs or intends to incur a charge to deposit with them, or to guarantee, such sum of money as is, in the opinion of the Port Authority, reasonable having regard to the amount or probable amount of the charge and where such a person fails to deposit or to guarantee the sum of money required, the Port Authority may detain a vessel at the 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.

Certificate of
payment.

37. 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 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.

PART IV
—cont.

38.—(1) A duly authorised officer of the Port Authority may on producing, if so required, his 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.

Entry on
vessels.

(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 vessel pursuant to subsection (1) of this section shall be guilty of an offence and liable to a fine not exceeding fifty pounds.

39.—(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.

Recovery and
enforcement
of charges.

(2) If a charge 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)—

- (a) in the case of a charge on or in respect of goods on the port premises, detain the goods;
- (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
- (c) 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.

(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;

PART IV
—cont.

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 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;

sell any of the goods or the vessel or its appurtenances detained pursuant to subsection (2) or subsection (3) of this section or, if any property detained is in the 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 and disposal of the property detained:

Provided that if any goods detained under subsection (2) or subsection (3) of this section are perishable and a responsible officer of the Port Authority is of 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.

PART IV
—cont.

(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 1894 c. 60. 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.

(6) If the master of a vessel which is being detained under this section or under 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 one hundred pounds.

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

(a) in payment of the expenses of seizure, detention and sale 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 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 detained by the Port Authority and not disposed of by them under the powers of this section shall, 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.

PART IV
—cont.

(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 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 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 which the Port Authority are authorised to seize and detain under this section.

Refusal of
customs
clearance.

40. A customs officer 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.

Claims for
repayment of
port rates.

41. 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.

Liens for
port rates.

42.—(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.

43.—(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.

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

(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 fifty pounds.

44.—(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;

False
information
and evasion
of charges.

shall be guilty of an offence and liable to a fine not exceeding one hundred pounds.

(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 one hundred pounds;

notwithstanding the fact that subsequent to the commission of the offence he has tendered or paid to the Port Authority the charge in question.

PART IV
—cont.Refusal to
pay charges
for landing
place.

Port fund.

Application of
Port
Authority's
revenue.

45. 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.

(b) Financial management and borrowing powers

46. 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.

47.—(1) Subject to subsection (2) of this section, the receipts 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;

(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) 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 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.

48.—(1) The Port Authority may—

(a) borrow on the security of the port fund and of the revenues of the Port Authority and raise money by any of the following methods:—

- (i) by the issue of bonds;
- (ii) by the acceptance of deposits;
- (iii) by the creation and issue of port stock; and
- (iv) by such other method as the Minister shall in writing approve;

(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 one hundred and twenty million pounds.

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

- (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.

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

49.—(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.

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

51. 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

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—cont.

Borrowing powers.

Temporary loans.

1920 c. clxxiii.

Lenders not to be concerned with application of money lent.

Port Authority not bound to recognise any trust.

PART IV
—cont.

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.

Ranking of
port stock.

52. 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) 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.

Stock
regulations.
1908 c. 68.

53.—(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.

1920 c. clxxiii.

(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.

1889 c. 63.

(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.

54.—(1) The holders of port stock to an aggregate nominal value of not less than five hundred thousand pounds may, if the Port Authority have been in default in the payment of interest on the stock for not less than three months, apply to the High Court for the appointment of a receiver and manager of the undertaking.

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—cont.
Miscellaneous
rights of
stockholders.

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

(3) Interest on A port stock shall be paid half-yearly.

55.—(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.

Regulations
relating
to bonds.

(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.

1891 c. 39.

(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.

56. 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.

Power to
charge
interest to
capital.

57. 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.

General
reserve.

58. 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.

Saving for
powers of the
Treasury.
1946 c. 58.

59.—(1) The Port Authority shall keep proper accounts and proper records in relation thereto.

Accounts and
audit.

(2) The accounts for each financial year shall be audited by an auditor or firm of accountants appointed by the Minister.

(3) A person or firm shall not be qualified to be appointed as auditors under this section unless he is a member, or in the case

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—cont.

of a firm all the partners are members, of one or more of the following bodies:—

- (a) the Institute of Chartered Accountants in England and Wales;
- (b) the Institute of Chartered Accountants of Scotland;
- (c) the Association of Certified and Corporate Accountants;
- (d) the Institute of Chartered Accountants in Ireland;
- (e) any body of accountants established in the United Kingdom and at the time of the appointment of the auditors under this section recognised by the Board of Trade for the purposes of paragraph (a) of subsection (1) of section 161 of the Companies Act, 1948.

1948 c. 38.

(4) The audit fee to be paid to the auditor or firm of accountants appointed under this section shall be agreed by the Minister after consultation with the Port Authority.

PART V

THE THAMES

*(a) Operations of the Port Authority*Dredging and
improvement.

60.—(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.

Protection in
relation to
dredging.

61.—(1) Except as otherwise provided by any other enactment or agreement or by any licence 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.

(2) Before exercising the powers of section 60 (Dredging and improvement) of this Act within twenty yards of—

- (a) the pier of a bridge over, or a tunnel under, the Thames;
- (b) a sewer under the Thames vested in a local authority;
- (c) a submarine cable placed or maintained by the Postmaster General; or

(d) an electric line, main or pipe (including cooling water intake and outfall works) under the Thames vested in any statutory electricity, gas or water 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 electric line, main or pipe (including cooling water intake and outfall works) unless the undertakers concerned have supplied the Port Authority with a plan showing the position in which the electric line, main or pipe 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 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, 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 or of a drainage authority in exercise of their functions under the Land Drainage Act, 1930, the Land Drainage Act, 1961, or the Water Resources Act 1963 shall be deemed to be vested in the authority.

1930 c. 44.
1961 c. 48.
1963 c. 38.

62.—(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.

63.—(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 a mooring chain placed in the Thames before 29th September, 1857, but the Port Authority may remove 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.

Removal of private moorings.

(2) Unless the owner and the Port Authority agree, the compensation payable under this section shall 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 Institution of Civil Engineers.

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—cont.

(3) The Port Authority may recover the expenses incurred by them in removing a broken, dangerous or useless mooring chain under subsection (1) of this section, from its owner as a debt in any court of competent jurisdiction.

Use of
Thames
water.

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

Reclaiming
creeks, etc.

65. 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 power of this section—

(a) in relation to any land not owned by them 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 belonging to the Greater London Council 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 council, as the case may be.

(b) *Control of works and dredging*

Licensing of
works.

66.—(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, alter, renew, maintain or retain 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.

(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.

(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.

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

(a) constitute or form part of an embankment;

(b) project over the Thames; or

(c) involve cutting its banks;

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

(5) A works licence 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 the holder of the licence shall not damage or injuriously affect—

(a) any submarine cable placed or maintained by the Postmaster General; 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 or the undertakers concerned, as the case may be, interfere with or adversely affect the operation of any such submarine cable or undertakers work.

(7) A works licence 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 or a drainage authority in exercise of their functions under the Land Drainage Act, 1930, the Land Drainage Act, 1961, or the Water Resources Act 1963.

1930 c. 44.
1961 c. 48.
1963 c. 38.

67.—(1) The consideration for a works licence shall be such sum 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.

Consideration
for licence.

(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

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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 payable 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.

Exemption for works authorised or powers conferred before 17th August, 1894.

Appeal to Board of Trade.

68. 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.

69.—(1) An applicant for a works licence who is aggrieved by—

- (a) the refusal by the Port Authority to grant the licence;
- (b) any term upon which the Port Authority propose to grant the licence (other than the consideration for the licence or its reassessment); or
- (c) any modification by the Port Authority in the plans, sections or particulars submitted by the applicant;

and a holder of a works licence who is aggrieved by the revocation or variation of his licence 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) may within twenty-eight days from the date upon which the Port Authority are under subsection (3) of section 66 (Licensing of works) of this Act deemed to have refused the application or the date upon which the Port Authority notify him of their decision, as the case may be, appeal to the Board of Trade 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 right to appeal to the Board of Trade under this section.

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

Works not to be constructed, etc., without works licence.

70.—(1) No person shall carry out, construct, place, alter, renew, maintain or retain works unless he is licensed so to do by a subsisting works licence and except upon the terms and conditions, if any, upon which the licence is granted and in accordance with the plans, sections and particulars approved in pursuance of section 66 (Licensing of works) of this Act.

(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 liable to a fine not exceeding four hundred pounds and to a daily fine not exceeding twenty pounds.

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(3) The Port Authority may by notice require a person who contravenes the provisions of this section to remove or abate within a reasonable time specified in the notice any works 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 required by the notice and recover the cost of so doing from that person as a debt in any court of competent jurisdiction.

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

72.—(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. Vesting of embanked land.

(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.

73.—(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 of the licence, grant to a person a licence to cleanse, scour, cut, deepen, widen, dredge or take up or remove material from the bed and banks of the Thames. Licensing of dredging, etc.

(2) A licence 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 licence granted under this section

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shall, without prejudice to any other remedy or proceeding against him, be guilty of an offence and liable to a fine not exceeding one hundred pounds.

(4) The issue of a licence under this section shall not confer statutory authority for the carrying out of the work covered by the licence.

(5) In the exercise of the powers conferred by a dredging licence the holder of the licence shall not damage or injuriously affect—

(a) any submarine cable placed or maintained by the Postmaster General; 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 or the undertakers concerned, as the case may be, interfere with or adversely affect the operation of any such submarine cable or undertakers work.

(6) A dredging licence shall not be required under this section by a river authority or drainage authority in exercise of their functions under the Land Drainage Act, 1930, the Land Drainage Act, 1961, or the Water Resources Act 1963.

1930 c. 44.
1961 c. 48.
1963 c. 38.

Crown
property.

74. A person licensed by the Port Authority under section 66 (Licensing of works) or section 73 (Licensing 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 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.

Lands above
mean high
water level.

75.—(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 Lands 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 fifty pounds.

(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.

(c) Obligations relating to tidal works

76.—(1) A work shall not be placed or constructed on the bed Works to be of the Thames under the direction or licence of the Port Authority approved by and a work so placed or constructed shall not be altered or ^{Board of} Trade.

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—cont.

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.

Provision
against
danger to
navigation.

77.—(1) In case of injury to or destruction or decay of a tidal work or any part thereof the Port Authority shall forthwith 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 one hundred pounds and on conviction on indictment to a fine.

Abatement
of works
abandoned
or decayed.

78.—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Board of Trade 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 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 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 may execute the works specified in the notice and any expenditure incurred by them in so doing shall be recoverable from the Port Authority as a simple contract debt.

79. The Board of Trade 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 in any such survey and examination shall be recoverable from the Port Authority as a simple contract debt.

80.—(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 one hundred pounds and on conviction on indictment to a fine.

(d) Landing places

81.—(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.

82.—(1) The Greater London Council may transfer to the Port Authority a landing place belonging to the Council, whether by way of sale or lease, upon such conditions and for such consideration as may be agreed between the Council and the Port Authority.

(2) (a) Upon such transfer, unless the instrument of transfer stipulates otherwise, byelaws of the Greater London Council 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.

83. 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

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—cont.

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.

Replacement
of marked
landing
places.

84. 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.

Agreements
about calling
at landing
places.

85.—(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 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.

*(e) Fish*Area of
jurisdiction
relating to
fish.

86.—(1) The Minister of Agriculture, Fisheries and Food may with the consent of the Minister make an order by statutory instrument either—

(a) excluding from the Kent and Essex sea fisheries district such part of the Thames as is included therein and extending the powers of the Port Authority with respect to fish to the part of the Thames eastward of the Yantlet line; or

(b) extending the Kent and Essex sea fisheries district to such part of the Thames westward of the Yantlet line as may be specified in the order and excluding such part from the area within which the said powers of the Port Authority may be exercised.

(2) Unless there is in force an order made under subsection (1) of this section, the said powers shall extend to the Yantlet line but not eastward of that line.

(3) An order under this section shall be treated as if it were an amending order made under the Sea Fisheries Regulation Act, 1966.

87.—(1) Subject to section 86 (Area of jurisdiction relating to fish) of this Act, an officer of, or other person duly authorised by, the Port Authority may, on producing, if so required, his authority—

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—cont.

Entry on
fishing vessel.

(a) enter a vessel in the Thames and search for fish unlawfully taken and for any unlawful net or apparatus for taking or destroying fish;

(b) seize any such fish, net or apparatus found therein; and

(c) seize on the foreshore or bank of the Thames fish unlawfully taken or any unlawful net or apparatus for taking or destroying fish.

(2) Anything seized under subsection (1) of this section shall be brought before a justice of the peace to be dealt with under the byelaws of the Port Authority or otherwise according to law.

(f) *Richmond lock, footbridge, etc.*

88.—(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 below the datum line referred to in section 89 (Construction of references to Trinity High Water) of this Act.

Maintenance
of Richmond
works and
working of
sluices.

(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 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.

(g) *Miscellaneous*

89.—(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.

Construction
of references
to Trinity
High Water.

(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.

PART V
—cont.
Entry on
land to
survey, etc.

90.—(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 constructed, placed, altered, renewed, maintained or retained contrary to section 70 (Works not to be constructed, etc., without works licence) 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:

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.

(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 Lands 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.

(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.

91.—(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 (including works 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 and to prevent accident to the spectators.

1961 c. 33.

Times when
public use
of Thames
may be
restricted.

(2) Subsection (1) of this section shall not be construed as empowering the Port Authority to impose a permanent exclusion or restriction.

PART V
—cont.

(3) Where practicable the Port Authority shall give notice, in whatever manner they consider appropriate, of their intention to exercise the powers conferred by this section.

92. 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 the Thames or on its banks.

Abatement of nuisances.

93. 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.

Flood prevention.
1901 c. ccxxvii.
1917 c. xliv.
1879 c. cxcviii.

PART VI

PREVENTION OF POLLUTION

94. In this Part of this Act and in Part I of Schedule 5 to this Act—

Interpretation in Part VI.

“ the Act of 1951 ” means the Rivers (Prevention of Pollution) Act, 1951; 1951 c. 64.

“ the Act of 1961 ” means the Rivers (Prevention of Pollution) Act, 1961; 1961 c. 50.

“ the Act of 1963 ” means the Water Resources Act 1963; 1963 c. 38.

“ the council ” means the Greater London Council;

“ London excluded area ” means so much of Greater London, and of any area adjoining Greater London as does not lie within the Thames catchment area, the Lee catchment area or the area of any river authority;

“ the Minister ” means the Minister of Housing and Local Government;

“ the scheme ” means the scheme set out in Part I of Schedule 5 to this Act;

“ Thames area ” means the area comprising—

(a) all tidal parts of the Thames and of its tributaries and creeks between the landward limit and the former seaward limit but does not include—

(i) any waters within the limits defined in subparagraph (a) of paragraph 26 of the schedule to the Clean Rivers (Estuaries and Tidal Waters) Act, 1960;

1960 c. 54

PART VI
—cont.

1868 c. cliv.

(ii) 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;

(b) the waters of any enclosed dock and of any lock connected with the Thames between the landward limit and the former seaward limit; and

1855 c. 120.

(c) all streams, watercourses and canals in the London excluded area including those parts of the river Wandle and Beverley Brook which were vested as main sewers in the Metropolitan Board of Works under the Metropolis Management Act, 1855.

Application to Thames area of enactments relating to pollution.

95. The provisions of the Act of 1951, the Act of 1961 and the Act of 1963, specified in Part II of Schedule 5 to this Act and of any regulations made under section 3 of the Act of 1961, shall apply within the Thames area and for this purpose such provisions shall, subject to the provisions of this Part of this Act, be read and have effect as if—

- (a) references therein to a river board or to a river authority were references to the Port Authority;
- (b) references therein to the area of a river board or to the area of a river authority were references to the Thames area;
- (c) references in the Act of 1951 and the Act of 1961 to a stream or to the water or waters thereof and references in the Act of 1963 to an inland water or to a source of supply were references to waters in the Thames area or to some part thereof, as the case may be;
- (d) references therein to provisions of the said Acts were references to those provisions as applied to the Thames area by this Part of this Act;
- (e) at the end of subsection (4) of section 3 of the Act of 1951, the words “ or, in relation to apprehended contraventions likely to occur within the limits of the Admiralty jurisdiction of the Mayor’s and City of London Court, to that Court ” were added;
- (f) references in section 7 of the Act of 1951 to “ new or altered outlet ” were references to any outlet which is wholly or partly constructed on or after 1st October, 1966, or which (whether so constructed or not) is substantially altered after that date;
- (g) for the words “ the date appointed under this section ” in subsection (1) of section 1 of the Act of 1961 the words “ the first July 1968 ” were substituted;

(h) references in section 2 of the Act of 1961 to the date appointed under the said section 1 of that Act were references to the date appointed under the said section 1 as amended in its application by paragraph (g) of this section;

(i) in subsection (2) of section 2 and in subsection (1) of section 4 of the Act of 1961 the following paragraph were added:—

“(f) section 200 (Prohibition on pollution, etc., of Thames and docks) of the Port of London Act 1968”;

(j) references in subsection (4) of section 9 of the Act of 1961 to “functions under this Act” and references in subsection (1) of section 111 of the Act of 1963 to “any functions of the authority” were references to the functions of the Port Authority under this Part of this Act;

(k) in subsection (1) of section 114 of the Act of 1963 for paragraph (b) the following paragraph were substituted:—

“(b) is discharging effluents into waters in the Thames area.”;

(l) in section 119 of the Act of 1963 for the words “by any enactment, including any enactment contained in this Act” the words “by section 5 of the Rivers (Prevention of Pollution) Act, 1951” were substituted;

1951 c. 64.

(m) in section 108 and in Schedule 12 of the Act of 1963 for the words “the appropriate Minister or Ministers” and “the Ministers” the words “the Minister of Housing and Local Government” were substituted.

96.—(1) The scheme shall have effect in relation to the exercise of the functions conferred upon the Port Authority and the council under this Part of this Act.

Scheme for exercise of pollution prevention functions.

(2) The Minister may by order vary the scheme after consultation with the Port Authority and the council and, if a proposed variation relates to the appointment as members of the committee set up under the scheme of persons nominated by and representative of the Essex River Authority, the Kent River Authority or the Lee Conservancy Catchment Board, after consultation in relation to the proposed variation with the authority affected.

(3) An order under this section shall be made by statutory instrument and may contain such consequential or incidental provisions as the Minister considers necessary or desirable.

PART VI
—cont.

(4) Nothing in this section or in the scheme or in an order made under this section shall—

- (a) be treated as precluding the Port Authority from imposing any condition which it is lawful for them to impose under section 7 of the Act of 1951 or under section 1 or section 5 of the Act of 1961 as applied by this Act to the Thames area;
- (b) be treated as authorising the Port Authority to disregard the factors mentioned in section 9 (4) of the Act of 1961, as applied by this Act to the Thames area; or
- (c) prejudice or fetter the exercise of the appellate jurisdiction of the Minister under section 6 of the Act of 1961, as applied by this Act to the Thames area.

Transitional
provisions
relating to
pollution.

97.—(1) In this section—

“ a council ” means a council referred to in sub-paragraphs (iii) and (iv) of paragraph (b) of subsection (1) of section 1 of the Act of 1951, or the council, as the case may be;

“ a consent ” and “ an application for consent ” mean respectively a consent given by a council, and an application for consent made to a council, under section 7 of the Act of 1951 or section 1 of the Act of 1961, subsisting immediately before 1st October, 1966;

“ conditions ” means conditions imposed by a council under subsection (4) of section 7 of the Act of 1951, under subsection (5) of section 1, or section 5 of the Act of 1961, subsisting immediately before 1st October, 1966;

“ local authority ” has the meaning assigned to that expression by subsection (1) of section 11 of the Act of 1951.

(2) Notwithstanding the repeal of sub-paragraphs (iii) and (iv) of paragraph (b) of subsection (1) of section 1 of the Act of 1951—

- (a) a consent and conditions shall continue to subsist and shall be enforceable as if the consent or conditions had been given or imposed by the Port Authority;
- (b) an application for consent not determined by a council shall be determined by the Port Authority as if the application had been made to the Port Authority;
- (c) the determination by the Minister of any question relating to a refusal by a council of an application for consent or as to the terms of a consent or as to conditions referred to the Minister for determination shall be binding

on the applicant and the Port Authority as if the application for consent had been made to, or the conditions had been imposed by, the Port Authority.

PART VI
—cont.

(3) A council shall give to the Port Authority such information as the Port Authority may reasonably require in relation to any consent, application for consent, or conditions relating to discharges or proposed discharges of trade or sewage effluent into waters in the Thames area.

98.—(1) Nothing in this Part of this Act, or in the provisions of the enactments applied within the Thames area by section 95 (Application to Thames area of enactments relating to pollution) of this Act, shall—

Exemptions
for local
authorities and
for trade
effluent.

(a) empower the Port Authority to give any consent, or to impose any condition, in relation to; or

(b) penalise or otherwise render unlawful;

any discharge from an outlet which on 31st July, 1964, formed part of the sewerage works of the London County Council and was used solely for the purpose of discharging storm water or storm sewage into waters in the Thames area so long as the outlet continues to be so used.

(2) Subsection (1) of this section shall have effect for a period of twelve months from the date appointed by the Minister under subsection (1) of section 1 of the Act of 1961 (as amended in its application to the Thames area by paragraph (g) of section 95 (Application to Thames area of enactments relating to pollution) of this Act) and shall then expire unless continued in operation under subsection (3) of this section.

(3) The Minister may from time to time by notice in writing to the Port Authority and to the council extend the period of operation of subsection (1) of this section:

Provided that no such extension shall be made—

(i) except in pursuance of a written application made to him by the Port Authority or the council not later than twenty-eight days before the date on which the said subsection would otherwise expire; or

(ii) which extends the period of operation of the said subsection for more than twelve months at a time; or

(iii) so as to extend the period of operation of the said subsection beyond 1st April, 1975.

(4) Without prejudice to the foregoing provisions of this section and until the date appointed by the Minister under subsection (1) of section 1 of the Act of 1961 (as amended in its application to the Thames area by paragraph (g) of section 95 (Application to Thames area of enactments relating to pollution))

PART VI
—cont.

of this Act) nothing in paragraph (a) of subsection (1) of section 2 of the Act of 1951 shall penalise the discharge into waters in the Thames area of any trade effluent or any effluent from the sewage disposal or sewerage works of a local authority if—

- (a) it is not reasonably practicable to dispose of the effluent otherwise than by discharging it (directly or indirectly) into those waters or some other stream; and
- (b) all reasonably practicable steps are taken to prevent the effluent being unnecessarily poisonous, noxious or polluting.

Powers to
Greater
London
Council.
1963 c. 33.

99.—(1) This section applies to all waters in the Thames area which are situate both in Greater London and the London excluded area and to any other waters which for the time being form part of the metropolitan watercourses as defined in paragraph 15 of Schedule 14 to the London Government Act 1963, but does not apply to—

- (i) any tidal part of the Thames and of its tributaries and creeks; or
- (ii) the waters of any enclosed dock or of any lock connected with the Thames; or
- (iii) the Surrey Canal.

(2) Subject to the provisions of this section the council shall, as respects the waters to which this section applies, exercise the functions conferred on the Port Authority by the foregoing provisions of this Part of this Act, and any references in the provisions and regulations applied within the Thames area by section 95 (Application to Thames area of enactments relating to pollution) of this Act, and in subsection (4) of section 96 (Scheme for exercise of pollution prevention functions), and in section 97 (Transitional provisions relating to pollution) and section 98 (Exemptions for local authorities and for trade effluent) of this Act, to “the Port Authority”, “the Thames area”, “waters in the Thames area” and “the functions of the Port Authority under this Part of this Act” shall be construed accordingly.

(3) The council shall supply the Port Authority with the particulars required under subsection (1) of section 100 (Reports) of this Act and such other information as the Port Authority may from time to time reasonably require in relation to the exercise by the council of the said functions.

(4) If at any time the council fail for a period of one month to comply with a written notice served on them by the Port Authority requiring them to exercise or to put into force any of

the said functions in relation to any waters to which this section applies, the Port Authority shall so inform the Minister and, if the Minister is satisfied, after making such inquiries as he considers necessary, that the council have failed to perform any of the functions exercisable by them under subsection (2) of this section in a case where they ought to have performed them, he may (without prejudice to his power to give directions under section 101 (Power for Minister to give directions) of this Act) make an order by statutory instrument providing that, from such date as is specified in the order, subsection (2) of this section shall cease to have effect.

(5) From the date specified in an order made under subsection (4) of this section the Port Authority shall, as respects the waters to which this section applies, exercise the functions conferred on them by the foregoing provisions of this Part of this Act.

(6) An order made under this section may contain such consequential or incidental provisions as the Minister considers necessary or desirable, including such transitional provisions as may be requisite.

(7) Nothing in this section shall prejudice the operation of section 108 of the Act of 1963 as applied by this Act to the Thames area.

(8) Paragraphs 11 to 14 of Schedule 14 to the London Government Act 1963 shall apply to the expenses incurred by the council in the discharge of the functions conferred on them by this section as they apply to the expenses described in the said paragraph 11. 1963 c. 33.

100.—(1) The Port Authority shall before such date in every year as the Minister may fix send to the Minister a report in respect of the exercise during the previous year of the functions conferred on them by this Part of this Act including, so long as the council continue to exercise functions pursuant to section 99 (Powers to Greater London Council) of this Act, particulars of the exercise by the council of the said functions in relation to the waters to which the said section 99 applies. Reports.

(2) The report shall be in such form and shall contain such particulars as the Minister may direct and the Minister shall lay a copy of every report made under subsection (1) of this section before each House of Parliament.

101. The Minister may give to the Port Authority or to the council such directions as he considers expedient in relation to functions exercisable by them under this Part of this Act and the Port Authority or the council, as the case may be, shall be under a duty to comply with any directions so given. Power for Minister to give directions.

PART VI

—cont.

Exclusion of certain functions of a river authority in Thames area.

Amendment of Schedule to the Clean Rivers (Estuaries and Tidal Waters) Act, 1960.

1960 c. 54.

Saving for Port Authority's licensing powers.

Saving for navigation, etc.

Map of Thames area.

1964 c. xxxvi.

102. Subsection (16) of section 7 of the Act of 1951, paragraph (b) of subsection (1) of section 113 and section 114 of the Act of 1963 in their application to a river authority shall not apply within any part of the Thames area.

103. The following sub-paragraph is hereby substituted for sub-paragraph (a) of paragraph 26 of the schedule to the Clean Rivers (Estuaries and Tidal Waters) Act, 1960:—

“(a) from the northern end of the sea wall on the Isle of Grain at TQ89027701 to TR02037300 and thence due south to Warden Point on the Isle of Sheppey at TR02037256; and”.

104. Nothing in this Part of this Act shall prejudice or derogate from the rights or powers of the Port Authority under section 66 (Licensing of works) of this Act.

105. Nothing in this Part of this Act, or in any of the enactments applied within the Thames area by section 95 (Application to Thames area of enactments relating to pollution) of this Act, shall apply in relation to discharges from vessels, or from any place on land, or from any apparatus used for transferring oil from or to any vessel (whether to or from a place on land or to or from another vessel), being discharges which are subject to the provisions of the Oil in Navigable Waters Acts, 1955 and 1963.

106.—(1) In this section—

“the map” means the map approved by the Minister and sent to the Port Authority pursuant to subsection (2) of section 17 of the Port of London Act 1964 or, where the map has been superseded by a new map under this section, the map for the time being in force and includes any variation for the time being in force;

“authorities concerned” means the council, the Essex River Authority, the Kent River Authority, the Lee Conservancy Catchment Board and the Conservators of the River Thames and “authority concerned” means any one of them.

(2) The map shall be kept at the head office of the Port Authority and the Port Authority shall provide reasonable facilities for the inspection of the map by any person wishing to inspect and for the taking of copies of, and extracts from, the map.

(3) The Minister may on his own initiative or on the application of the Port Authority, or any authority concerned, vary the map and—

(a) if he intends to vary the map, whether in accordance with proposals contained in an application or otherwise, the Minister shall give notice of his intention to do so to the

Port Authority and every authority concerned and shall consider any objections made to him within the time and in the manner specified in that notice;

PART VI
—cont.

(b) if he decides to vary the map the Minister shall either require the Port Authority to produce the map to him for variation and return to the Port Authority or shall send to the Port Authority a new map of the Thames area as varied.

(4) The map shall be conclusive evidence for the purposes of this Part of this Act as to the boundaries of the Thames area.

(5) The map shall be taken to be a document within the meaning of the Documentary Evidence Act, 1868, as applied to 1868 c. 37. the Minister.

107. The Port Authority shall be deemed not to be an "interested body" within the meaning given to that expression by subsection (1) of section 14 of the Public Health (Drainage of Trade Premises) Act, 1937. Control of trade effluent by local authorities. 1937 c. 40.

PART VII

VESSELS AND NAVIGATION

(a) *Regulation of vessels in the Thames and the docks*

108.—A master who navigates his vessel on the Thames—

General rules for navigation.

(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;

shall be guilty of an offence and liable to a fine not exceeding one hundred pounds.

109.—(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 fifty pounds. Vessels adrift.

(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.

110.—(1) Subject to subsection (2) of this section the master of a vessel shall not carry in that vessel in the Thames a number of persons greater than it is licensed by the Port Authority as fit to carry, or, if it is not so licensed, than it is reasonably fit to carry. Overcrowding of vessels.

(2) This section shall not apply to the master of a vessel for which there is in force a certificate issued under section 274 of the Merchant Shipping Act, 1894. 1894 c. 60

(3) A master who contravenes this section shall be guilty of an offence and liable to a fine not exceeding fifty pounds if one person

PART VII
—cont.

is carried in the vessel above the number which it is licensed by the Port Authority as fit to carry or which it is reasonably fit to carry, as the case may be, or to a fine not exceeding one hundred pounds if more than one person is so carried.

General
directions
to vessels in
the Thames.

111.—(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;
- (d) requiring the master of a vessel to give to a harbourmaster 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) 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.

Special
directions to
vessels in
the Thames.

112.—(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.

(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;
- (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.

113.—(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—

Directions to vessels at the docks.

- (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.

PART VII
—cont.
Publication of
designations
and general
directions.

114.—(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.

Manner of
giving special
directions.

115. A special direction may be given in any manner considered appropriate by the person giving it.

Master's
responsibility
to be
unaffected.

116. 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.

Failure to
comply with
directions.

117.—(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 fifty pounds.

(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.

Enforcement
of directions.

118.—(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.

PART VII
—cont.

119—(1) The Commissioner of the Metropolitan Police 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. Regulation of crowds.

(2) If the master of a vessel disobeys a constable engaged in keeping order on such occasion he shall be guilty of an offence and, in the case of a vessel propelled otherwise than by oars, be liable to a fine not exceeding twenty pounds and, in the case of a vessel propelled by oars, to a fine not exceeding five pounds.

(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 twenty pounds.

(b) Obstructions and similar hazards to navigation

120.—(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 cause the vessel to be raised, removed, blown up or otherwise destroyed. Power to raise and remove vessels sunk, etc.

(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, 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.

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—cont.

(3) If the proceeds of sale are insufficient, after discharging the said duties or 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 office of the Port Authority 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 lighter, tug or boat for hire which has at any time been registered 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 "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 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.

121.—(1) The Port Authority may remove—

- (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.

Removal of obstructions other than vessels.

(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

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—cont.

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 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 Greater London Council, the Common Council of the City of London and the council of any county, county borough, London borough or county district;

“statutory undertaker” means a person authorised by statute to carry on any undertaking for the supply of electricity, gas or water.

Removal of
projections.

122.—(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 to be placed or constructed.

(2) (a) If any projection is a danger to the navigation of the Thames, the Port Authority may remove it and recover the expenses of removal 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 subsection (3), the Port Authority shall not recover the expenses.

(3) (a) If any projection is 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 the projection and recover the expenses of removal 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.

123.—(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—

Repair of
landing places
and
embankments.

(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

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—cont.

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 one hundred pounds and to a daily fine not exceeding ten pounds; 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.

*(c) Registration of lighters, tugs and boats*Registration
of craft.

124.—(1) Subject to section 128 (Power to refuse or revoke registration of craft and boats for hire) of this Act and to byelaws of the Port Authority for the time being relating to the registration and regulation of craft, the Port Authority shall on receiving an application for the registration of a craft and on being satisfied that the statements in the application are correct—

(a) assign a number to the craft which shall not be a number assigned by the Port Authority to another craft;

(b) assign a number to the owner of the craft, which shall be the same number for all craft owned by that owner but shall not be a number assigned by the Port Authority to another owner;

(c) in the case of a lighter ascertain its tonnage by measurement;

(d) register the craft; and

(e) issue to its owner a certificate of registration signed on behalf of the Port Authority, in a form prescribed by the Port Authority.

(2) A document purporting to be a certificate of registration so issued shall be received in evidence and shall be sufficient evidence of the registration of the craft under this Act and of the particulars relating to the craft shown in the certificate, unless the contrary is shown.

Unregistered
craft not to
be navigated.

125.—(1) Subject to subsection (2) of this section a craft shall not be worked or navigated in the Thames above the former seaward limit unless—

(a) there is in force in relation to it a certificate of registration issued by the Port Authority; and

(b) the name of the craft and such other particulars as may be prescribed in byelaws made by the Port Authority are displayed on the craft in the manner prescribed in those byelaws.

(2) This section shall not apply to—

- (a) a craft employed solely in voyages entirely through that part of the Thames which is above the former seaward limit without taking in or discharging goods within that part;
- (b) a craft passing through the limits on a voyage between a place on the river Medway and any other place outside the limits; or
- (c) a craft navigated occasionally only in the part of the Thames which is above the former seaward limit.

(3) The owner of a craft which is worked or navigated in contravention of subsection (1) of this section shall be guilty of an offence and liable to a fine not exceeding twenty pounds.

126.—(1) Subject to section 128 (Power to refuse or revoke registration of craft and boats for hire) of this Act and to byelaws of the Port Authority for the time being relating to the registration, regulation and licensing of boats, the Port Authority shall on receiving an application for the registration of a boat for hire and on being satisfied that the statements in the application are correct—

Registration
of boats for
hire.

- (a) ascertain the number of persons the boat is fit to carry;
- (b) assign a number to the boat which shall not be a number assigned by the Port Authority to another boat;
- (c) register the boat; and
- (d) issue to the owner of the boat a licence signed on behalf of the Port Authority, in a form prescribed by the Port Authority.

(2) A document purporting to be a licence so issued shall be received in evidence and shall be sufficient evidence of the registration of the boat under this Act and of the particulars relating to the boat shown in the licence, unless the contrary is shown.

127.—(1) For the purposes of this section and of section 128 (Power to refuse or revoke registration of craft and boats for hire) of this Act, “the licensing area” means that part of the Thames which is above Lower Hope Point.

Unregistered
boat for hire
not to be used.

(2) Subject to subsection (3) of this section, a boat for hire shall not be let for hire for carrying persons nor be used for carrying passengers for reward in any part of the licensing area unless—

- (a) a licence issued by the Port Authority for that part or for the whole of the licensing area is in force in relation to the boat; and
- (b) the name of the boat and such other particulars as may be prescribed in byelaws made by the Port Authority are displayed on the boat in the manner prescribed in those byelaws.

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—cont.

1894 c. 60.

1964 c. 47.

(3) This section shall not apply to—

- (a) a boat employed solely in voyages entirely through the licensing area without embarking or disembarking passengers within that area; or
- (b) a boat subject to section 271 of the Merchant Shipping Act, 1894, as extended by section 743 of that Act and as amended by section 17 of the Merchant Shipping Act 1964.

(4) The owner of a boat for hire which is let or used in contravention of subsection (2) of this section shall be guilty of an offence and liable to a fine not exceeding twenty pounds.

Power to refuse or revoke registration of craft and boats for hire.

128.—(1) Subject to section 129 (Appeals) of this Act, the Port Authority may refuse to register or may revoke the registration of a craft if they are satisfied that—

- (a) being a lighter, it is not fit to carry cargo, and, in particular—
 - (i) being a lighter likely to be used for carrying frozen or chilled goods or other goods requiring special stowage for their preservation, it is not fit to carry such goods; or
 - (ii) being a lighter likely to be used for carrying goods which may be a danger to persons or other goods on or in the vicinity of the lighter, it is not designed or equipped in a manner fit to prevent that danger; or
- (b) being a tug, it is not fit for use as a tug.

(2) Subject to section 129 (Appeals) of this Act, the Port Authority may refuse to register or may revoke the registration of a boat for hire for the whole of the licensing area or for a specified part of the licensing area—

- (a) if they are satisfied that it is not fit to carry persons;
- (b) if there have been two or more convictions for an offence against section 110 (Overcrowding of vessels) of this Act in relation to the boat; or
- (c) if they are satisfied that it is in the interests of safe navigation to prohibit boats for hire in that part of the licensing area or to restrict the number of boats for hire in the licensing area or in that part of the licensing area.

(3) In considering for the purposes of this section the fitness of a craft or boat for hire the Port Authority may have regard, amongst other things, to its accommodation, sanitary arrangements, life-saving equipment and fire extinguishing appliances.

(4) The Port Authority may, subject to the provisions of section 129 (Appeals) of this Act, require the owner of the craft or boat to give them such information or reports as they may reasonably require as to its fitness.

129.—(1) If the Port Authority under section 128 (Power to refuse or revoke registration of craft and boats for hire) of this Act—

PART VII
—cont.
Appeals.

- (a) refuse to register a craft or boat for hire; or
- (b) revoke the registration of a craft or boat for hire; or
- (c) require the owner of the craft or boat to give them information or reports as to its fitness;

they shall give written notice to the owner of the craft or boat of their decision or requirement and the notice shall inform the owner of his right under subsection (2) of this section to appeal against the decision or requirement.

(2) The owner of a craft or boat for hire who is aggrieved by a decision or a requirement made under subsection (1) of this section may, within a time specified in the notice of the decision or requirement, being a date not earlier than twenty-eight days after the service of the notice on the owner, appeal to the Board of Trade, and Schedule 4 to this Act shall apply in relation to such an appeal.

130. If the Port Authority are satisfied that a certificate of registration of a craft or a licence for a boat for hire issued by them and in force is—

Inaccurate
or lost certifi-
cates or
licences.

- (a) inaccurate, they shall issue to the owner of the craft or boat a corrected certificate or licence and shall amend their register accordingly;
- (b) lost or destroyed, they shall issue to the owner of the craft or boat a duplicate of the certificate or licence.

131.—(1) The Port Authority shall on the written application by the mortgagee or assignee of a craft registered by the Port Authority register particulars of a subsisting mortgage of the craft or of a subsisting assignment of the craft by way of security or in trust for the benefit of creditors.

Registers to
record
mortgages,
etc., and to be
open to
inspection.

(2) The registers relating to craft and boats for hire 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.

132. The Port Authority may make reasonable charges in respect of the exercise of their functions under sections 124 (Registration of craft) to 131 (Registers to record mortgages, etc., and to be open to inspection) of this Act.

Charges in
relation to
craft and
boats for hire.

(d) *Miscellaneous*

133.—(1) The Port Authority may by written notice require a person placing or using on or near the Thames a light which is, in their opinion, calculated 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.

Lights
detrimental
to navigation.

PART VII
—cont.

(2) A person who—

- (a) fails to comply with a notice given 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 under this section;

shall be guilty of an offence and liable to a fine not exceeding fifty pounds and to a daily fine not exceeding five pounds.

Damage by
a vessel.

134.—(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
- (ii) equipment in the Thames belonging to 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.

(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.

Interfering
with moorings.

135. A person who unlawfully casts off, cuts, breaks or destroys 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 fifty pounds.

Giving false
draught.

136.—(1) The master of a vessel entering or leaving or intending to enter or leave a dock shall if required to do so by the dock-master 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 one hundred pounds.

(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.

137. A duly authorised officer of the Port Authority may, on producing if so required his authority, enter and inspect a vessel in the Thames or the docks—

PART VII
—cont.
Boarding
vessels.

(a) for the purposes of any enactment relating to the Port Authority or of any byelaw of the Port Authority including the enforcement thereof;

(b) to prevent or extinguish fire.

138.—(1) The owner of a vessel shall, on written application to him by the Port Authority, give to the Port Authority in writing all information in his power as to the person who at any particular time was the master of the vessel and any owner refusing to give such information or by his own negligence or default being unable to give the name and address of such person shall be guilty of an offence and liable to a fine not exceeding twenty pounds.

Identity of
master.

(2) In any proceedings relating to the vessel or its master the written information given pursuant to subsection (1) of this section shall be admissible as evidence for the purpose of determining the identity of the master of the vessel at a particular time.

PART VIII

WATERMEN AND LIGHTERMEN

139. The Port Authority shall keep a register of licensed watermen and lightermen which shall be open to inspection by any person at reasonable hours upon payment of a reasonable fee.

Register of
watermen and
lightermen.

140.—(1) The Port Authority may charge a reasonable fee for the issue or renewal of a licence to act as a waterman or lighterman.

Fees for
licences and
list of fares.

(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.

PART IX

GOODS TRAFFIC

(a) General

141.—(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.

Account of
imports to
be given to
Port Authority.

(2) A master who fails to comply with this section shall be guilty of an offence and liable to a fine not exceeding five pounds.

142.—(1) The Port Authority may survey and examine—

Power to
survey goods.

(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.

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—cont.

(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.

Power to
remove
goods.

143.—(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.

Removal and
disposal of
offensive
goods.

144.—(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.

Customs
entry by
Port
Authority.

145.—(1) An authorised officer of the Port Authority may make and a customs officer 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, 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 paid by them on goods entered under this section.

146.—(1) The Port Authority may at the request of a person—

Warrants for goods.

(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.

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—cont.

(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.

Passes for goods.

147.—(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) any specified premises;

may refuse to allow goods to leave the port premises or the specified premises, as the case may be, 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 and, in the case of specified premises, by a person appointed in accordance with the agreement relating to those premises made under section 158 (Services of police force at specified premises) of this Act.

(2) The Port Authority may make regulations relating to the duties of a gatekeeper, the removal of goods from the port premises or from specified premises, and the form of pass to be provided under subsection (1) of this section.

Accommodation for customs officers.

148. 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 of Customs and Excise, 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.

(b) *Safety precautions*

As to entry of dangerous goods.

149.—(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 on summary conviction to a fine not exceeding one hundred pounds, 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.

150.—(1) Except in case of emergency, the owner or master of a vessel—

- (a) which it is intended to bring into the limits carrying dangerous goods; or
- (b) which is within the limits and on which it is intended to place dangerous goods;

Notice
concerning
dangerous
goods.

shall, before that vessel enters the limits or before the dangerous goods are placed on board, as the case may be, give notice to the harbourmaster of the Port Authority of the nature and quantity of the dangerous goods in question and, if such notice is not given, the owner or master of the vessel shall be guilty of an offence and liable to a fine not exceeding one hundred pounds:

Provided that—

- (i) the notice required by this subsection shall, when practicable, be given not less than twenty-four hours before the vessel enters the limits or the dangerous goods are placed on board, as the case may be; and

PART IX
—cont.

(ii) nothing in this subsection shall impose any obligation upon the owner or master of a vessel to give any notice to the harbourmaster in respect of the carriage of dangerous goods in that vessel by reason only that the vessel passes through any part of the limits on a voyage between places situate on the river Medway or on the Swale or on that part of the Kent coast between Warden Point and the North Foreland or on that part of the Essex coast between Foulness Point and the Naze and any other places not within the limits.

(2) Where the owner or master of a vessel is charged with an offence under subsection (1) of this section it shall be a defence to prove that he did not know and could not with reasonable diligence have ascertained the nature of the goods in respect of which the proceedings are taken.

(3) The Port Authority may exempt owners or masters from the requirements of this section where the Port Authority consider a notice unnecessary.

Contravention
of petroleum
spirit byelaws.

151.—(1) A person other than—

- (a) the owner or master of a ship; or
- (b) the owner of petroleum spirit;

1928 c. 32.

who contravenes a byelaw made by the Port Authority under section 7 of the Petroleum (Consolidation) Act, 1928, shall be guilty of an offence and liable to a fine not exceeding one hundred pounds and to a daily fine not exceeding fifty pounds.

(2) Nothing in this section shall exempt the owner or master of a ship or the owner of petroleum spirit from liability to a fine under subsection (6) of the said section 7.

Inspection of
landing
places.

152.—(1) The Port Authority may inspect a landing place which is the subject of an application to them for approval under byelaws made under the Petroleum (Consolidation) Act, 1928, or under section 166 (Dangerous goods byelaws) of this Act.

(2) The applicant shall pay the Port Authority the amount of any fees or expenses reasonably incurred by them in connection with the inspection, and the Port Authority may require an applicant to deposit with them such reasonable sum as they may require to cover any such expenses.

Under-
declaration of
weight of
goods.

153.—(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 fifty pounds.

(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.

PART IX
—cont.

(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 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.

PART X

THE PORT AUTHORITY'S POLICE FORCE

154.—(1) The Port Authority may appoint persons to be constables and a person so appointed shall, on appointment, be attested as a constable by making a declaration before a justice of the peace in the form set out in Schedule 6 to this Act. Appointment, etc., of constables.

(2) The Port Authority may suspend or terminate the appointment of a person appointed under this section.

(3) If the Port Authority terminate the appointment of a person appointed under this section, that person shall thereupon cease to be a constable.

(4) A constable appointed under this section shall be exempt from serving on any jury.

155.—(1) A constable appointed under section 154 (Appointment, etc., of constables) of this Act may act as such— Area of authority.

(a) in the port police area; and

(b) elsewhere in the circumstances described in subsection (2) of this section;

and, whilst he is so acting, he shall have all the powers and privileges of a constable.

(2) A constable who, in the course of his duties as a member of the Port Authority's police force, pursues a person from the port police area, shall have the same powers of arrest in respect of that person outside the port police area as he would have within that area.

156.—(1) In this section "constable" means a constable appointed under section 154 (Appointment, etc., of constables) of this Act. Powers of constables.

PART X
—cont.

(2) A constable may enter and search a vessel within the port police area (taking with him persons to assist him if he thinks it necessary)—

- (a) if he, with reasonable cause, suspects that an arrestable offence has been, or is about to be, committed on board the vessel; or
- (b) in order to arrest a person whom he may lawfully arrest; or
- (c) if he, with reasonable cause, believes that by so doing he will be able to facilitate the detection of an arrestable offence committed, or the prevention of an arrestable offence which he, with reasonable cause, suspects is about to be committed, within the port police area;

and he may detain anything found on board which he, with reasonable cause, suspects to have been stolen or otherwise unlawfully obtained.

(3) A constable may within the port premises and any specified premises enter and search a vessel or vehicle if he, with reasonable cause, suspects that anything which has been stolen or otherwise unlawfully obtained—

- (a) on or from the port premises;
- (b) on or from a vessel either in a dock of the Port Authority or at a pier provided by the Port Authority; or
- (c) on or from any specified premises;

may be found therein, and he may detain anything found on board the vessel or in the vehicle, as the case may be, which he with reasonable cause suspects to have been so stolen or obtained.

(4) No power conferred on a constable by this section shall derogate from, take away or in any way diminish any other power which the constable may have.

Unlawful
possession.

157.—(1) A constable may within the port police area stop and search a person whom he, with reasonable cause, suspects of having or conveying in any manner anything which has been stolen or otherwise unlawfully obtained—

- (a) on or from the port premises;
- (b) on or from a vessel either in a dock of the Port Authority or at a pier provided by the Port Authority; or
- (c) on or from specified premises;

and may detain that person if he has, or is conveying in any manner, anything which the constable with reasonable cause suspects to have been so stolen or obtained.

(2) A person detained under subsection (1) of this section who is brought before a magistrates' court charged with having in his possession or conveying in any manner anything which

may with reasonable cause be suspected of being stolen or otherwise unlawfully obtained shall, unless he is able to satisfy the court as to how he came by the same, be guilty of an offence and liable to imprisonment for a term not exceeding two months or to a fine of fifty pounds.

PART X
—cont.

158. The Port Authority may agree with a person or body who owns or has an interest in premises in or in the vicinity of the Thames to make available the services of the Port Authority's police force to that person or body.

Services of
police force
at specified
premises.

159.—(1) There shall be an organisation to be called the Port of London Authority Police Federation (in this section referred to as "the federation") for the purpose of representing constables appointed by the Port Authority in all matters affecting their welfare and efficiency, other than questions of discipline and promotion affecting individuals.

Port police
federation.

(2) (a) The constitution and proceedings of the federation shall be prescribed by regulations made by the Port Authority after consultation with persons recognised by the Port Authority as representing the constables appointed by them and, without prejudice to the generality of that power, regulations under this subsection may make provision—

- (i) with respect to the membership of the federation;
- (ii) with respect to the raising of funds by the federation by voluntary subscription and the use and management of funds derived from such subscriptions;
- (iii) with respect to the manner in which representations may be made to the Port Authority or to committees or officers of the Port Authority.

(b) Before amending regulations made under paragraph (a) of this subsection the Port Authority shall consult with the federation.

(3) The federation shall be entirely independent of, and unassociated with, any body or person outside the police service but may employ a person outside that service in an administrative or advisory capacity.

(4) Subject to the provisions of this section, a constable appointed by the Port Authority shall not be a member of a trade union or of an association having for its objects or one of its objects to control or influence the pay, pensions or conditions of service of police constables:

Provided that where the Port Authority are satisfied that there are special circumstances which warrant it, they may permit a constable appointed by them to be a member of such a trade union or association.

PART X
—cont.Impersonating
a port
constable.

160. A person who, with intent to deceive, impersonates a member of the Port Authority's police force, or makes any statement or does any act calculated falsely to suggest that he is a member of the Port Authority's police force, shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds or to both.

PART XI
BYELAWSByelaws for
port premises.

161. 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.

Thames
byelaws.

162.—(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 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.

(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 the Greater London Council on land belonging to them and used by them under any enactment; or
- (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.

163. Subject to section 86 (Area of jurisdiction relating to fish) of this Act, the Port Authority may make byelaws for protecting and preserving fish in the Thames and for regulating the taking of fish from the Thames. Fishing byelaws.

164.—(1) Subject to subsection (2) of this section the Port Authority may make byelaws for the government and regulation of watermen and lightermen and in particular for defining and varying the qualifications required for a waterman's or lighterman's licence and the conditions on which such licences are to be granted and renewed. Watermen and lightermen byelaws.

(2) No byelaw made under subsection (1) of this section shall authorise the granting of a waterman's or lighterman's licence to a person who has not for a period of two years been engaged in working on a craft or passenger boat in the Thames.

165.—(1) The Port Authority may make byelaws for the registration, regulation and licensing of craft and boats for hire and for regulating the equipment of craft or any class of craft. Craft and boat byelaws.

PART XI
—cont.

(2) Nothing in this section or the preceding section of this Act shall prejudice any rights enjoyed by or vested in the corporation of Gravesend or the corporation of Southend-on-Sea by virtue of any grant, liberty, franchise, custom or usage.

Dangerous
goods byelaws.

1875 c. 17.

1928 c. 32.

166.—(1) The Port Authority may make byelaws as to the loading and discharging by vessels within the limits of dangerous goods other than dangerous goods to which byelaws made by the Port Authority under the Explosives Act, 1875, or the Petroleum (Consolidation) Act, 1928, for the time being apply, and generally as to the precautions to be observed with respect to vessels while carrying dangerous goods within the limits, and such byelaws may in particular provide—

(a) for regulating the places at which vessels are to load or discharge dangerous goods and the time and mode of, and the precautions to be taken on, such loading and discharging; and

(b) for regulating the places at which vessels carrying dangerous goods are to be moored.

(2) Where a person is charged with an offence against a byelaw in force under this section as the owner or master of a vessel, as the owner or occupier of a place from or to which the dangerous goods were loaded or discharged, or as the owner, shipper, consignor or consignee of dangerous goods, it shall be a defence for that person to prove that the offence was not caused or facilitated by any act or neglect on his part, or on the part of any person engaged or employed by him, and, if that person is the owner or the master, that all reasonable means were taken by the master to prevent the commission of the offence.

Fines for
breach of
byelaws.

167. Byelaws made under this Act may provide for imposing on persons offending against them fines not exceeding—

(a) in the case of byelaws made under section 166 (Dangerous goods byelaws) of this Act on summary conviction a fine not exceeding one hundred pounds, and on conviction on indictment, a fine;

(b) in the case of other byelaws, fifty pounds, and a daily fine of twenty pounds.

Confirmation
of byelaws.

168.—(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, except for byelaws relating to fish, for which the confirming authority shall be the Minister of Agriculture, Fisheries and Food.

(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:—

- (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 clerk of the Greater London Council and to the clerk of the county council of every administrative county and to the town clerk of every county borough affected by the byelaws to which the notice relates;
- (ii) to the clerk of every river authority and drainage authority having jurisdiction in any part of the area to which the byelaws apply;

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 clerk of the Conservators of the River Medway.

(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 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.

(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:

PART XI
—cont.

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.

Proof of
byelaws.

169. 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.

Arrest of
offender
against
byelaws.

170. A constable may arrest a person—

- (a) who is seen by the constable or by an employee of the Port Authority contravening a byelaw of the Port Authority; and
- (b) whose name and address is not known to the constable and cannot be ascertained.

PART XII

THE SURREY CANAL

Power to
operate
Surrey Canal.

171. The Port Authority may take such action as they consider necessary or desirable for the operation of the Surrey Canal and for the provision, maintenance, operation and improvement of services and facilities in, or in the vicinity of, the Surrey Canal.

Surrey Canal
charges and
conditions.

172. The Port Authority may—

- (a) demand, take and recover such charges as they think fit for the use of the Surrey Canal and for services and facilities provided by them in relation to the Surrey Canal; and
- (b) make the use of the Surrey Canal and of those services and facilities subject to such terms and conditions as they think fit.

Canal Tolls
and Charges
No. 6 (River
Lee, etc.)
Order Con-
firmation Act,
1894, not to
apply to Surrey
Canal.

173. The Canal Tolls and Charges No. 6 (River Lee, etc.) Order Confirmation Act, 1894, and subsection (3) of section 43 of the Transport Act, 1962, as applied to an independent inland waterway undertaking by section 52 of that Act, shall not apply to the Surrey Canal.

1894 c. ccv.
1962 c. 46.

174. A person who--

- (a) causes or allows a vessel in his charge to obstruct the Surrey Canal;
- (b) uses or tampers with the entrance lock to the Surrey Canal in contravention of regulations for its use made by the Port Authority or of a direction given by the lock keeper; or
- (c) without a licence from the Port Authority takes water or fish from the canal;

PART XII
—cont.

Offences on
Surrey Canal.

shall be guilty of an offence and liable to a fine not exceeding twenty pounds.

PART XIII
MISCELLANEOUS PROVISIONS
(a) General

175.—(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.

Application of
Town and
Country
Planning Acts
to Port
Authority's
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

PART XIII
—cont.

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.

Modification
of advertising
requirements
of Harbours
Act 1964.
1964 c. 40.

176. 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.

Removal of
vehicles at
port premises.

177.—(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 place where it is likely to obstruct or interfere with the use of the port premises;

the Port Authority may remove the vehicle to a place of safe custody.

(b) 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 recoverable by the Port Authority from the owner of the vehicle as a debt in any court of competent jurisdiction.

(3) If the Port Authority in exercise of the powers of this section remove a vehicle, they shall, if and as soon as it is reasonably practicable to do so, 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 last known address, his 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.

(4) A notice stating the general effect of paragraph (a) of subsection (1) of this section shall 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 place or elsewhere at the port premises.

178.—(1) Land, bridges, ferries and works which are from time to time vested in or operated by the Port Authority and which are—

(a) situated in, under, over or beside the part of the Thames above London Bridge; or

(b) connected with the exercise of the Port Authority's functions in relation to that part of the Thames;

shall not be liable to be rated and shall not be included in any valuation list or in any rate whatever.

(2) The Port Authority shall not, on account of their taking tolls in respect of the part of the Thames above London Bridge, be deemed to be in rateable occupation of that part of the Thames.

179. 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:

Millwall
docks:
exemption
from London
Building
Acts.

1908 c. 68.

PART XIII
—cont.

Provided that this section shall not extend to any building on any area added to the Millwall Docks after 22nd December, 1920.

Obligations
as to bridges,
lights, roads,
etc.

180.—(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).

Access for
government
officers.

181. A person employed by the Minister or the Board of Trade and a customs officer shall have free access to the port premises while in the execution of his duty.

Docks
deemed to be
in port of
London.

182. 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.

Authentication
of Port
Authority's
documents.

183.—(1) Any notice, licence 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 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.

184.—(1) Any document required or authorised by or under this Act to be given to or served on a person— Service of documents.

- (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, 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—

- (a) by delivering it to that person; or
- (b) by leaving it at his proper address; or
- (c) by post;

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— 1889 c. 63.

- (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, be the principal place of business of the partnership; 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.

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—cont.

(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 five pounds.

Port
Authority's
publications.

185. 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 office during reasonable hours, for public inspection free of charge; and
- (b) have copies of the document available at their head office for sale to the public at a reasonable price.

Crown rights.

186.—(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 not to be constructed, etc., without works licence) 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.

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—cont.
1920 c. clxxiii.

(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.

187.—(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.

Certain powers not exercisable in Medway approach area and areas off Southend-on-Sea and Sheerness.

(b) In this subsection the relevant authority means the Southend-on-Sea Corporation 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 and in relation to the area described in paragraph 2 (b) in the said second column where it means the Conservators of the River Medway.

(2) Section 47 (Exception of application of enactments in parts of river Thames) of the Southend-on-Sea Corporation Act, 1947, is hereby repealed.

1947 c. xxxiii.

188. 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.

Duchy of Lancaster may sell land to Port Authority.
1855 c. 58.

189.—(1) In this section—

“the board” means the London Transport Board;

“the railway tunnel” means the East London railway tunnel vested in the board.

Saving for London Transport 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.

190.—(1) Nothing contained in this Act shall entitle or oblige the Port Authority to instal or use apparatus for wireless telegraphy as defined in the Wireless Telegraphy Act, 1949, in contravention of the provisions of that Act.

Saving for Postmaster General.
1949 c. 54.

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—cont.

1961 c. xli.

(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:

1878 c. 76.

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 (1) 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.

Saving for
corporation
of the city
of London.

191. 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.

Saving for
rights, etc.,
of Temples.

1862 c. 93.

192. 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.

For protection
of the Essex
County
Council.

1967 c. xxxviii.

193. 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:

1920 c. clxxiii.

(4) Nothing in section 66 (Licensing of works) or in section 73 (Licensing of dredging, etc.) of this Act shall authorise any person licensed 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.

194. 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. Saving for the Trinity House.

195. 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— For protection of statutory undertakers.

(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) and section 73 (Licensing of

PART XIII
—cont.

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 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, subject to any directions necessary for the protection of navigation 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 or a dredging licence to carry out works or dredging at, over, under or near to any undertakers work, 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 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 and any conditions subject to which it is granted;

(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.

Application
of Merchant
Shipping Act,
1894, to
local lights.
1894 c. 60.

196. 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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—cont.

197. Section 70 (Works not to be constructed, etc., without works licence) and section 73 (Licensing 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.

For protection of the Metropolitan Water Board.

1907 c. clxxiv.

1946 c. xvii.

198. 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—

For protection of the Essex and Kent River Authorities.

(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

1930 c. 44.

(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;

1961 c. 48.

“ 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;

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—cont.

1930 c. 44.
1961 c. 48.
1963 c. 38.

“ 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;

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—cont.

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.

(b) Offences

PART XIII
—cont.

Traffic offences on dock roads.
1960 c. 16.
1967 c. 76.

199.—(1) In this section—

- “ the Act of 1960 ” means the Road Traffic Act, 1960;
- “ the Act of 1967 ” means the Road Traffic Regulation Act 1967;
- “ 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, 1960.

(2) The Act of 1960, the Act of 1967 and the Road Safety Act 1967 c. 30. 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 257 of the Act of 1960, and all the provisions of those Acts, so far as applicable including, without prejudice to the generality of the foregoing, section 250 of the Act of 1960 and section 79 of the Act of 1967), shall apply accordingly.

(3) The provisions referred to in subsection (2) of this section are—

The Act of 1960—

- Section 1 (Causing death by reckless or dangerous driving);
- Section 2 (Reckless, and dangerous, driving generally);
- Section 3 (Careless, and inconsiderate, driving);
- Section 4 (Speeding);
- Section 5 (Driving under age);
- Section 6 (Driving, or being in charge, when under influence of drink or drugs);
- Section 8 (Restriction on carriage of persons on motor cycles);
- Section 9 (Reckless and dangerous cycling);
- Section 10 (Careless and inconsiderate cycling);
- Section 11 (Cycling when under influence of drink or drugs);
- Section 13 (Restriction on carriage of persons on bicycles);
- Section 14 (Drivers to comply with traffic directions);

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—*cont.*

- Section 15 (Pedestrians to comply with directions to stop given by constables regulating vehicular traffic);
- Section 16 (Leaving vehicles in dangerous positions);
- Section 66 (Obligatory test certificates);
- Section 67 (Testing of condition of vehicles on roads);
- Section 77 (Duty to stop, and furnish particulars, in case of accident);
- Section 97 (Minimum age for driving);
- Section 98 (Drivers of motor vehicles to have driving licences);
- Section 110 (Offence of applying for or obtaining a licence, or driving while disqualified);
- Section 201 (Users of motor vehicles to be insured or secured against third-party risks);
- Section 202 (Exceptions from requirement of third-party insurance or security);
- Section 218 (Penalisation of tampering with motor vehicles);
- Section 219 (Penalisation of holding or getting on to vehicle in order to be towed or carried);
- Section 223 (Power of police to stop vehicles);
- Section 225 (Power of police constables to require production of driving licences);
- Section 226 (Power of police constables to obtain names and addresses of drivers, and others);
- Section 228 (Penalisation of failure to give name and address, and power of arrest, in case of reckless or careless driving or cycling);
- Section 229 (Pedestrians to give names and addresses in certain cases);
- Section 230 (Duty of driver, in case of accident involving injury to another, to produce evidence of insurance or security or to report accident);
- Section 231 (Duty of owner of motor vehicle to give information for verifying compliance with requirement of compulsory insurance or security);
- Section 241 (Restrictions on prosecutions for certain offences);

The Act of 1967—

- Section 20 (Removal of vehicles illegally, obstructively or dangerously parked, abandoned or broken down);
- Section 52 (Charges for removing, storing and disposing of vehicles);
- Section 53 (Disposal of abandoned vehicles);
- Section 54 (Traffic signs);

Section 55 (Powers and duties of highway authorities as to placing of traffic signs); PART XIII
—cont.

Section 58 (Emergency traffic signs);

Section 78 (Speed limits for vehicles of different classes);

The Road Safety Act 1967—

1967 c. 30.

Part I (Drivers, etc., with an undue proportion of alcohol in the blood);

Section 30 (Arrest without warrant of persons driving whilst disqualified):

Provided that, if no duty is chargeable under the Vehicles (Excise) Act, 1962, in respect of a motor vehicle— 1962 c. 13.

(a) by virtue of the provisions of subsection (6) of section 6 of that Act; or

(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 66, 97, 98, 201, 225, 230 and 231 of the Act of 1960 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 sections 64 and 70 of the Act of 1960 or section 20 of the Act of 1967, and from time to time in force, shall extend and apply to dock roads as they apply to roads as defined by section 257 of the Act of 1960 or section 104 of the Act of 1967, as the case may be, and subsection (2) of section 64 and section 239 of the Act of 1960 and section 87 of the Act of 1967 shall apply accordingly:

Provided that, if no duty is chargeable under the Vehicles (Excise) Act, 1962, in respect of a motor vehicle—

(a) by virtue of the provisions of subsection (6) of section 6 of that Act; or

(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 1960, the Act of 1967 and the Road Safety Act 1967, as extended and applied by this section, the

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—cont.

expressions “ chief officer of police ” and “ police station ” where used in those Acts shall respectively include the chief constable of, and any police station maintained by, the Port Authority, and the expression “ highway authority ” shall mean the Port Authority in relation to any dock road for the maintenance of which the Port Authority is responsible.

Prohibition on
pollution, etc.,
of Thames
and docks.

200.—(1) A person who—

- (a) puts or causes or suffers to fall into the docks or into the Thames any article or any solid matter; or
- (b) puts any such thing 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 one hundred pounds and to a daily fine not exceeding twenty pounds.

(2) A person who puts and allows to remain for forty-eight hours in a place beside the Thames any article or thing of an offensive character which will, or which is likely to be blown or pass into, the Thames shall be guilty of an offence and liable to a fine not exceeding one hundred pounds and to a daily fine not exceeding twenty pounds.

(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 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.

Non-
compliance
with officer's
orders,
obstruction,
etc.

201. A person who—

- (a) assaults, 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 incites any other person to assault, resist, obstruct or impede any such officer; 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—

- (i) in the case of an assault or incitement to assault, one hundred pounds;
- (ii) in any other case, fifty pounds.

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—cont.

202. 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 when it is about to be moved, or is being moved, or before it is properly closed and fastened—

Obstructing bridges.

- (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 twenty pounds.

203. 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 twenty pounds.

Extinguishing lamps.

204. The Port Authority shall be deemed to be a public body for the purposes of the Prevention of Corruption Acts, 1889 to 1916.

Offences of bribery, etc.

(c) Legal proceedings

205.—(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.

Institution and defence of proceedings.

(2) An information or complaint to be laid or made by the Port Authority may be laid or made by a member or officer of the Port Authority.

206. 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.

Offences triable summarily. 1952 c. 55.

207.—(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—

Jurisdiction of justices.

- (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 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.

PART XIV
SUPPLEMENTARY

Repeals.

208.—(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.

Saving of section 68 of the Port of London (Consolidation) Act, 1920.
1920 c. clxxiii.

209. 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.

Amendment of Port of London and Midland Railway Act, 1922.
1922 c. lxx.

210.—(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).

Amendment of Medway Conservancy Act 1963.
1963 c. xxv.

211. The Medway Conservancy Act 1963 shall be amended as follows:—

(1) in subsection (1) of section 3 (Interpretation), for the words “‘the Act of 1920’ means the Port of London (Consolidation) Act, 1920” there shall be substituted the words “‘the Act of 1968’ means the Port of London Act 1968”;

- (2) subsection (7) of section 4 (Power to regulate navigation, etc., in Medway approach area) shall be repealed;
- (3) in paragraph (a) of subsection (1) of section 5 (For mutual protection of Conservators and authority), for the words “section 220 (Licence to persons other than the Port Authority to dredge, etc.) of the Act of 1920” there were substituted the words “section 73 (Licensing of dredging, etc.) of the Act of 1968”;
- (4) in paragraph (b) of subsection (1) of the said section 5, for the words “section 431 (Power to raise and remove vessels sunk, etc.) of the Act of 1920” there shall be substituted the words “section 120 (Power to raise and remove vessels sunk, etc.) of the Act of 1968”;
- (5) in paragraph (c) of subsection (1) of the said section 5—
 - (a) for the words “section 215 (Powers to dredge, etc.) of the Act of 1920” there shall be substituted the words “section 60 (Dredging and improvement) of the Act of 1968 or the exercise by the authority of their powers under section 111 (General directions to vessels in the Thames) of the Act of 1968”;
 - (b) for sub-paragraphs (i), (ii) and (iii) there shall be substituted the following sub-paragraphs:—
 - “ (i) to dredge or take up or remove material from the bed and banks of the river Thames under the said section 73; or
 - (ii) to carry out, construct, place, alter, renew, maintain or retain works under section 66 (Licensing of works) of the Act of 1968 ”;
- (6) in subsection (1) of the said section 5 for the words “the dispute or difference” to the words “binding on both parties” there shall be substituted the words—
 - “the dispute or difference may be referred by either party after notice in writing to the other of them—
 - (i) in the case of a dispute or difference arising in relation to the construction of works by the authority in the Medway approach area or under the said sections 66, 110 and 119 to the Board of Trade; and
 - (ii) in any other case, to the Minister of Transport; and the decision of the Board of Trade or of the said Minister, as the case may be, shall be final and binding on both parties”.
- (7) in the proviso to subsection (1) of the said section 5—
 - (a) the words “or sub-paragraph (iii)” and the words “or the said section 247” shall be omitted;
 - (b) for the words “the said Minister” there shall be substituted the words “the Board of Trade”;

PART XIV
—cont.

(c) for the words “ the said section 243 ” there shall be substituted the words “ the said section 66 ”;

(d) for the words “ section 248 (Appeal to Minister of Transport against revocation or refusal of licence) of the Act of 1920 ” there shall be substituted the words “ section 69 (Appeal to Board of Trade) of the Act of 1968 ”;

(8) in subsection (2) of the said section 5, for the words “ section 244 (Certain works to be approved by the Board of Trade) of the Act of 1920 ” there shall be substituted the words “ section 76 (Works to be approved by Board of Trade) of the Act of 1968 ” and for the words “ the said section 244 ” there shall be substituted the words “ the said section 76 ”.

Transitional provisions.

212. The transitional provisions contained in Schedule 11 to this Act shall have effect in relation to the repeals effected by this Act.

Meaning of “ port of London ”.

213. 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.

Amendment of related enactments.

214.—(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.

Inquiries by the Minister and Board of Trade.

215. 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.

1933 c. 51.

Costs of Act.

216. 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.

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 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 lines drawn from latitude $51^{\circ} 37' 00''$ north, longitude $00^{\circ} 57' 19''$ east (Foulness Point in the county of Essex) to latitude $51^{\circ} 46' 05''$ north, longitude $01^{\circ} 20' 32''$ east (Gunfleet Old Lighthouse) and thence to latitude $51^{\circ} 26' 36''$ north, longitude $01^{\circ} 25' 30''$ east and thence to latitude $51^{\circ} 24' 55''$ north, longitude $00^{\circ} 54' 21''$ 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;

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;

1881 c. clxxiv.

(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;

1868 c. cliv.

(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 from the point where the creek joins the Thames;

(f) any waters which are not for the time being within the territorial waters of Her Majesty's dominions.

Sections 3 and 4.

SCHEDULE 2

CONSTITUTION AND PROCEEDINGS OF THE PORT AUTHORITY

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 the Schedule.

2. The Minister shall, not later than the 1st December in the year 1969 and in each third year thereafter, appoint persons in accordance with paragraph 3 to serve, subject to this Part of this Schedule, as members of the Port Authority for three years commencing on the 1st January following the appointment.

3. The members appointed by the Minister shall be—

- (a) three persons appointed after consultation with the Chamber of Shipping of the United Kingdom and the London General Shipowners' Society;
- (b) three persons, of whom one shall be concerned with the export of goods through the port of London, appointed after consultation with the London Chamber of Commerce and the British Shippers' Council;
- (c) a person appointed after consultation with the London Wharfingers' Association Limited;
- (d) a person appointed after consultation with the Association of Master Lightermen and Barge Owners in London;
- (e) a person appointed after consultation with the Greater London Council;
- (f) a person appointed after consultation with the mayor and commonalty and citizens of the city of London;
- (g) a person appointed after consultation with the Trinity House;
- (h) two persons appointed after consultation with such persons appearing to the Minister to be representative of organised labour as he thinks appropriate;
- (i) a person appointed after consultation with the National Ports Council.

4.—(a) The Minister shall, not later than the 1st December in 1970 and in each third year thereafter, after consultation with the National Ports Council, appoint a person to be the chairman of the Port Authority for three years commencing on the 1st January following the appointment.

(b) The appointment of an appointed member of the Port Authority as the chairman of the Port Authority shall create a casual vacancy in the office of a member.

5. An appointment made under this Part of this Schedule shall be notified in writing by the Minister to the secretary of the Port Authority.

6. The members of the Port Authority may co-opt the director-general for the time being of the Port Authority to serve as a member of the Port Authority during such period as may be specified by the members at the time of co-option:

Provided that, notwithstanding the terms of his co-option, the director-general shall cease to be a co-opted member if he ceases to be the director-general of the Port Authority.

SCH. 2
—cont.

7. A person shall not be qualified to be a member of the Port Authority unless he is a British subject resident in the British Islands and at the time of first taking office he has not yet attained his sixty-fourth birthday.

8. A member of the Port Authority other than the co-opted member may resign his membership by a notice in writing to the Minister and to the secretary of the Port Authority.

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. A member shall retire from the Port Authority on the 31st December being or next following his seventieth birthday and, unless the member would otherwise have retired on that date, a vacancy so arising shall be deemed to be a casual vacancy.

11. If the Minister is satisfied that 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
- (d) is otherwise unable or unfit to discharge the functions of a member;

the Minister may declare his office as a member of the Port Authority to be vacant and thereupon the office shall become vacant.

12.—(1) A casual vacancy arising in the office of an appointed member, other than the chairman, of the Port Authority shall be filled by the appointment by the Minister of another person in accordance with paragraph 3.

(2) A casual vacancy in the office of the chairman of the Port Authority shall be filled by the appointment by the Minister, after consultation with the National Ports Council, of another person, and where such person is a member of the Port Authority paragraph 4 (b) shall apply.

(3) A person appointed to fill a casual vacancy in the office of the chairman or of an appointed member of the Port Authority shall subject to this Part of this Schedule hold office (unless he previously dies or vacates his office) during the remainder of the term for which the person from whom he replaces was appointed.

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

SCH. 2
—cont.

(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.

14. A member of the Port Authority shall be exempt from serving on any jury.

PART II PROCEEDINGS

1. The members of the Port Authority may choose one of their number 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 such members 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.

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.

4. The Port Authority may, subject to such conditions as they think fit, delegate any of their functions to a committee:

Provided that—

(a) a majority of the members of any such committee shall be members of the Port Authority; and

(b) the Port Authority shall not delegate to a committee other than the Pollution Control Committee referred to in Schedule 5 to this Act the functions assigned to the Pollution Control Committee under Part VI of, and the said Schedule 5 to, this Act.

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.

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 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 in respect to that contract.

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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—cont.

SCHEDULE 3

Section 19 (2).

RULES OF THE PORT OF LONDON AUTHORITY PENSION FUND

Preliminary

1. In these rules except so far as the context otherwise requires Interpretation. references to numbered rules are to the rules in this Schedule and—

- “the appointed day” means the 1st April, 1929;
- “the committee” means the committee from time to time appointed and elected under these rules;
- “the fund” means the Port of London Authority Pension Fund established by section 5 of the Port of London Act, 1928; 1928 c. xlv.i.
- “the industrial fund” means the Port of London Authority (Industrial Division Staff) Pension Fund established by a trust deed made the 22nd June, 1959, between the Port Authority and Westminster Bank Limited;
- “insured person” means a person insured under the National Insurance Act 1965; 1965 c. 51.
- “the London and India fund” means the fund established by a deed (annulled by section 11 of the Port of London Act, 1928) dated the 17th September, 1890, and made between (1) the London and India Docks Joint Committee (2) Henry Willey Williams and others and (3) Rodolph Alexander Hankey and others;
- “member” means an employee from time to time contributing to the fund and does not include a recipient from the fund;
- “members’ committee men” means the members of the committee from time to time elected by the members;
- “the 1917 fund” means the fund established by a deed (annulled by section 11 of the Port of London Act, 1928) dated 1st February, 1917, made between (1) the Port Authority (2) the Right Honourable Hudson Ewbanke Kearley Baron Devonport and others (3) Edward Charles Stuart Baker and others and (4) the London County and Westminster Bank Limited;
- “pensionable service” in relation to any person means, subject to the rules—
 - (a) the period of his membership on and after the appointed day; and
 - (b) any period before the appointed day during which he was on the established staff of the Port Authority; and
 - (c) any period which pursuant to rule 13 is deemed to have been pensionable service with the Port Authority or is to be included with or added to his pensionable service; and
 - (d) any period which pursuant to rule 18 the Port Authority direct to be added to his pensionable service;

SCH. 3
—cont.

1908 c. 68.

“ Port Authority committee men ” means the members of the committee from time to time appointed by the Port Authority;

“ prescribed age ” has the meaning assigned to it in rule 11;

“ prescribed scale ” has the meaning assigned to it in rule 12;

“ salaried staff ” means persons on the established staff of the Port Authority in receipt of annual salaries;

“ salary ” and “ wages ” mean only such of a member’s emoluments in cash or in kind as are pensionable under the terms (express or implied) of his contract of service from time to time;

“ the secretary ” and “ the treasurer ” mean such officers from time to time appointed under these rules;

“ the trustees ” means the trustees of the fund from time to time appointed under these rules;

“ the transferred non-pensionable staff ” means the employees transferred to the Port Authority by the Port of London Act, 1908, who at the time of transfer were on the permanent or established staff of the Conservators of the river Thames or of the dock companies whose undertakings were by that Act transferred to the Port Authority or of the Watermen’s Company and were not entitled to any pension rights under that Act or otherwise;

“ wages staff ” means persons on the established staff of the Port Authority in receipt of weekly wages;

“ the widows’ fund ” means the Port of London Authority (Upper Division Staff) Widows’ and Orphans’ Pension Fund established by a trust deed made the 7th November, 1929, between (1) The Port Authority (2) Westminster Bank Limited and (3) the persons named in it as the first committee of management of the widows’ fund.

Division of
year.

2. For the purpose of these rules every year shall be divided into four quarters ending on the 31st March, the 30th June, the 30th September and the 31st December.

*Membership*Membership
of fund.

3.—(1) The following persons shall subject to these rules be members of the fund:—

(a) those who on the appointed day were members of the 1917 fund; and

(b) those who on or after the appointed day and before the 13th July, 1950, were appointed to the salaried staff or the wages staff before attaining the age of 50 years.

(2) A person who after the 12th July, 1950, has been or is appointed to the salaried staff or the wages staff and whose contract of service entails an obligation to become a member shall be or become a member immediately on appointment or on the day on which if a male he attains the age of 20 years or if a female she attains the age of 17 years whichever is the later.

4. A person who is or becomes a member shall be bound by these rules and shall continue to be a member so long as his contract of service shall from time to time entail an obligation so to continue.

SCH. 3
—cont.
Membership to continue during service.

Contributions

5.—(1) Subject to these rules a person who is a member pursuant to paragraph (1) of rule 3 shall contribute to the fund a sum equal to $\frac{1}{2}$ per cent. of his salary or wages.

Rate of contributions by members.

(2) Subject to these rules, a person who is or becomes a member pursuant to paragraph (2) of rule 3 shall contribute to the fund in accordance with the following table:—

Male members of the salaried staff	A sum equal to 4 per cent. of his salary;
Female members of the salaried staff	A sum equal to 3 per cent. of her salary;
Members of the wages staff ...	A sum equal to 3 per cent. of his or her wages:

Provided that in the case of an insured person the contributions which apart from this proviso would be payable by that person under this paragraph of this rule shall be reduced at the rate of £3 0s. 8d. per annum.

6. The Port Authority shall deduct all sums payable by a member in accordance with these rules from his salary or wages as the same become payable and for the purposes of these rules the date of a contribution shall be the day on which the payment of salary or wages from which such contribution is deducted becomes due notwithstanding such payment of salary or wages may not be actually made on that day.

Deduction of contributions from salary or wages.

In computing such deductions in the case of a person who is a member pursuant to paragraph (1) of rule 3 fractions of a pound shall be dealt with in accordance with the following scale:—

<i>Fractional parts of a pound</i>				<i>Amount of deduction</i>	
s.	d.	s.	d.		
	1 to	1	8	...	Nil.
1	9 to	5	0	...	1d.
5	1 to	8	4	...	2d.
8	5 to	11	8	...	3d.
11	9 to	15	0	...	4d.
15	1 to	18	4	...	5d.
18	5 to	20	0	...	6d.

In computing such deductions in the case of a person who is or becomes a member pursuant to paragraph (2) of rule 3 the amount thereof shall be calculated to the nearest penny and in the case of an exact halfpenny to the nearest penny below.

7. The Port Authority shall contribute quarterly to the fund in respect of each quarter of a year sums equal to the following:—

Contributions by Port Authority of percentage of salaries and wages.

(a) in relation to persons who are members pursuant to paragraph (1) of rule 3—

(i) $7\frac{1}{2}$ per cent. per annum of the salaries of members of the salaried staff; and

SCH. 3
—cont.

(ii) 5 per cent. per annum of the wages of members of the wages staff; and

(b) in relation to persons who are or become members pursuant to paragraph (2) of rule 3—

(i) 12 per cent. per annum of the salaries of male members of the salaried staff;

(ii) 9 per cent. per annum of the salaries of female members of the salaried staff; and

(iii) 9 per cent. per annum of the wages of all members of the wages staff:

Provided that if on the occasion of a valuation made pursuant to rule 37 the actuary shall certify that by reason of changed circumstances the joint contribution of the Port Authority and the member is no longer appropriate the percentages mentioned in sub-paragraphs (i), (ii) and (iii) of paragraph (b) of this rule shall from such date as the actuary may specify and until another specification is made by the actuary be increased or decreased as the actuary may specify but shall not in any case be less than 8 per cent. of the salaries and wages mentioned in those sub-paragraphs.

Contributions to be paid to treasurer.

8. All contributions shall forthwith on becoming due be paid over by the Port Authority to the treasurer.

Contributions when salary or wages reduced or not payable.

9.—(1) A member who through accident or impaired mental or physical health shall be found no longer capable of performing the duties of the position to which he was appointed but whose services shall be retained by the Port Authority at a reduced salary or reduced wages may upon such reduction taking place elect to continue his full contribution and in case of such election the same deduction from his salary or wages shall be made and he shall be entitled to the same superannuation allowance as would have been the case if his salary or wages had not been so reduced.

(2) A member whose salary or wages shall be reduced because the position which he formerly held has become redundant may upon such reduction taking place elect to continue so much of his former contribution as will not—

(a) exceed 15 per cent. of his reduced salary or wages at the time of election; nor

(b) prejudice the approval of the fund by the Commissioners of Inland Revenue for the purposes of section 379 of the Income Tax Act, 1952;

1952 c. 10.

and if he makes such an election he shall be entitled to the superannuation allowance that he would have received if his salary or wages at the date of his superannuation or retirement had been the salary or wages on which his contribution was calculated after the date of the election.

(3) A member who shall remain in the service of the Port Authority but who shall be absent from work with the Port Authority otherwise than by reason of his illness or injury and whose salary or wages shall cease to be payable for any period of one week or longer may elect in writing within one month after the beginning of that period to

SCH. 3
—cont.

continue to contribute to the fund and if that election is made the Port Authority shall also continue to contribute. Contributions under this paragraph shall be made as from the beginning of that period and their amount shall be the same as if the member's salary or wages immediately prior to that period had continued to be paid at the same rate but no such contributions shall be made in respect of any part of that period which is more than one year after its beginning.

Notwithstanding anything in these rules, that period shall not be reckonable as membership of the fund except to the extent that the member shall have made contributions in respect of it under this paragraph.

Notwithstanding rule 6, contributions payable by a member under this paragraph shall be paid in such manner and at such times as the Port Authority shall direct.

10.—(1) If a member is dismissed from the service of the Port Authority or before reaching the prescribed age resigns his post or situation in the service of the Port Authority and such member has not been guilty of fraud, dishonesty or misconduct which involves pecuniary loss to the Port Authority, he shall be entitled to receive from the fund an aggregate sum equal to the sums contributed by him to the fund or to the fund and the 1917 fund as the case may be but without any interest thereon:

Resignation or
dismissal.

Provided that a member being a woman and resigning on marriage before reaching the prescribed age or for any cause which the Port Authority may deem sufficient shall be entitled to receive in addition to such aggregate sum compound interest on the amount of the sums contributed by her as aforesaid calculated for the period of her membership prior to the 1st January, 1951, at the rate of $4\frac{1}{4}$ per cent. per annum and for the period of her membership on and after the 1st January, 1951, to the date of her resignation at the rate of $3\frac{1}{2}$ per cent. per annum in each case with half-yearly rests:

Provided further that the Port Authority may if they so determine in the case of a member who is dismissed from their service or who resigns in order in the opinion of the Port Authority to escape dismissal instead of paying to such member the sum payable under this paragraph pay the same to the spouse or children or other dependants of such member and thereupon such member shall have no right or claim upon the fund or in respect of any sums so contributed by him as aforesaid or upon the Port Authority.

(2) If a member is dismissed from the service of the Port Authority or before reaching the prescribed age resigns his post or situation in the service of the Port Authority and such member has been guilty of fraud, dishonesty or misconduct which involves pecuniary loss to the Port Authority, he shall absolutely forfeit all right to any superannuation allowance or to receive any other benefit from the fund and he shall have no claim to or right in respect of any of the sums contributed by him to the fund or to the fund and the 1917 fund as the case may be.

(3) In any such case as is referred to in paragraph (2) of this rule there may be paid to the spouse or children or other dependants of the member as the Port Authority may decide such sum as the Port

SCH. 3
—cont.

Authority may determine not exceeding the amount of the sums contributed by the member to the fund or to the fund and the 1917 fund as the case may be.

(4) In any case in which the services of a member being a member who has not completed 10 years' pensionable service are terminated by the Port Authority with due notice because in the opinion of the Port Authority he is incompetent or his general conduct unsatisfactory such member shall be entitled to receive back the whole amount of his contributions to the fund but without interest.

Benefits

Prescribed age.

11.—(1) Subject to these rules a member shall from and after the date of his superannuation or retirement from the service of the Port Authority at the prescribed age receive during the remainder of his life a superannuation allowance according to the prescribed scale. In the case of a member who was on the day before the appointed day a member of the London and India fund but in no other case such superannuation allowance shall be paid free of income tax.

(2) The prescribed age for superannuation or retirement from the service of the Port Authority shall in all ordinary cases be 65 years in the case of a man and 60 years in the case of a woman but in the case of a member being a man who shall have completed 25 years' pensionable service the prescribed age shall at his option be 60 years or any age from 60 to 65 years inclusive and in the case of a member being a woman, the prescribed age shall at her option be 50 years or any age from 50 to 60 years inclusive.

(3) In the case of a member who is by reason of bodily or mental infirmity or in consequence of any re-arrangement or abolition of appointments or for any other cause superannuated or retired before reaching the prescribed age the prescribed age shall be the age at which such member is superannuated or retired.

(4) The minimum period of pensionable service in respect of which superannuation allowances shall be payable shall be 10 years.

Scale of
superannuation
allowances.

12.—(1) Subject as provided by this rule, the prescribed scale according to which superannuation allowances shall be computed shall be an annual sum equal to one-sixtieth part of the amount of the annual salary or wages of the member at the date of his superannuation or retirement for every year fully ended and a quarter of a further sixtieth of such annual salary or wages in respect of any further quarter of a year of his pensionable service:

Provided that for the purpose of ascertaining the total pensionable service of a member for superannuation purposes the pensionable service shall be calculated to the nearest quarter of a year.

(2) In the case of an insured person who is or becomes a member pursuant to paragraph (2) of rule 3 the amount of the superannuation allowance which apart from this paragraph would be payable from the fund in respect of that person shall be reduced by an annual sum calculated at the rate of £1 14s. 0d. for each year of pensionable service:

Provided that—

SCH. 3
—cont.

- (i) if the period of pensionable service of the person concerned includes a fraction of a year the superannuation allowance shall be reduced by a proportionate sum calculated to the nearest quarter of a year;
- (ii) no reduction shall take effect until the date on which the person concerned has reached the age if a male of 65 years or if a female of 60 years; and
- (iii) the total amount of the reduction shall not exceed £67 12s. 0d. per annum.

(3) The superannuation allowance to be paid to any person who was on the day before the appointed day a member of the London and India fund shall be 5 per cent. above the prescribed scale.

(4) Except in the case of a person who was on the day before the appointed day a member of the London and India fund the maximum superannuation allowance shall be forty-sixtieths of the annual salary or wages of the member at the date of his superannuation or retirement.

(5) In the case of a person who was on the day before the appointed day a member of the London and India fund, any superannuation allowance may in any case which the Port Authority at their discretion consider exceptional on account of the age at which any such member entered the service of the London and St. Katharine Docks Company, the East and West India Dock Company, the London and India Docks Joint Committee or the London and India Docks Company or of any other circumstance be supplemented by such amount in excess of the prescribed scale as the Port Authority think fit.

(6) In the case of a member who is superannuated by reason of bodily or mental infirmity the superannuation allowance shall be not less than a sum equal to one-half of the superannuation allowance which would have been payable if he had remained a member until the prescribed age referred to in paragraph (2) of rule 11 at his annual salary or wages at the date of his superannuation:

Provided that if a member has elected to buy added years under rule 18 the calculation of the superannuation allowance which would have been payable if he had remained a member until the prescribed age shall not take into account any such added years other than those which the Port Authority have directed to be added to the member's pensionable service under paragraph (5) of rule 18.

13.—(1) In computing the period of pensionable service of a member who was on the day before the appointed day a member of the London and India fund the period of his service with the London and India Docks Company, the London and India Docks Joint Committee, the London and St. Katharine Docks Company and the East and West India Dock Company (but in the case of service with the East and West India Dock Company only as from the date on which for the purpose of superannuation his service was by the terms of his agreement with that company to be reckoned) shall be deemed to have been pensionable service with the Port Authority.

Period of
service in
special cases.

SCH. 3
—cont.

(2) In computing the period of pensionable service of a member of the transferred non-pensionable staff who was on the day before the appointed day a member of the 1917 fund the period of his permanent service prior to the 1st April, 1909, shall be included for the purposes of determining his superannuation allowance.

(3) The Port Authority may at their discretion direct that after 10 years' pensionable service such addition not exceeding 10 years as the Port Authority may specify shall be made in computing the period of pensionable service of any member who joined the established staff of the Port Authority above the age of 20 years and in the exercise of that discretion the Port Authority may make such addition either in the case of a member individually or to any class of members whose normal age at entry owing to circumstances due to the requirement of special training or qualifications or otherwise is over 20 years:

Provided that in computing any period to be added under this rule to the pensionable service of a member who was on the day before the appointed day a member of the 1917 fund, any years already added under the provisions of the deed which established the 1917 fund shall be taken into account.

(4) In computing the period of pensionable service of a member who before becoming a member has served on the unestablished staff of the Port Authority for a period of not less than one year, the Port Authority may at their discretion direct that one-half, i.e., the latter half of the period of his service on the unestablished staff, less the period of any years directed by the Port Authority to be added under paragraph (3) of this rule, shall be included for the purpose of determining his superannuation allowance, subject to the payment by him to the fund by instalments of such amounts and at such intervals as the Port Authority may determine of an amount representing the contributions which would have been payable on his salary or wages in respect of the period of service so included had he been a member during such period at the same rate as that payable by him on his salary or wages on his becoming a member.

(5) In computing the pensionable service of any member who has formerly been a member the Port Authority may at their discretion direct that the whole or any part of the member's former pensionable service shall be added to his current pensionable service subject to such conditions as the Port Authority think fit, and without prejudice to the generality of the foregoing those conditions may include a condition that any money paid to the member under rule 10 shall be repaid to the fund.

Death benefits.

14.—(1) Subject to any nomination under paragraph (4) of this rule and otherwise as in these rules provided, in the event of the death of a member while still in the service of the Port Authority or as the case may be after his retirement and receipt of superannuation allowance the following grants shall be made for the benefit of the member's spouse, children (including stepchildren, adopted children

and illegitimate children), brothers, sisters or parents (if any) or any other person who in the opinion of the Port Authority was wholly or partly dependent upon the earnings of that member when he died—

- (a) if the death occurs whilst in the service, a sum equal to two years' salary or wages:

Provided that in no case shall the grant be less than the total amount of contributions paid by the deceased to the fund or to the fund and the 1917 fund as the case may be and that for the purposes of this rule the rate of salary or wages as the case may be shall be that which a deceased member was receiving immediately prior to his death or absence from active service by reason of illness which resulted in his death whichever shall be the greater:

Provided also that if a member dies leaving a widow who is entitled to a pension under the widows' fund, the amount of the grant shall not exceed the amount by which the actuarial value of the maximum superannuation allowance at the age of 65 years which could have been secured for the member under these rules (calculated on the basis of a salary at that age equal to the member's salary at death plus normal increments if at the date of his death he was on an incremental scale) exceeds the actuarial value of that widow's pension;

- (b) if the death occurs, or pursuant to an election made under paragraph (4) of rule 16 is deemed to have occurred, after superannuation or retirement from the service, a sum equal to one year's superannuation allowance before taking into account any part surrendered under rule 15:

Provided that any sum payable to a surviving spouse or any dependant under this rule shall be in addition to any sum which may be payable under rule 15:

Provided also that if the amount received by the deceased by way of superannuation allowance (including any amounts which may have been deducted from such allowance in pursuance of the exercise of an option under rule 15) together with any grant made under this rule is less than the amount of his contributions to the fund or to the fund and the London and India fund or to the fund and the 1917 fund, such grant shall be increased to such an amount as shall when added to such superannuation allowance be equal to the total amount of the contributions made by him.

- (2) Subject to any nomination under paragraph (4) of this rule, the appropriation of the grant as between those eligible to receive it under paragraph (1) of this rule and the way in which the grant shall be applied for the benefit of the recipients shall be at the discretion of the Port Authority.

- (3) Subject to any nomination under paragraph (4) of this rule, if a member dies whether before or after retirement without leaving anyone eligible to receive the grant under paragraph (1) of this rule his representatives shall not be entitled to any grant either in respect

SCH. 3
—cont.

of his contributions to the fund or otherwise or to receive any other benefit from the fund except such if any as the Port Authority may at their discretion think fit to grant in the special circumstances of any particular case.

(4) A member or any person who shall after superannuation or retirement be in receipt of a superannuation allowance under these rules shall be entitled by writing under his hand delivered to the Port Authority to nominate his legal personal representative to receive any moneys payable under this rule in the event of his death and by writing under his hand similarly delivered to revoke any such nomination:

Provided that—

- (a) in the case of a member or such other person as aforesaid leaving a spouse or any child under 16 years of age surviving him any such nomination made by him shall be null and void;
- (b) no nomination or revocation shall be effective unless it is made in a form approved for that purpose by the Port Authority and has been delivered or sent to the Port Authority during the lifetime of the maker of the nomination or revocation.

Option to
allocate
benefits.

15. Subject to rule 16—

- (a) a member may surrender part of his superannuation allowance to provide a dependant's pension for the spouse or any child of the member or for any person who in the opinion of the Port Authority is wholly or partly dependent upon the earnings of the member at the time when he makes the surrender:

Provided that a pension may not be provided for more than one person unless the Port Authority agree;

- (b) a pension shall be payable from the death of the member after his superannuation or retirement;
- (c) the amount of a pension shall have regard to the ages of the member and the dependant at the date of the member's superannuation or retirement and shall be fixed upon an actuarial basis according to recognised scales to be approved from time to time by the Port Authority: a member shall be entitled to obtain information from the Port Authority based on the scales to enable him to decide whether or not to make a surrender;
- (d) a pension or, where the Port Authority agree to the provision of pensions for more than one person, the sum of the pensions shall not exceed an annual rate equal to one-half of the total annual superannuation allowance which would otherwise be payable or be deemed to be payable to the member under these rules;
- (e) except for the purposes of the last preceding paragraph, there shall be excluded from the operation of this rule such part of every superannuation allowance payable under these rules

to a member in respect of any period after the age of 65 years in the case of a man or 60 years in the case of a woman as would be equal to the minimum rate of equivalent pension benefits applicable in respect of that member's service under the provisions of Part III of the National Insurance Act 1965; and for this purpose "service" means service in the employment of the Port Authority but to the extent only that it is service in a non-participating employment within the meaning of that Act;

SCH. 3
—cont.

1965 c. 51.

- (f) a member may from time to time make a further surrender for the benefit of a dependant in whose favour any previous surrender is effective:

Provided that the limit in sub-paragraph (d) of this rule shall not be exceeded.

16.—(1) A surrender under rule 15 shall be made before or within one month after the date of the member's superannuation or retirement.

Conditions for
allocation of
benefits.

(2) A member may revoke a surrender wholly or in part at any time before superannuation or retirement.

(3) If before a member is superannuated or retired the person in whose favour he has made a surrender dies, is divorced from him or ceases to be his dependant, the surrender shall not take effect.

(4) (a) A member may elect at any time before he is superannuated or retired that if he dies in the service of the Port Authority after the earliest date at which he could have retired under paragraph (2) of rule 11 (in this paragraph called "the member's earliest retirement date") and leaves in force an effective surrender he shall nevertheless be deemed for the purposes of these rules to have retired immediately before he died.

(b) A member may revoke an election under this paragraph at any time before or within one month after the member's earliest retirement date.

(c) Rule 15 and this rule shall have effect where the context permits as if retirement included a retirement which is deemed to have taken place under sub-paragraph (a) of this paragraph.

(5) No surrender or election or revocation of a surrender or election shall take effect under this rule unless it is made in a form approved by the Port Authority and has been delivered or sent to the Port Authority during the lifetime of the member who makes it and within the time limits specified in this rule or any extension of those limits to which the Port Authority may agree.

17. An insured person who was a member on the 12th July, 1950, and who before the 29th March, 1966, duly elected to be subject to the following provisions for reduction of the amount of the contributions payable by him to the fund and for reduction of the amount of the superannuation allowance payable from the fund in respect of him shall continue to be so subject and any such election shall be irrevocable.

Reduction of
contributions
and pension
in certain
cases.

SCH. 3
—cont.

As respects any member who so elected as aforesaid and subject as provided in this rule the contributions payable under rule 5 after the date of exercising such election shall be reduced by the weekly sum indicated by such member in his form of election and the amount of the superannuation allowance payable from the fund in respect of any member who so elected as aforesaid shall be reduced by an annual sum equal to the annual sum shown in the table set out at the end of this rule in relation to an age which corresponds with that of the member on the date of exercising such election multiplied by the number of sixpences in that weekly sum for each complete year of service (not exceeding 40 years) with the Port Authority during which the contributions of the member have been reduced in accordance with this paragraph.

No reduction under this rule in the amount of any superannuation allowance shall take effect until the date on which a person who so elected has reached the age if a male of 65 years or if a female of 60 years.

TABLE OF REDUCTIONS IN PENSIONS AND ACTUARIALLY EQUIVALENT
REDUCTIONS IN MEMBERS' CONTRIBUTIONS

Age attained at the date from which the reduction in contributions commences	The annual reduction to be made in a member's pension after the attainment of age 65 (males) or 60 (females) for each complete year (with a maximum of 40 such years) during which the member's contributions have been reduced by sixpence per week			
Years	Males s. d.		Females s. d.	
Under 19	9	4	7	7
19	8	11	7	2
20	8	7	6	10
21	8	4	6	6
22	8	1	6	3
23	7	10	6	0
24	7	7	5	9
25	7	4	5	7
26	7	1	5	4
27	6	11	5	1
28	6	9	4	11
29	6	7	4	9
30	6	5	4	7
31	6	4	4	5
32	6	2	4	4
33	6	1	4	2
34	6	0	4	1
35	5	10	3	11
36	5	9	3	10
37	5	7	3	9
38	5	6	3	8
39	5	4	3	7
40	5	3	3	6
41	5	1	3	5
42	5	0	3	4

SCH. 3
—cont.

Age attained at the date from which the reduction in contributions commences	The annual reduction to be made in a member's pension after the attainment of age 65 (males) or 60 (females) for each complete year (with a maximum of 40 such years) during which the member's contributions have been reduced by sixpence per week			
Years	Males s. d.		Females s. d.	
43	4	10	3	3
44	4	9	3	2
45	4	8	3	1
46	4	6	3	0
47	4	4	2	11
48	4	3	2	10
49	4	1	2	9
50	4	0	2 8 at 50 or over	
51	3	10		
52	3	9		
53	3	8		
54	3	7		
55 and over	3	6		

18.—(1) In this rule “added years” means years reckonable as pensionable service under this rule.

(2) (a) A person who was a member on the 29th September, 1965, may before the age of 55 years for a man or 50 years for a woman elect from time to time to buy added years.

(b) A person who becomes a member on or after the 30th September, 1965, may before the age of 50 years for a man or 45 years for a woman elect from time to time to buy added years.

(c) The total number of added years shall in no case—

(i) exceed 10;

(ii) be such as would prejudice the approval of the fund by the Commissioners of Inland Revenue for the purposes of section 379 of the Income Tax Act, 1952;

1952 c. 10.

(iii) be such as would raise the member's years of pensionable service to more than 40 by the time when the member reaches the age of 65 years for a man or 60 years for a woman; and

(iv) be such as would raise the member's contributions to the fund to more than 15 per cent. of the member's salary or wages at the time of election.

(3) Subject to paragraph (4) of this rule, a member who elects to buy added years shall pay to the fund additional contributions from the date when the election is made until the date when the member reaches the age of 65 years for a man or 60 years for a woman in accordance with scales to be determined by the Port Authority upon actuarial advice:

SCH. 3
—cont.

Provided that the Port Authority may from time to time upon actuarial advice vary the scales for members who elect to buy added years after the date of any such variation.

(4) Additional contributions shall cease to be payable under this rule if—

(a) the Port Authority so permit; or

(b) the member dies, retires or is superannuated before the age of 65 years for a man or 60 years for a woman.

(5) The Port Authority shall direct that the number of added years bought by a member shall be added to the pensionable service of the member:

Provided that—

(a) where additional contributions cease to be payable under paragraph (4) of this rule, the number of years to be so added shall be reduced as the Port Authority shall upon actuarial advice decide;

(b) no superannuation allowance payable under these rules shall by reason of any such addition to pensionable service be increased to more than £3,000 per annum.

Evidence of
life.

19. A person who is after superannuation or retirement in receipt of a superannuation allowance under these rules shall furnish to the Port Authority such evidence of his being alive as the Port Authority may from time to time require and in default thereof the Port Authority may at their discretion suspend payment of the superannuation allowance.

Allowances
and payments
due to persons
under
disability and
to the
estates of
deceased
persons.

20.—(1) When a person who has become entitled under these rules to superannuation allowance is unable by reason of accident or bodily or mental infirmity to manage his affairs or to sign documents the Port Authority may pay the superannuation allowance or part thereof to his spouse or other person having charge of him or to the committee of his estate or if the disabled person is in an institution may pay the superannuation allowance or such part thereof as they think fit to that institution for his maintenance and in either such case may pay any balance to or for the support of the dependants of such disabled person or such of them as the Port Authority may determine and the Port Authority shall be discharged from all liability in respect of any sums so paid.

(2) A sum payable to a minor under these rules may be paid either to the minor or to such person and on such conditions for the benefit of the minor as the Port Authority may deem expedient and the receipt of the minor or such person shall be a good discharge to the Port Authority for the sum so paid.

(3) Whenever a sum not exceeding £500 becomes due under these rules to the estate of a deceased person the Port Authority may at their discretion pay that sum or any part of it in such proportions as they think fit to any relative of that person or to any other person who in

the opinion of the Port Authority was wholly or partly dependent upon that person when he died and the receipt of the person to whom any such payment is made shall be a good discharge to the Port Authority.

SCH. 3
—cont.

21. All superannuation allowances shall be payable weekly, monthly or quarterly as the persons entitled thereto may elect.

Dates of payments of superannuation allowances.

Payment and receipt of transfer values

22.—(1) When a person who has been a member of the fund—

Payment and receipt of transfer values.

(a) becomes employed otherwise than by the Port Authority in pensionable employment and his pension rights in respect of that employment arise from a superannuation scheme which is wholly or partly approved by the Commissioners of Inland Revenue for the purposes of section 379 of the Income Tax Act, 1952, or which is approved by those Commissioners for the purposes of this paragraph and the rules or other conditions governing that scheme include provision similar to the powers contained in this paragraph; or

1952 c. 10.

(b) becomes a member of the industrial fund;

there may be paid out of the fund if the Port Authority think fit to that scheme or the industrial fund (as the case may be) such sum by way of transfer value in respect of that person as an actuary appointed by the Port Authority may certify to be equitable in consideration of that person's becoming eligible to receive from that scheme or the industrial fund (as the case may be) benefits which in the opinion of the Port Authority are equitable having regard to the sum so to be paid:

Provided that the payment of such sum shall not be made to such a scheme unless the Port Authority are satisfied that it will be treated for all purposes of the scheme as a contribution by the subsequent employer except to the extent that it represents the member's own contribution to the fund.

(2) When a person who becomes a member of the fund—

(a) has been employed otherwise than by the Port Authority in pensionable employment and his pension rights in respect of that employment arise from a superannuation scheme which is wholly or partly approved by the Commissioners of Inland Revenue for the purposes of section 379 of the Income Tax Act, 1952, or which is approved by those Commissioners for the purposes of this paragraph; or

(b) has ceased to be a member of the industrial fund by reason of his appointment to a position in the Port Authority which has made him eligible for membership of the fund;

the Port Authority may accept from that scheme or the industrial fund (as the case may be) a sum by way of transfer value in respect of that person in consideration of his becoming eligible to receive from the fund benefits which in the opinion of the Port Authority are equitable having regard to the sum to be so paid and shall pay any sum so received into the fund:

SCH. 3
—cont.

Provided that any sum paid to the Port Authority under this paragraph shall be treated for all purposes of the fund as a contribution by the Port Authority except to the extent that it represents the contributions of the person concerned to that scheme or the industrial fund (as the case may be).

(3) A sum paid from the fund as transfer value under this rule shall be in substitution for and not in addition to any benefits to which a person would be entitled from the fund if the sum had not been so paid and it shall be at the option of the person in respect of whom such a sum is payable whether payment of it shall be made or whether he shall receive the benefits otherwise payable.

(4) (a) In addition the Port Authority may pay and receive sums by way of transfer value for the purposes of—

- 1946 c. 81. (i) any regulations or rules made under subsection (1) of section 67 of the National Health Service Act, 1946, subsection (1) of section 66 of the National Health Service (Scotland) Act, 1947, subsection (1) of section 61 of the Health Services Act (Northern Ireland), 1948, or section 2 of the Superannuation (Miscellaneous Provisions) Act, 1948; or
- 1947 c. 27.
- 1948 c. 33.
- 1954 c. 32. (ii) any scheme made under paragraph (b) of subsection (2) of section 7 of the First Schedule to the Atomic Energy Authority Act, 1954;

for the time being in force and whether made before or after the commencement of this Act.

(b) Any sum so paid or received shall be paid out of or into the fund.

(5) Service which any person in respect of whom a sum by way of transfer value is paid to the Port Authority was entitled to reckon for superannuation purposes as service with his former employer or as membership of the industrial fund shall for the purposes of these rules be reckoned as if it had been pensionable service with the Port Authority in such manner as the Port Authority may (either generally or in any particular case) determine and such service or any part thereof may be reckoned differently for different purposes of these rules.

Administration

Committee.

23.—(1) The fund shall be administered by a committee consisting of a chairman appointed by the Port Authority and twelve other persons of whom six shall be Port Authority committee men and six shall be members' committee men.

Appointment and election of committee.

(2) In the month of March in every fifth year after March, 1930, the Port Authority shall appoint six Port Authority committee men and six members' committee men shall be elected by the members by a ballot vote in accordance with regulations made by the committee and approved by the Port Authority. Such regulations shall prescribe the date of the election and all things necessary preliminary or incidental thereto and shall also prescribe that the members' committee

SCH. 3
—cont.

men shall be themselves members and include representatives of the salaried staff and the wages staff. The committee may with the approval of the Port Authority vary such regulations. Port Authority committee men may be appointed from among the members or officers of the Port Authority but not more than two officers shall be Port Authority committee men simultaneously and an officer may not act concurrently as a Port Authority committee man and as a members' committee man.

(3) The committee shall take office from the first day of April next following the date of their election or appointment and shall subject to the provisions in this rule mentioned remain in office for the term of five years. Period of office.

(4) In the event of any of the Port Authority committee men ceasing to be members or officers of the Port Authority or in the event of any of the members' committee men ceasing to be members they shall thereupon cease to be members of the committee: Cesser of membership.

Provided that where a members' committee man ceases to be a member on superannuation or retirement the committee may (on the application of the remaining members' committee men made before any co-option has taken place under paragraph (5) of this rule) permit him to remain in office for the rest of the committee's term of office, or for such shorter period as the committee may determine.

(5) Subject to paragraph (4) of this rule any casual vacancy in the committee shall be filled in the case of a Port Authority committee man by the nomination by the Port Authority of another member or officer of the Port Authority and in the case of a members' committee man by the co-option of another member by the remaining members' committee men provided that the representation of the salaried staff and the wages staff referred to in paragraph (2) of this rule shall at all times be maintained. Casual vacancies.

(6) In the absence of the chairman the chair at any meeting of the committee shall be occupied by the senior Port Authority committee man present. The chairman or any person occupying the chair in his absence shall in the event of an equal division have an additional or casting vote. Chairman of committee.

(7) Two Port Authority committee men and two members' committee men shall constitute a quorum of the committee. Quorum of committee.

(8) The procedure of the committee shall subject to these rules be regulated by the committee. Procedure of committee.

24. The committee shall as soon as possible after the 31st March in each year present to the Port Authority and to the members a statement of accounts of the fund duly audited. Annual accounts.

25. A treasurer of the fund shall be appointed by the Port Authority and shall hold office during the pleasure of the Port Authority. The remuneration (if any) of the treasurer shall be fixed by the Port Authority. Treasurer.

SCH. 3
—cont.
Receipts by
treasurer.

26. It shall be the duty of the treasurer to receive all contributions of the Port Authority and members on account of the fund and also to receive the interest and dividends on all investments representing all or any part of the fund for the time being invested and to pay the same forthwith as and when received into a separate banking account to be kept with the Westminster Bank Limited at their head office under the title of the Port of London Authority Pension Fund or in the event of that bank ceasing to be the trustees with such other bank as the Port Authority may nominate.

Payments by
treasurer.

27. It shall also be the duty of the treasurer to pay to the Port Authority such sums (not being in excess of the balance for the time being standing to the credit of the Port of London Authority Pension Fund banking account) as may be required for the purpose of paying any superannuation allowances and other payments payable to persons entitled to the same under these rules. A requisition in writing by the Port Authority as to the amount so required shall be binding upon the treasurer and shall also be an indemnity to him as regards amounts so paid by him and such payments shall be made by the treasurer not later than 14 days after any such requisition:

Provided that if at any time the moneys for the time being in the hands of the treasurer shall be insufficient to meet the full amount of any requisition received by him under this rule it shall be the duty of the trustees immediately upon receipt of notice from the treasurer of such deficiency and of the amount thereof to raise by sale of or (if the Port Authority shall so direct) by charge upon investments such sums as shall from time to time be necessary to make up the amount of such requisition.

A request by the treasurer accompanied by production of the requisition and the direction if any of the Port Authority as to raising the amount by charge on investments shall be an indemnity to the trustees as regards the amounts to be raised and paid to him.

Accounts by
treasurer.

28. The treasurer shall keep an account of all sums received and paid by him on account of the fund and shall render an account to the committee of such receipts and payments whenever required to do so by the committee.

Secretary.

29. The Port Authority shall appoint a secretary of the fund and any other officers to perform services in connection with the fund whose duties and remuneration (if any) shall be prescribed by the Port Authority and they shall hold office at the pleasure of the Port Authority.

Trustees.

30. The Westminster Bank Limited shall be the trustees of the fund and they shall hold that office until requested in writing by the Port Authority to resign and the Port Authority shall have power to appoint any other bank or banking institution or any other persons to be the trustees.

Investment
of fund.

31. As soon as possible after the end of every half-year the amount standing to the credit of the fund in the Port of London Authority Pension Fund banking account after making due provision for

SCH. 3
—cont.

abilities shall be made available to the trustees for investment and shall be invested by them as provided in these rules. The amounts to be so made available to the trustees for investment under this rule shall be such as from time to time shall be specified in a resolution of the committee a copy of which resolution certified by the secretary shall be a full and sufficient authority to the treasurer to pay the required amount and to the trustees to receive it.

32.—(1) Money to be invested under these rules may be invested or otherwise applied by the trustees for the purposes of the fund in the same manner and to the same extent as if they were absolutely and beneficially entitled to that money but subject to any limitations which may from time to time be prescribed by the Port Authority.

Securities for
investment of
fund.

(2) Subject to this rule and without prejudice to the generality of paragraph (1) of this rule the trustees may—

- (a) acquire any investment under this rule either by themselves or with others;
- (b) spend or lend money forming part of the fund in connection with the management, maintenance, improvement, development or realisation of any land acquired or to be acquired by them under this rule;
- (c) sell, exchange, let, mortgage and otherwise deal with any land acquired by them under this rule to the same extent as if they were absolutely and beneficially entitled to it.

(3) The committee shall—

- (a) select the investments to be made under this rule and decide when any investment is to be varied or sold;
- (b) determine the manner in which the trustees are to deal with any land acquired or to be acquired by them under this rule and are to spend or lend any money under sub-paragraph (b) of paragraph (2) of this rule.

(4) The committee may—

- (a) manage, maintain, improve and develop and enter into arrangements with or for others to manage, maintain, improve and develop land acquired or to be acquired by the trustees under this rule;
- (b) take part in any capacity in the management of any company in which the trustees have acquired securities under this rule;
- (c) form or join with others in forming any company in connection with the management, maintenance, improvement, development or realisation of any land acquired or to be acquired by the trustees under this rule.

(5) (a) The committee may delegate the exercise of any of their duties and powers under this rule to a sub-committee (consisting of persons who need not be members or officers of the Port Authority or the fund) to be appointed by the committee from time to time

SCH. 3
—cont.

with the approval of the Port Authority and the constitution, powers and procedure of the sub-committee shall be such as the Port Authority may from time to time approve.

(b) The committee and any sub-committee appointed under subparagraph (a) of this paragraph may delegate the exercise of any of their duties and powers under this rule to such officer or officers of the Port Authority or the fund and subject to such limitations and conditions as the Port Authority may from time to time approve.

(6) If practicable at the time, the trustees shall be entitled to act upon the oral instructions and bound to act upon the written instructions of the committee or the sub-committee or any officer to whom the committee or the sub-committee have for the time being delegated their duties or powers under this rule and the trustees shall assume that the appropriate duties and powers have been delegated to the sub-committee or any officer from whom they receive instructions.

(7) The committee shall make to the Port Authority such reports on the investment of the fund as the Port Authority may require.

(8) The trustees and any person acting within the scope of their or his authority under this rule shall not be liable for any loss or expense to the fund and shall be indemnified out of the fund against all actions, proceedings, costs, charges, losses, damages and expenses arising out of their or his so acting.

(9) In this rule, "land" includes any interest, legal or equitable, in any land or building of any tenure (including a rent charge) in any part of the world.

Duties and
remuneration
of the
trustees.

33.—(1) All investments made by the trustees under these rules shall be made in their name or under their control and the securities for such investments shall be held in their custody and the trustees shall immediately on receipt thereof pay to the treasurer or as he may direct all sums received by way of dividends and interest on the investments for the time being standing in their name or under their control.

(2) The trustees being a bank or banking institution may without being liable to account for any profit made thereby act as banker and transact any banking business on behalf of the fund and may retain on current or deposit account or may advance any moneys it may be necessary or convenient so to retain or advance on the same terms as would be made with a customer in the ordinary course of business but shall repay to the fund any share of brokerage on stock exchange transactions received by them in connection with any investment of the fund.

(3) The trustees shall be paid out of the fund such remuneration and expenses as shall from time to time be agreed between the committee and the trustees and approved by the Port Authority.

SCH. 3

—cont.

34. If any investment held by the trustees shall be redeemed the trustees shall pay the amount received to the treasurer who shall forthwith report the fact to the secretary and the amount so received shall thereupon be made available to the trustees for investment and shall be invested in accordance with these rules. Re-investment of moneys.

35. The trustees may, if so directed by the committee, borrow money for the purposes of the fund to such extent, in such manner and upon such terms as shall from time to time be approved by the Port Authority. Power to borrow.

36. The Port Authority shall pay or reimburse all members of the committee or their legal personal representatives all expenses incurred by them in or relating to their duties and the Port Authority shall also bear and pay all proper costs and expenses (including salaries) of or incidental to the management or administration of the fund and otherwise connected therewith except— Expenses of administering fund.

(a) the remuneration and expenses of the trustees; and

(b) expenses (other than the salaries of officers appointed by the Port Authority to perform services in connection with the fund) incurred in the acquisition, variation, management, maintenance, improvement, development and disposal of any investment of the fund.

37.—(1) (a) Once at least in every five years and at any time when the fund shall be insufficient to pay the superannuation allowances or other amounts payable out of it the Port Authority shall instruct an actuary (being a fellow of the Institute of Actuaries or of the Faculty of Actuaries in Scotland) to make an actuarial valuation of the assets and liabilities of the fund. Actuarial valuation.

(b) The actuary's valuation report to the Port Authority shall be made available for inspection by persons contributing or who have contributed to the fund.

(2) Where on any such valuation the actuary certifies that a deficiency is disclosed the Port Authority shall forthwith make good the deficiency by means of a payment into the fund or by means of an equivalent annuity spread over a period of years not exceeding 40 in accordance with the certificate of the actuary.

(3) If the fund is at any time insufficient to pay any superannuation allowance or other amount payable out of it the deficiency shall be forthwith made good by the Port Authority by means of a payment into the fund.

38. No addition to or alteration in or modification of these rules shall be made without the sanction of the Port Authority and of a majority of three-fourths of the members present at a general meeting called for the purpose. Every such meeting shall be convened and held at such time and place and in such manner and the proceedings thereat shall be regulated in such manner in all respects as the committee shall approve. Alteration of rules.

39. Subject and without prejudice to any of the powers specially conferred upon the Port Authority by these rules the committee and the Settlement of disputes.

SCH. 3
—cont.

1950 c. 27.

Sections 69
and 129.

Port Authority shall jointly have power to determine all disputes, differences, questions and matters of doubt arising in the execution of the trusts relating to the fund or touching the construction, meaning or effect of these rules or rights or liabilities thereunder or of any person claiming any benefit or interest thereunder and every such dispute, difference or question shall (in default of and so far as any such determination as aforesaid shall not extend) be referred to arbitration in accordance with the Arbitration Act, 1950.

SCHEDULE 4

LICENSING APPEALS TO THE BOARD OF TRADE

1. An appeal shall be made by written notice stating the grounds of the appeal.
2. The appellant shall send a copy of the 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.

Sections 94
and 95.

SCHEDULE 5

PART I

SCHEME FOR THE EXERCISE OF POLLUTION PREVENTION FUNCTIONS

1. There shall be a standing committee of the Port Authority known as the Pollution Control Committee and charged with the functions of the Port Authority under Part VI of this Act. Subject to section 96 (Scheme for exercise of pollution prevention functions) of this Act and paragraph 2 of this scheme the Pollution Control Committee shall be re-appointed by the Port Authority as soon as possible after the 1st January, 1970, and as soon as possible after the 1st January in every third year thereafter. The Pollution Control Committee for the time being shall remain in office until the next re-appointment of the committee and casual vacancies on the committee shall, subject to section 96 (Scheme for exercise of pollution prevention functions) of this Act and paragraph 2 of this scheme, be filled by the Port Authority as they arise.
2. Subject to section 96 (Scheme for exercise of pollution prevention functions) of this Act and paragraph 3 of this scheme the Pollution Control Committee shall include—
 - (1) a person nominated by and representative of the Essex River Authority;

- (2) a person nominated by and representative of the Kent River Authority;
- (3) a person nominated by and representative of the Lee Conservancy Catchment Board;
- (4) a person nominated by the Confederation of British Industry and accepted by the Minister as independent and qualified;
- (5) two persons nominated by and representative of the council and a person nominated by and representative of the City of London Corporation.

3. A person shall not be eligible to be nominated for membership of the Pollution Control Committee unless he is a member of the authority or board by whom he is nominated.

4. The technical staff required to carry out the functions of the Port Authority under Part VI of this Act shall be employed wholly for that purpose and related functions and shall include—

- (1) a principal pollution control officer, who shall be a science graduate with considerable experience of pollution control and who shall be responsible to the Pollution Control Committee for the exercise of the functions of the Port Authority under Part VI of this Act;
- (2) not less than two pollution control officers who shall be science graduates or holders of appropriate professional qualifications and having experience of pollution control; and
- (3) not less than two pollution control inspectors holding appropriate professional qualifications.

5. The conditions to be imposed in respect of any discharge to waters in the Thames area which are not subject to the provisions of section 99 (Powers to Greater London Council) of this Act shall be determined by the recommendations of the report of the Departmental Committee on the Effects of Heated and other Effluents and Discharges on the Condition of the Tidal Reaches of the River Thames (the "Pippard Report," published by Her Majesty's Stationery Office in 1961), in the light of the Water Pollution Research Technical Paper No. 11 (published by Her Majesty's Stationery Office in 1964) and any other available scientific data.

6. The conditions to be imposed in respect of any discharge to waters in the Thames area which are subject to the provisions of section 99 (Powers to Greater London Council) of this Act shall be determined by the council and shall be related to the overall polluting load which is imposed on the Thames by the waters to which the discharge is made.

7. The Port Authority and the council shall from time to time consult on the conditions to be imposed in respect of the discharges referred to in paragraph 6 above.

8. The conditions imposed in respect of individual discharges shall be reviewed from time to time with the object of securing the maximum practicable improvement in the condition of the waters in the Thames area.

SCH. 5
—cont.

PART II

ENACTMENTS RELATING TO POLLUTION APPLIED WITHIN
THE THAMES AREA

Act	Section or schedule	Marginal note or heading	Extent of application	
(1)	(2)	(3)	(4)	
1951 c. 64.	Rivers (Prevention of Pollution) Act, 1951	2	Prohibition on use of stream for disposal of polluting matter, refuse, etc.	Subsections (1), (2) and (7) to (9).
		3	Prevention and making good of defaults under section 2	The whole section.
		4	Cleansing bed of stream, cutting vegetation, etc.	The whole section.
		5	Byelaws	Subsections (1) (b) and (c), (6) and (7).
		7	Restrictions on new outlets and new discharges	Subsections (1) to (4), (7), (8) (b), (9) and (12) to (15).
		11	Interpretation	(i) In subsection (1), the definitions of "local Act", "local authority", "the Minister", "sewage effluent", "statutory order" and "trade effluent". (ii) Subsections (2), (3), (5), (6) and (7).
1961 c. 50.	Rivers (Prevention of Pollution) Act, 1961	1	River Board's consent for pre-1951 discharges	Subsections (1) and (3) to (10).
		2	Protection while applications are being dealt with	The whole section.
		3	Furnishing of information	Subsections (1) and (3).
		4	Protection for persons complying with conditions	Subsection (1).

SCH. 5
—cont.

Act (1)	Section or schedule (2)	Marginal note or heading (3)	Extent of application (4)
Waters (Prevention of Pollution) Act, 1961 (continued)	5	Review and variation of conditions governing discharges and new outlets	Subsections (1) to (5).
	6	Appeals to Minister	Subsections (1) to (5).
	7	Other provisions relating to discharges and new outlets	Subsections (2) to (5).
	9	Estuaries and tidal waters	Subsection (4).
	10	Samples of effluent	Subsections (1) to (5).
	11	Restriction on proceedings	Subsection (1).
	12	Restriction of disclosure of information	The whole section.
	13	Interpretation and construction	The whole section.
	First Schedule	Statement to be included in Consents and Notices	The whole schedule.
Water Resources Act 1963	76	Emergency measures in case of pollution of waters	Subsections (1), (2) and (5).
	108	Default powers	Subsections (1) to (3), paragraph (a) of subsection (4) and subsections (5) and (6).
	111	Rights of entry and inspection	Subsections (1) and (3) to (6).
	112	Supplementary provisions as to rights of entry and inspection	The whole section.
	113	Power to take samples of effluents	(i) In subsection (1), paragraph (a). (ii) Subsections (2) to (6).
	114	Power to require information	The whole section.

1961 c. 50.

1963 c. 38.

SCH. 5
—cont.

Act (1)	Section or schedule (2)	Marginal note or heading (3)	Extent of application (4)
1963 c. 38. Water Resources Act 1963 (continued)	115	Penalties for false informa- tion and falsification of meters	(i) In subsection (1), paragraph (a). (ii) Subsection (3).
	118	Offences	The whole section.
	119	Procedure relating to byelaws	The whole section.
	120	Service of documents	The whole section.
	135	Interpretation	In subsection (1), the definitions of “ abstraction ”, “ functions ”, “ land ”, “ the Minister ”, and “ statutory water undertakers ”.
	Schedule 4	Provisions as to river authorities	Paragraph 19.
Schedule 12	Procedure relating to byelaws	Paragraphs 1 (1) and 2 to 8.	

Section 154.

SCHEDULE 6

FORM OF DECLARATION FOR A PERSON APPOINTED TO BE A CONSTABLE
IN THE PORT AUTHORITY'S POLICE FORCE

I,
of
do solemnly and sincerely declare and affirm that I will well and truly
serve our Sovereign Lady, the Queen, in the office of constable, without
favour or affection, malice or ill-will; and that I will, to the best of
my power and in the area of my lawful authority as a constable, cause
the peace to be kept and preserved and prevent all offences against the
persons and properties of Her Majesty's subjects there; and that while I
continue to hold the office of constable, I will to the best of my skill and
knowledge discharge all the duties thereof faithfully according to law.

SCHEDULE 7

Section 180.

MAINTENANCE OPERATION AND LIGHTING OF BRIDGES, FOOTWAYS AND OTHER WORKS

	Bridge, road or work affected (1)	Local or other authority (2)	Obligation of Port Authority (3)	Obligation of local or other authority (4)
1	LONDON AND ST. KATHARINE DOCKS Swing bridge across cut between Tobacco and Eastern Docks known as Wapping Lane Swing Bridge (formerly known as Old Gravel Lane Swing Bridge)	London Borough of Tower Hamlets	To maintain and keep in repair	
2	Footbridge across cut between Tobacco and Eastern Docks and the footways leading to the footbridge from Wapping Lane (formerly known as Old Gravel Lane)	London Borough of Tower Hamlets	(a) To maintain and keep in repair (b) To place a light at each end of the footbridge (c) To permit the public to use the bridge when bridge No. 1 above is not available for traffic	
3	Lift bridge across cut between Shadwell New Basin and Eastern Dock	London Borough of Tower Hamlets	To maintain and keep in repair	
4	Lift bridge across entrance to Shadwell New Basin	London Borough of Tower Hamlets	To maintain and keep in repair	
5	Swing bridge over entrance to St. Katharine Dock	London Borough of Tower Hamlets	(a) To maintain and keep in repair (b) To light and watch the bridge	
6	ROYAL DOCKS Footway over the outer lock gates of the upper entrance to the	London Borough of Newham	To maintain and keep in repair	

SCH. 7
—cont.

	Bridge, road or work affected (1)	Local or other authority (2)	Obligation of Port Authority (3)	Obligation of local or other authority (4)
	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			
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	Greater London Council	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	
9	Swing bridge across the cut between the Royal Albert Dock and the basin	Greater London Council	To light the bridge and to provide warning lights	
10	Bascule bridge across the entrance to the King George V Dock	Greater London Council	(a) To comply with any reasonable direction of the Greater London Council in relation to the maintenance of the bridge and of any works connected with it; any work to be carried out to the reasonable satisfaction of the Council's Traffic Commissioner and Director of Transportation	

SCH. 7
—cont.

Bridge, road or work affected (1)	Local or other authority (2)	Obligation of Port Authority (3)	Obligation of local or other authority (4)
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	(b) To light the bridge and to provide warning lights 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	
SURREY COMMERCIAL DOCKS			
13 Lift bridge across the entrance to the Surrey lock	London Borough of Southwark	(a) To maintain and keep in repair (b) Not to alter the width or gradient of the bridge or of the approaches thereto (c) To keep as it is the appropriation of parts of the bridge for carriageway, fenders to the carriageway and footway(s) (d) To maintain a light at each end of the bridge	

SCH. 7
—cont.

	Bridge, road or work affected (1)	Local or other authority (2)	Obligation of Port Authority (3)	Obligation of local or other authority (4)
14	The footbridge across South Lock	London Borough of South- wark	To maintain and keep in repair	
15	Movable footbridge across Greenland lock entrance	London Borough of South- wark	To maintain and keep in repair	
16	Bridge across the cut between Russia and Greenland Docks	London Borough of South- wark	To maintain and keep in repair	
17	Lift bridge across the cut between Canada and Greenland Docks	London Borough of South- wark	To maintain and keep in repair	
	SURREY CANAL			
18	Bridge carrying Plough Way over the Surrey Canal	London Borough of South- wark or Lewisham	To maintain and keep in repair the bridge, but not the roadway passing over it	
	WEST INDIA AND MILLWALL DOCKS			
19	Subway carrying water main under South Dock entrance lock and the connected shafts, and the means of access to the subway and shafts	Metro- politan 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 Metro- politan Water

SCH. 7
—cont.

Bridge, road or work affected (1)	Local or other authority (2)	Obligation of Port Authority (3)	Obligation of local or other authority (4)
<p>20 Opening bridge across the South Dock entrance lock</p>	<p>Greater London Council As to the highway over the bridge only London Borough of Tower Hamlets</p> <p>London Borough of Tower Hamlets</p>	<p>(a) To maintain and keep in repair</p> <p>(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</p>	<p>Board) of the Port of London Act, 1917: 1917 c. xliv. 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>

SCH. 7
—cont.

	Bridge, road or work affected (1)	Local or other authority (2)	Obligation of Port Authority (3)	Obligation of local or other authority (4)
			requirements of vessel traffic in the lock	
		London Borough of Tower Hamlets	(c) 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.
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 unreason- ably 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	

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)
<p>(a) So much of section 62 (Works in the Thames) as empowers the Port Authority to lay down moorings</p> <p>(b) Section 63 (Removal of private moorings)</p> <p>(c) Sections 66 to 70 relating to the control of works</p> <p>(d) Section 81 (Port Authority's landing places)</p> <p>(e) So much of section 162 (Thames byelaws) as empowers the Port Authority to make byelaws prohibiting or regulating bathing</p>	<p>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. 1947 c. xxxiii.</p> <p>(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).</p> <p>(c) The 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.</p>
<p>2. So much of section 62 (Works in the Thames) as empowers the Port Authority to lay down or place buoys, 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</p>	<p>2. (a) The areas described in paragraph 1 above.</p> <p>(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 Sheppey bears 166° reckoned as aforesaid, thence on a bearing 166° reckoned as aforesaid to the level of</p>

SCH. 8
—cont.

Provisions of Act (1)	Area in which provisions are not to apply (2)
general and special directions to vessels contained in Part VII (Vessels and navigation) of this Act	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.

Section 208.

SCHEDULE 9

REPEALS

PART I

ENACTMENTS REPEALED

Act (1)	Section or schedule (2)	Marginal note or heading (3)	Extent of repeal (4)
1890 c. ccxxiv. Richmond Footbridge Sluices Lock and Slipway Act, 1890	—	—	The whole Act.
1908 c. 68. The Port of London Act, 1908	—	—	The whole Act.
1920 c. clxxiii. The Port of London (Consolidation) Act, 1920	—	—	The whole Act.
1922 c. lxx. 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".
	3	Application of provisions of Act of 1920	The whole section.
	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.

Act (1)	Section or schedule (2)	Marginal note or heading (3)	Extent of repeal (4)	SCH. 9 —cont.
The Port of London and Midland Railway Act 1922—(contd.)	12	Port Authority's portion of landing stage to be part of their undertaking	The whole section.	1922 c. lxx.
	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.		

SCH. 9
—cont.

	Act (1)	Section or schedule (2)	Marginal note or heading (3)	Extent of repeal (4)
1922 c. lxx.	The Port of London and Midland Railway Act 1922—(contd.)	39	Access to mercantile marine offices	The whole section.
		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.
1928 c. xlvi.		The Port of London Act, 1928	—	—

SCH. 9
—cont.

Act (1)	Section or schedule (2)	Marginal note or heading (3)	Extent of repeal (4)	
The Port of London (Various Powers) Act, 1932	—	—	The whole Act.	1932 c. xxxviii.
The Port of London Act, 1935	—	—	The whole Act.	1935 c. cxvi.
The Port of London Act, 1950	—	—	The whole Act.	1950 c. xxiii.
The Port of London Act, 1957	—	—	The whole Act.	1957 c. v.
The Port of London (Superannuation) Act, 1958	—	—	The whole Act.	1958 c. xiii.
The Port of London Act, 1959	—	—	The whole Act.	1959 c. xxviii.
The Port of London Act, 1961	—	—	The whole Act.	1961 c. xli.
The Port of London Act, 1962	—	—	The whole Act.	1962 c. li.
The Port of London Act 1963	—	—	The whole Act.	1963 c. xxvii.
The Port of London (Extension of Seaward Limit) Act 1964	—	—	The whole Act.	1964 c. ii.
The Port of London Act 1964	—	—	The whole Act.	1964 c. xxxvi.
The Port of London Act 1965	—	—	The whole Act.	1965 c. vii.
The Port of London Act 1967	—	—	The whole Act.	1967 c. xxxii.

SCH. 9
—cont.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
	The Port of London (Charges for use of moorings) Order, 1941	The whole Order
S.R. & O. 1943 No. 1326	Order relating to the accounts of the Port Authority	The whole Order
S.I. 1965 No. 654	The London Government Order 1965 ...	Article 3 (23).
S.I. 1966 No. 1251	The Port of London Act 1964 (Commencement etc.) Order 1966	The whole Order
S.I. 1967 No. 168	The Port of London (Craft and Boat Registration) Revision Order 1966	The whole Order
S.I. 1967 No. 1197	The Port of London Authority Revision Order 1967	The whole Order
S.I. 1967 No. 1813	The Port of London Authority (Financial Provisions) Revision Order 1967	The whole Order
S.I. 1968 No. 738	The Port of London Act, 1964 (Second Appointed Date) Order 1968	The whole Order

Section 209.

SCHEDULE 10

PART I

1920 c. clxxiii.
Exemption of lighters and craft in certain cases.

SECTION 68 OF THE PORT OF LONDON (CONSOLIDATION) ACT, 1920

68. 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:

SCH. 10
—cont.

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

1920 c. clxxiii.

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 or barge registered under Part VII of this Act.

Section 212.

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 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; SCH. 11
—cont.
1964 c. xxxvi.
- (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 (Consideration for licence) of this Act: 1920 c. clxxiii.
- 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; 1882 c. 56.
- (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,

SCH. 11
—cont.

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;

1928 c. xlvi.

(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;

1920 c. clxxiii.

(s) the requirement of the approval of the Minister in relation to the pension schemes referred to in or established under subsection (4) of section 12 (Power of Port Authority to acquire land promote Bills, etc.) of the Port of London (Consolidation) Act, 1920, shall continue to have effect.

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