



CHAPTER xxiii

An Act to confer further powers on the Port of London Authority and for other purposes. [12th July 1950.]

WHEREAS by the Port of London Act 1908 the Port of London Authority (hereinafter referred to as "the Port 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 by that Act (inter alia) the undertaking and powers of the London and India Docks Company and other undertakings and powers were transferred to and vested in the Port Authority and other powers were conferred on the Port Authority and other provisions were made with reference to the port of London: 8 Edw. 7. c. 68.

And whereas by various subsequent Acts and Orders further powers were conferred on the Port Authority and the Port Authority have executed divers works for the improvement of the port of London:

And whereas by the Port of London (Consolidation) Act 1920 (hereinafter referred to as "the Act of 1920") the provisions of the various statutes by which or by reference to which the constitution powers rights authorities privileges duties and obligations of the Port Authority were then defined were amplified consolidated and amended as in that Act appearing: 10 & 11 Geo. 5. c. clxxiii.

And whereas it is expedient that the dues rates tolls and charges which may be demanded and taken by the Port Authority should be increased and that further or new provision as in this Act contained should be made with respect thereto:

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 attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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 and
collective titles.

- 1.—(1) This Act may be cited as the Port of London Act 1950.
(2) The Port of London Acts 1920 to 1935 and this Act may be cited together as the Port of London Acts 1920 to 1950.

Act divided
into Parts.

2. This Act is divided into Parts as follows:—

Part I—Preliminary.

Part II—Finance.

Part III—Rates and charges.

Part IV—Miscellaneous.

Interpretation.

3. In this Act unless the subject or context otherwise requires—

“The Act of 1920” means the Port of London (Consolidation) Act 1920;

“The Act of 1923” means the Port of London (Dock Charges) Act 1923;

“The Act of 1932” means the Port of London (Various Powers) Act 1932;

“The Act of 1935” means the Port of London Act 1935;

“The commission” means the British Transport Commission and any reference to the commission in relation to any functions of the commission which are for the time being delegated to an executive in pursuance of section 5 of the Transport Act 1947 shall be construed as a reference to that executive;

“Fishery” includes oyster and shell fishery;

“The Minister” means the Minister of Transport;

“The Port Authority” means the Port of London Authority;

“The port of London” means the port within the limits described in the First Schedule to the Act of 1920 as amended by section 22 of the Act of 1932;

“Seaplane” includes a flying-boat and any other aircraft designed to manoeuvre on the water;

“The Thames” has the meaning assigned to it by section 197 (Definitions) of the Act of 1920;

“Vessel” includes ship boat lighter and craft of every kind however navigated propelled or moved and seaplane.

13 & 14 Geo. 5.
c. xxxiv.22 & 23 Geo. 5.
c. xxxviii.25 & 26 Geo. 5.
c. cxvi.10 & 11 Geo. 6.
c. 49.

PART II

FINANCE

- 4.—(1) The Port Authority may borrow for the purpose of— ^{Power to re-borrow.}
- (a) paying off a loan raised under any Act relating to them ;
or
 - (b) replacing moneys which during the preceding twelve months have been temporarily applied from other moneys of the Port Authority in repaying moneys previously borrowed and which at the time of such repayment it was intended to replace by borrowed moneys :

Provided that the Port Authority shall not have power to borrow under this section—

- (a) for the purpose of making any payment to a sinking or redemption fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys ; or
- (b) for the purpose of replacing any moneys previously borrowed which have been repaid—
 - (i) by instalments or annual payments ; or
 - (ii) by means of a sinking fund or redemption fund ; or
 - (iii) out of moneys derived from the sale of land ;
or
 - (iv) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period originally fixed as the period within which the original loan is to be repaid which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section :

Provided that the Minister may upon application made to him for that purpose extend the period for repayment of the moneys borrowed under this section so as to expire on such date as he thinks fit not being later than the expiration of the maximum period which might have been permitted under subsection (3) of section 95 (Powers of borrowing) of the Act of 1920 for the repayment of the original loan.

(3) Subsection (4) of the said section 95 is hereby repealed.

5. It shall not be lawful to exercise the powers of borrowing conferred by this Act (other than the power of borrowing to pay the costs charges and expenses referred to in section 38 ^{Saving for powers of Treasury.}

PART II
—cont.

(Costs of Act) of this Act) otherwise than in compliance with any order for the time being in force made under section 19 & 10 Geo. 6. of the Borrowing (Control and Guarantees) Act 1946. c. 58.

General
insurance
fund.

6.—(1) The Port Authority may (if they think fit) establish an insurance fund with a view to providing a sum of money which shall be available for making good all losses damages costs and expenses to which the Port Authority may be subjected in consequence of such risks as may from time to time be specified in a resolution of the Port Authority (in this section referred to as “the specified risks”).

(2) The establishment of a fund under this section shall not prevent the Port Authority from insuring in one or more insurance offices or with any member or members of Lloyds against the whole or any part of all or any of the specified risks.

(3) The Port Authority may pay into the said fund in any year such sum as the Port Authority may think fit out of the receipts of the Port Authority on revenue account and as part of the working and establishment expenses and the cost of the maintenance of the port of London.

(4) All moneys for the time being standing to the credit of the said fund shall be invested in any securities in which the reserve fund provided for by Part IV (General financial provisions) of the Act of 1920 may for the time being be invested and the interest and annual proceeds arising from such securities shall be invested and accumulated in the fund.

(5) The moneys standing at the passing of this Act to the credit of the insurance fund established under section 111 (Insurance fund) of the Act of 1920 shall be carried to and form part of the fund authorised by this section.

(6) The said section 111 is hereby repealed.

PART III

RATES AND CHARGES

Increase of
rates.

7.—(1) As from the passing of this Act the maximum amounts of the dues rates tolls and charges authorised by the provisions of the Acts specified in the first column of the First Schedule to this Act (of which dues rates tolls and charges short particulars are contained in the second column of that schedule) shall respectively be increased by the percentages of the amounts thereof specified in the third column of that schedule and the Port of London Acts 1920 to 1950 shall be read and construed accordingly.

(2) Part I of the schedule to the Act of 1923 shall have effect as if in the last paragraph thereof the figures “7s. 6d.” were substituted in both places for the figures “3s. 9d.”

(3) Part II of the schedule to the Act of 1923 shall have effect as if in the last paragraph but one thereof the figures “1s. 2d.” were substituted in both places for the figure “8d.” and as if in the last paragraph thereof the figures “5s. 1d.” were substituted in both places for the figures “2s. 11d.”

8. Section 45 (Duties of tonnage in port of London) of the Act of 1920 shall be read and construed as if in the first proviso to that section the words “on a bearing one hundred and sixty-six degrees reckoned clockwise from the true north point of the compass to high-water mark on the Kent bank of the river” were substituted for the words “to the land’s end at Warden Point in the Isle of Sheppey in the county of Kent”.

Amendment of section 45 of Act of 1920.

9.—(1) Section 48 (Navigation tolls for vessels carrying merchandise) and section 49 (Navigation tolls for vessels not carrying merchandise) of the Act of 1920 shall have effect as if the words “places in the borough of Twickenham” were substituted for the word “Twickenham” in those sections.

Amendment of sections 48 and 49 of Act of 1920.

(2) The words from “and it is hereby declared” to “port of London” where those words occur for the last time but one in and the words from “or any directions” to the end of the said section 48 are hereby repealed.

(3) The words from “and it is hereby declared” to the end of the said section 49 are hereby repealed.

10.—(1) The Second Schedule to this Act shall be substituted for Part III of the schedule to the Act of 1923 and section 4 (Tonnage rates on vessels) of the Act of 1923 shall have effect as if the Second Schedule to this Act were referred to therein instead of Part III of the schedule to the Act of 1923 and the Port of London Acts 1920 to 1950 shall be read and construed accordingly.

Dock tonnage rates and rents.

(2) The provisions of section 462 (Exemption of vessels in His Majesty’s service from rates) of the Act of 1920 shall so far as applicable extend and apply to the charges authorised by the said section 4 as varied by this section.

11.—(1) The Port Authority may from time to time demand and receive in respect of every vessel which shall use any of the moorings now or hereafter belonging to the Port Authority in the Thames below London Bridge and shall there discharge or load cargo a sum not exceeding one-half of the rates specified in the Second Schedule to this Act:

Charges for use of moorings.

Provided that no charges shall be made under this section in respect of the following vessels:—

any vessel trading between the port of London and any place in the United Kingdom Eire the Channel Islands or Isle

PART III
—cont.

of Man or any place on the coast of Europe between the river Elbe and Brest ;

any fishing smack lobster boat or oyster boat ;
any seaplane ;

but nothing in this proviso shall exempt any vessel to which this proviso applies from any dues or charges which the Port Authority may for the time being be authorised to levy pursuant to any byelaws made under section 47 (Power to charge for use of moorings) of the Act of 1920 or if a seaplane pursuant to section 31 (Dues and charges on seaplanes) of the Act of 1935.

(2) The powers of the collectors of river duties of tonnage and other officers of the Port Authority referred to in subsection (1) of section 46 (Collectors of duties of tonnage to have access to registers of ships at Custom House) of the Act of 1920 and the obligations imposed on collectors of customs and excise by subsection (2) of that section shall extend and apply to the charges authorised by this section.

(3) The provisions of sections 71 to 93 inclusive (relating to the collection of rates) and of section 462 (Exemption of vessels in His Majesty's service from rates) of the Act of 1920 shall so far as applicable extend and apply to the charges authorised by this section and to the recovery thereof as though those charges were authorised by that Act.

(4) Any vessel which is liable to the payment of charges under this section shall not be liable to the payment of any charges appointed by byelaws of the Port Authority made under the said section 47.

(5) In this section the expression " mooring " means buoys and chains provided by the Port Authority for the accommodation of vessels at ships' tiers in the Thames.

Revision of
rates.

12.—(1) If it is represented by application in writing to the Minister—

- (a) by any chamber of commerce or shipping or any representative body of traders or shipowners ; or
- (b) by any person who in the opinion of the Minister has a substantial interest in the trade of the port of London and is a proper person to make an application ; or
- (c) by the Port Authority ;

that under the circumstances then existing the authorised rates should be revised in whole or in part the Minister if he thinks fit may make an order revising all or any of the authorised rates referred to in the application and may fix the date as from which such order shall take effect and thenceforth such order shall remain in force until the same expires or is revoked or modified by a further order of the Minister made in pursuance of this subsection.

(2) An application made to the Minister under subsection (1) of this section shall be accompanied by such information and particulars as the Minister may consider relevant certified in such manner as he may require.

(3) Where upon an application under subsection (1) of this section an order has been made or the Minister has decided not to make an order no further application for a revision of any of the rates to which the application related shall be made within twelve months from the date of such order or decision as the case may be.

(4) Before making an order under subsection (1) of this section the Minister shall consult with such bodies or persons as aforesaid as appear to him to be appropriate including the Port Authority where they are not the applicants and for the purpose of ascertaining such bodies or persons may require public notice of the application to be given and where an objection to an application is made by the Port Authority or by any such body or person as aforesaid and is not withdrawn the Minister unless it appears to him that the objection is of a trivial nature shall cause an inquiry to be held in reference to the application.

(5) Subject to the proviso to this subsection the Minister shall not by an order under subsection (1) of this section make any such revision of the authorised rates as in his opinion would so far as can be estimated be likely to result in the annual revenue of the Port Authority being insufficient or more than sufficient to enable the Port Authority with efficient management of their undertaking to make adequate provision for paying all proper expenses of and connected with the working management and maintenance of their undertaking including interest on loan capital (regard being had by him to any capital which the Port Authority may reasonably be expected to expend) making good depreciation providing for any contributions which the Port Authority may reasonably and properly carry to any reserve fund contingency fund or sinking fund and meeting all other costs charges and expenses if any properly chargeable to revenue :

Provided that in any case where the Minister is satisfied that there are special circumstances affecting the undertaking of the Port Authority taking into account their financial condition during such period preceding the date on which an application is made under subsection (1) of this section as the Minister considers to be appropriate the Minister may revise the authorised rates in such manner as he thinks just and reasonable with due allowance for such special circumstances notwithstanding that such revision is likely to result in the revenue of the Port Authority being insufficient to enable the Port Authority to make adequate provision for all of the matters referred to in the foregoing provisions of this subsection.

PART III
—cont.

(6) The provisions of section 35 (Inquiries by Minister) of this Act shall apply to inquiries which the Minister may cause to be held under this section.

(7) The power of the Minister to make an order under this section shall be exercisable by statutory instrument.

(8) In this section “authorised rates” means the dues rates tolls and charges which the Port Authority are for the time being authorised to levy demand and recover in pursuance of the Port of London Acts 1920 to 1950 or any order made under this section.

(9) Section 5 (Revision of dock rates and rents) of the Act of 1923 and subsections (3) to (10) inclusive of section 16 (Port rates on goods) and subsection (3) of section 17 (Charges at Tilbury cargo jetty) of the Act of 1932 are hereby repealed.

PART IV

MISCELLANEOUS

Amendment of provisions of Act of 1920 as to qualifications of chairman vice-chairman and members of Port Authority.

13. Sub-paragraph (C) of and the proviso to paragraph (1) of Part II of the Second Schedule to the Act of 1920 are hereby repealed and the following paragraph shall be inserted in that Part II immediately following paragraph (1) :—

“(1A) A chairman or vice-chairman or 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 dock or warehousing business of the Port Authority) shall disclose the nature of his interest at a meeting of the Port Authority or of any committee or sub-committee of the Port Authority at which he is present and at which the contract is the subject of discussion and the disclosure shall be recorded in the minutes of the Port Authority or of the committee or sub-committee and the chairman vice-chairman or member shall not take any part in any deliberation or decision of the Port Authority or of the committee or sub-committee in respect to that contract.”

As to members of Port Authority appointed by London County Council.

14. Part III of the Second Schedule to the Act of 1920 shall have effect as if paragraph (2) thereof provided that in the year nineteen hundred and fifty-two and every third year thereafter the members of the Port Authority appointed by the London County Council who but for this section would go out of office on the first day of April shall go out of office on the first day of July and not on the first day of April.

15.—(1) The Port Authority may make vary and revoke standing orders respecting the quorum proceedings and places of meeting of any committee appointed by the Port Authority but subject to any such standing orders the quorum proceedings and places of meeting shall be such as the committee may determine.

PART IV
—cont.Proceedings of
committees
of Port
Authority.

(2) In the case of an equality of votes on any question arising at a meeting of a committee of the Port Authority the person presiding at the meeting shall have a second or casting vote.

(3) The undermentioned words in paragraph (4) of Part I of the Second Schedule to the Act of 1920 are hereby repealed:—

“ and the provisions of section eighty-two of the Local Government Act 1888 with respect to proceedings of committees of county councils shall apply to committees of the Port Authority as if they were committees of a county council ”.

51 & 52 Vict.
c. 41.

16.—(1) The expression “ rateable value ” in paragraphs (6) and (8) (B) of Part IV (Provisions as to elections of elected members) of the Second Schedule to the Act of 1920 (which paragraphs relate to the right of the occupier of a wharf quay warehouse or granary adjoining the port of London to have his name entered on the register of electors for the time being in force under that Part IV and the number of votes to which such person is entitled at any such election) shall in relation to any premises to which those paragraphs apply mean the net annual value of those premises as appearing in the valuation list for the time being in force.

Meaning of
“ rateable
value ”
in Second
Schedule to
Act of 1920
and
apportionment
thereof.

(2) (a) Where any such premises as are referred to in the said paragraphs (6) and (8) (B) are not separately assessed for rating purposes but form part of any hereditament which is so assessed and a claim be made by or on behalf of a wharfinger being the occupier of the premises to have his name entered on the register of electors for the time being in force under the said Part IV and to vote at any election of elected members of the Port Authority the secretary to the Port Authority shall for the purposes of the said paragraphs (6) and (8) (B) apportion the net annual value of the hereditament between the said premises and the remainder of the hereditament in such manner as he shall think fit:

Provided that the occupier of the said premises and any person qualified to be on the said register may make objection to such apportionment in the same manner as objections may be made under regulation 15 of the regulations (S.R. & O. 1930 No. 331) made by the Minister pursuant to the powers vested in him by the said Part IV on the grounds therein stated.

(b) Any objection made under this subsection to any apportionment of the net annual value of any hereditament for the

PART IV
—cont.

purpose of the said paragraphs (6) and (8) (B) shall be dealt with in all respects as if it were an objection made under the said Regulation 15.

Orders of
harbour-master
need not be
in writing.

17.—(1) Any direction or notice required to be given by a harbour-master in writing under the provisions of the Act of 1920 with respect to harbour-masters may be given verbally in any case of urgent or pressing necessity or whenever under the circumstances it may be reasonably impracticable to serve a written notice.

(2) Accordingly the words “in writing signed by such harbour-master” in section 268 (Penalty on not complying with directions of harbour-masters) and the words “in writing” in section 269 (Power of harbour-masters to remove vessels) of the Act of 1920 are hereby repealed.

Repeal of
sections 129
and 130 of Act
of 1920.

18. Section 129 (Power to appoint meters and weighers) and section 130 (Licensed meters and weighers only to be employed) of the Act of 1920 are hereby repealed.

Amending the
rules of the
Port of
London
Authority
pension fund
as respects new
entrants.
18 & 19 Geo. 5.
c. xlvii.
9 & 10 Geo. 6.
c. 67.

19.—(1) In this section except where otherwise expressly provided or unless the subject or context otherwise requires—

“the Act of 1928” means the Port of London Act 1928;

“the fund” means the Port of London Authority pension fund;

“insured person” means a person insured under the National Insurance Act 1946 or any Act modifying or re-enacting that Act for the time being in force;

“member” means an officer or servant from time to time contributing to the fund and does not include a recipient from the fund;

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

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

“the rules” means the rules with respect to the fund set out in the schedule to the Act of 1928 or as the case may require those rules as altered as provided for by the rules and for the time being in force.

(2) Every person who after the date of the passing of this Act is before attaining the age of fifty years appointed to the salaried staff or the wages staff and whose contract of service entails an obligation to become a member shall become a member immediately on appointment or on the day on which if a male he attains the age of twenty years or if a female she attains the age of seventeen years whichever is the later and the Act of 1928 shall be read and have effect accordingly.

(3) In relation to any person who becomes a member pursuant to subsection (2) of this section the Act of 1928 shall be read and have effect as if—

(a) The following rule were substituted for rule 5 (Rate of contributions by members) of the rules:—

“Every person who becomes a member pursuant to subsection (2) of section 19 (Amending the rules of the Port of London Authority pension fund as respects new entrants) of the Port of London Act 1950 shall contribute to the fund in accordance with the following table:—

| | |
|---------------------------------------|------------------------------------------------------|
| Male members of the salaried staff. | A sum equal to four per centum of his salary. |
| Female members of the salaried staff. | A sum equal to three per centum of her salary. |
| Members of the wages staff. | A sum equal to three per centum 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 the foregoing provisions of this rule shall be reduced at the rate of three pounds and eightpence per annum.”

(b) The following were substituted for the concluding paragraph of rule 6 of the rules and the scale forming part of that paragraph:—

“In computing such deductions the amount thereof shall be calculated to the nearest penny and in the case of an exact halfpenny to the nearest penny below.”

(c) The following rule were substituted for rule 7 (Contributions by Port Authority of percentage of salaries and wages) of the rules:—

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

- (a) twelve per centum per annum of the salaries of male members of the salaried staff;
- (b) nine per centum per annum of the salaries of female members of the salaried staff;
- (c) nine per centum per annum of the wages of all members of the wages staff:

Provided that if on the occasion of any valuation made pursuant to section 8 (Actuarial valuation) of the Act of 1928 the actuary shall certify that by reason of changed circumstances the joint contribution of the Port Authority and the member is no

PART IV
—cont.

longer appropriate the percentages mentioned in subheads (a) (b) and (c) 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 eight per centum of the respective salaries and wages mentioned in those subheads.”

- (d) The following paragraphs were substituted for paragraph (1) of rule 12 (Scale of superannuation allowances) of the rules:—

“ (1) Subject as hereinafter provided by this rule the prescribed scale according to which superannuation allowances shall be computed shall be as follows that is to say an annual sum equal to one-sixtieth part 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 during which he shall have been a member :

Provided that for the purpose of ascertaining the period of membership for superannuation purposes the membership shall be calculated to the nearest quarter of a year.

(1A) In the case of an insured person 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 one pound and fourteen shillings for each year of membership :

Provided that—

(i) if the period of membership 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 sixty-five years or if a female of sixty years ; and

(iii) the total amount of the reduction shall in no case exceed sixty-seven pounds and twelve shillings per annum.”

- (4) Where benefits payable under the rules are to be computed in relation to periods of service such periods shall in relation to any person who becomes a member pursuant to subsection (2) of this section be computed in relation to periods of membership

and any period directed by the Port Authority under any provision of the rules to be added or included in computing the period of service of any such person shall form part of his period of membership.

20.—(1) When any person who has been a member of the Port of London Authority pension fund becomes employed otherwise than by the Port Authority in any pensionable employment and the pension rights of such person in respect of such last-mentioned employment arise from a superannuation fund wholly or partly approved for the purposes of section 32 of the Finance Act 1921 and the rules or other conditions governing such last-mentioned fund include provision similar to the powers contained in this subsection there may be paid out of the Port of London Authority pension fund if the Port Authority think fit to the superannuation fund in respect of the employment which he enters such sum by way of transfer value in respect of him as an actuary appointed by the Port Authority may certify to be equitable in consideration of such person becoming eligible to receive from the last-mentioned fund subject to the rules thereof benefits which in the opinion of the Port Authority are equitable having regard to the sum so to be paid :

As to payment and receipt of transfer values by and to Port of London Authority pension fund. 11 & 12 Geo. 5. c. 32.

Provided that the payment of such sum as aforesaid shall not be made unless and until the Port Authority shall be satisfied that it will be treated for all purposes of the fund to which it is to be paid as a contribution by the subsequent employer except to the extent that it represents the member's own contribution to the Port of London Authority pension fund.

(2) When any person who has been employed otherwise than by the Port Authority in any pensionable employment and whose pension rights in respect of such employment arise from a superannuation fund wholly or partly approved for the purposes of section 32 of the Finance Act 1921 becomes a member of the Port of London Authority pension fund and the person by whom he was last employed prior to his entering the service of the Port Authority is enabled and willing to pay to the Port Authority in respect of him a sum by way of transfer value in consideration of his becoming eligible to receive from the Port of London Authority pension fund subject to the rules thereof benefits which in the opinion of the Port Authority are equitable having regard to the sum so to be paid the Port Authority may accept such payment and shall pay any sum so received into the Port of London Authority pension fund :

Provided that any sum paid to the Port Authority under this subsection shall be treated for all purposes of the Port of London Authority pension fund as a contribution by the Port Authority except to the extent that it represents the contributions of the person concerned to the superannuation fund in respect of his previous employment.

PART IV
—cont.

(3) The sums to be paid and received as transfer value under the preceding subsections of this section shall be in substitution for and not in addition to any benefits to which a member would be entitled from the funds from which such transfer values are paid if this section had not been enacted and it shall be at the option of the member in respect of whom such transfer values are payable whether effect shall be given to such payment or whether he shall receive the benefits otherwise payable.

(4) (a) In addition and without prejudice to the preceding provisions of this section the Port Authority may pay and receive sums by way of transfer value for the purposes of any rules made (whether before or after the passing of this Act) under section 2 of the Superannuation (Miscellaneous Provisions) Act 1948 and for the time being in force.

(b) Any sum so paid or received shall be paid out of or into the Port of London Authority pension 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 the person by whom he was last employed prior to his entering the service of the Port Authority shall for the purposes of the Port of London Act 1928 as amended by this Act be reckoned as if it had been service with the Port Authority or membership of the Port of London Authority pension fund 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 the said Act as so amended.

(6) In this section “pensionable employment” means employment which is relevant in relation to the pension rights of the person employed and includes all such employment whether or not for a period sufficient to render him entitled to or eligible for the payment of a pension to or in respect of him.

Driving
offences on
dock roads.
20 & 21 Geo. 5.
c. 43.
24 & 25 Geo. 5.
c. 50.

21.—(1) In this section—

“The Act of 1930” means the Road Traffic Act 1930 ;

“The Act of 1934” means the Road Traffic Act 1934 ;

“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 docks of the Port Authority ; and

(iii) accessible to motor vehicles ;

“Motor vehicle” has the same meaning as in the Act of 1930 ;

“The Road Traffic Acts” means the Road Traffic Acts 1930 to 1947.

(2) The Road Traffic Acts shall have effect as if in the provisions thereof hereinafter mentioned the expression "road" 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 121 of the Act of 1930 and all the provisions of the Road Traffic Acts so far as applicable shall apply accordingly.

(3) The provisions of the Road Traffic Acts referred to in subsection (2) of this section are—

The Act of 1930—

- Section 4 (Licensing of drivers &c.) ;
- Section 9 (Restriction on driving by young persons) ;
- Section 10 (Rate of speed) as amended by the Act of 1934 ;
- Section 11 (Reckless or dangerous driving) ;
- Section 12 (Careless driving) as amended by the Act of 1934 ;
- Section 15 (Punishment of persons driving motor vehicles when under influence of drink or drugs) ;
- Section 20 (Duty to give name and address and to stop and power of arrest in certain cases) ;
- Section 22 (Duty to stop in case of accident) ;
- Section 29 (Restrictions on persons being towed by getting on to or tampering with motor vehicles) ;
- Section 35 (Users of motor vehicles to be insured against third-party risks) as amended by the Act of 1934 ;
- Section 40 (Requirements as to production of certificate of insurance or of security) ;
- Section 49 (Penalties for neglect of traffic directions) as amended and extended by the Act of 1934 ;
- Section 50 (Leaving vehicles in dangerous positions) :

The Act of 1934—

- Section 20 (Restriction on carriage of persons on bicycles) :

Provided that if no duty is chargeable under the Vehicles (Excise) Act 1949 in respect of a motor vehicle the said sections 4 9 35 and 40 shall not apply in respect of that vehicle while it is being driven or to any person while driving it on a dock road. 12 13 & 14
Geo. 6. c. 89.

(4) Notwithstanding that no maximum speed limit or a maximum speed limit in excess of thirty miles per hour has for the time being been fixed by or under section 10 of the Act of 1930 as amended by the Act of 1934 in relation to a motor vehicle of any class or description that section as so amended (except subsection (4) thereof) shall for the purposes of this section have effect

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—cont.

so far as applicable as if a maximum speed limit of thirty miles per hour had been fixed thereby or thereunder in relation to a motor vehicle of that class or description.

(5) For the purposes of the Road Traffic Acts as extended and applied by this section the expressions “chief officer of police” and “police station” where used in those Acts shall respectively include the chief police officer of and any police station maintained by the Port Authority.

Amendment
as to fixing of
high-water
mark of
ordinary
spring tides of
river Thames.

22.—(1) From and after the passing of this Act any reference to the level of Trinity High Water or Trinity Standard contained in any Act shall be deemed to be made to a level having a value of eleven decimal four feet above the datum 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 and Fisheries.

(2) No bridge building structure or work in existence at the passing of this Act shall by reason solely of the enactment of this section be deemed to be erected or placed otherwise than in accordance with the provisions of any Act applicable to the said bridge building structure or work.

(3) Section 309 (Fixing high water of ordinary spring tides for Thames) of the Act of 1920 is hereby repealed.

As to landward
limit of port
of London.

23. The reference to the boundary line between the parishes of Teddington and Twickenham in the county of Middlesex in the First Schedule to the Act of 1920 as amended by section 22 (Amending First Schedule to Act of 1920) of the Act of 1932 (which schedule as so amended defines the limits of the port of London) shall be read and construed as meaning the boundary line between those parishes as existing immediately before the first day of April nineteen hundred and thirty-seven when the County of Middlesex (Twickenham) Review Order 1937 came into operation.

Restrictions
in respect of
certain lands.

24.—(1) This section applies to any lands which are submerged by the waters of the river Thames at high water of spring tides but not at high water of ordinary tides and which lie between a line drawn in prolongation of the line marking the seaward limit of the port of London and a straight line passing through Margaret Ness on the south bank of the river Thames in the county of London and a point true north thereof on the north bank of the river Thames in the county of London.

(2) Any person proposing to carry out on in or under any 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 river Thames at high water of

ordinary tides shall before commencing that operation give notice of the proposed operation to the Port Authority accompanied by plans sections and particulars thereof.

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—cont.

(3) 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 (2) of this section and if they are of opinion that the proposed operation can 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 can in their opinion be carried out without such detriment.

(4) No person shall commence or proceed with any such operation as is mentioned in subsection (2) 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 modified form ;

(b) if he is dissatisfied with the decision of the Port Authority without the consent of the Minister ; nor

(c) (in either of such cases) otherwise than in accordance with plans sections and particulars approved by the Port Authority or by the Minister (as the case may be).

(5) (a) Any 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 (2) of this section shall be entitled to obtain compensation in respect of such injurious affection loss or injury from the Port Authority.

(b) Any question whether compensation is payable under this subsection or as to the amount of any compensation so payable shall in default of agreement be determined by the Lands Tribunal.

(6) Without prejudice to any other right or remedy of the Port Authority any person offending against the provisions of subsection (4) of this section shall be liable to a penalty not exceeding fifty pounds.

(7) 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 board or other drainage authority constituted by or under the River Boards Act 1948 or the Land Drainage Act 1930 or any scheme or order made thereunder.

11 & 12 Geo. 6.
c. 32.
20 & 21 Geo. 5.
c. 44.

(8) In this section “high water of ordinary tides” means high water of the medium tide between the spring tides and the neap tides.

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—cont.

Acquisition of
lands by
agreement.
23 & 24 Geo. 5.
c. 51.

25.—(1) For the purposes of section 12 (Power to Port Authority to acquire land promote Bills &c.) of the Act of 1920 sections 173 and 176 of the Local Government Act 1933 shall apply as if those sections were enacted in Part II of the Act of 1920 with the substitution of the words “the Port Authority” for the words “a local authority” or “the local authority”.

(2) Subsection (2) of the said section 12 is hereby repealed.

Meaning of
“tributary”
in provisions of
Act of 1920
relating to
pollution.

26. Exception No. (1) in the definition of the word “tributary” in section 226 (Interpretation in provisions of this Act relating to pollution) of the Act of 1920 is hereby repealed viz.:—

“(1) Any river stream watercourse cut dock canal channel and water or part thereof in the county of Middlesex”;

but the repeal of that exception shall not be construed as constituting any river stream watercourse cut dock canal channel or water or part thereof in the administrative county of Middlesex a tributary within the meaning and for the purposes of sections 226 to 242 (relating to pollution) of the Act of 1920.

Extension of
section 280 of
Act of 1920.

27. Section 280 (Liability of owners of vessels) of the Act of 1920 shall extend and apply in the case of damage done by any vessel or by any person employed in or about the same by any means whatsoever to any works or things erected maintained repaired provided or placed by the Port Authority in the Thames whether under the powers of section 203 (General powers as to works for navigation) of the Act of 1920 or not.

Recovery of
expenses under
section 431 of
Act of 1920.

28.—(1) Any expenses incurred by the Port Authority in the exercise of their powers under subsection (1) of section 431 (As to obstructions) of the Act of 1920 in connection with any craft at any time registered in accordance with the provisions of Part VI of the Act of 1920 which they are unable to recover in whole or in part under the provisions of subsection (1) of that section may be recovered by them from the person whose name appeared as owner of the craft in the last certificate of registration issued in respect of such craft in accordance with the said Part VI or if there is more than one such person from all or any or either of them (which person or persons are hereinafter in this section referred to as “the former owner”):

Provided that this subsection shall not apply—

(a) if the former owner disposed of the craft on or before the date of the passing of this Act; or

(b) if in the case of a disposition of the craft after the date of the passing of this Act the former owner—

(i) has given to the Port Authority not less than ten clear days' previous notice of his intention to effect

such disposition and of the name and address of the person to whom he intended to dispose of the craft; and

- (ii) has obtained the consent of the Port Authority to the disposition by him of the craft to the person named in the notice.

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—cont.

Any such consent of the Port Authority shall not be unreasonably withheld and shall on the expiry of the said period of ten clear days be deemed to have been given unless the Port Authority have previously intimated that their consent is withheld.

(2) Any expenses incurred by the Port Authority in the exercise of their powers under subsection (2) of section 431 of the Act of 1920 shall be recoverable by them from the person who is or was the owner either at the time of the removal by the Port Authority or at the time of abandonment or loss of the thing causing an obstruction or impediment or the floating timber.

29.—(1) The following provisions of the Act of 1920 are hereby repealed:—

- | | | |
|-------------|-----------------------------------------------------|---------------------------------------------------------------------|
| Section 411 | (Power to maintain railway to Galleons Reach); | Repeal of certain provisions relating to railway to Galleons Reach. |
| Section 412 | (Power to lay down additional lines); | |
| Section 413 | (Tolls for passengers); | |
| Section 414 | (Tolls for propelling power); | |
| Section 415 | (Maximum rates for passengers); | |
| Section 416 | (Tolls for small parcels); | |
| Section 417 | (Regulation as to tolls); | |
| Section 418 | (Passengers' luggage); | |
| Section 419 | (Foregoing charges not to apply to special trains); | |
| Section 420 | (Trains for labouring classes); | |
| Section 421 | (Limiting compensation for injury); | |
| Section 422 | (Company not to carry goods &c.). | |

(2) (a) In this subsection the expression "the railway" means the railway referred to in the said section 411.

(b) The commission may at any time after the passing of this Act remove from their land the junction of the railway with the commission's railway and any works or apparatus in connection therewith and may restore their land and railway to their former state and condition and the cost of such removal and restoration as certified by the engineer of the commission shall be repaid by the Port Authority to the commission on demand.

(c) The agreement dated the twenty-second day of December nineteen hundred and twenty-four and made between the

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—cont.

London & North Eastern Railway Company of the one part and the Port Authority of the other part as to the working of the railway by the said railway company shall cease to have effect upon the passing of this Act.

Amendment of section 354 of Act of 1920.

30. Section 354 (Accommodation of boat to be considered) of the Act of 1920 shall have effect as if the words “ life-saving equipment fire-extinguishing appliances ” were inserted therein after the word “ arrangements ”.

As to registration of craft.

31. Section 359 (Power to refuse registration of craft and boats and revoke certificates and licences) of the Act of 1920 shall have effect as if the words “ or in the case of a tug is not fit to be used as a tug ” were inserted therein after the words “ as the case may be ” where they first occur in that section.

As to certain powers of Minister under Merchant Shipping Act 1894.
57 & 58 Vict.
c. 60.

32. For the avoidance of doubt it is hereby declared that nothing in the Port of London Acts 1920 to 1950 affects the powers of the Minister under Part III or Part V of the Merchant Shipping Act 1894 as amended or extended by any subsequent enactment.

Confirmation of byelaws.

33.—(1) No byelaws made by the Port Authority after the passing of this Act under the Port of London Acts 1920 to 1935 shall come into operation until they have been confirmed by the confirming authority.

(2) The confirming authority in relation to byelaws so made shall be the Minister except that—

- (a) as respects byelaws relating to fisheries the confirming authority shall be the Minister of Agriculture and Fisheries ; and
- (b) as respects byelaws made under section 38 (Registration of houseboats) of the Act of 1935 the confirming authority shall be the Minister of Health.

(3) (a) At least one month before application is made by the Port Authority to the confirming authority for confirmation of any byelaws made by them as aforesaid 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 any administrative county and county borough affected by the byelaws or if there be 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 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 and to the clerk of any river board constituted under the River Boards Act 1948 and the clerk of any catchment board constituted under the Land Drainage Act 1930 and having jurisdiction in any part of the area to which the byelaws apply.

(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 all 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 every person who shall apply for a copy thereof or of any part thereof on payment of such reasonable price as the Port Authority may determine.

(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 foregoing provisions of this section shall not apply to byelaws made by the Port Authority for all or any of the purposes specified in paragraphs (A) and (B) of section 194 (Power to make byelaws for certain purposes) of the Act of 1920.

(6) Section 449 (Publication and confirmation of byelaws) of the Act of 1920 section 6 (Byelaws as to ships carrying petroleum) of the Port of London Act 1926 and section 39 (Confirmation of byelaws relating to seaplanes) of the Act of 1935 are hereby repealed and section 452 (Publication of notices byelaws &c.) of the Act of 1920 shall cease to apply with respect to any byelaws (proposed or made) of the Port Authority or any notice of intention to apply for the confirmation of any such byelaws. 16 & 17 Geo. 5.
c. 1.

(7) Subsection (3) of section 38 (Registration of houseboats) of the Act of 1935 is also hereby repealed but notwithstanding that repeal the provisions of sections 446 447 448 450 451 and 454 of the Act of 1920 shall continue to apply to any byelaws made by the Port Authority in pursuance of that section 38 and the provisions of the Act of 1920 shall have effect as if byelaws

PART IV
—cont.

made by the Port Authority in pursuance of that section 38 were byelaws made by them relating to their jurisdiction under Part VI of the Act of 1920.

Minor
amendments of
Act of 1920.

34.—(1) Section 227 (Duty of Port Authority to preserve flow and purity of water) of the Act of 1920 shall have effect as if the word “secure” were inserted therein before the words “the removal therefrom”.

(2) Section 469 (For protection of Metropolitan Water Board) of the Act of 1920 shall have effect as if in paragraph (14) thereof the word “enure” were substituted for the word “ensure”.

Inquiries by
Minister.

35.—(1) The Minister may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or the giving of any approval or consent or the making of any order under the Port of London Acts 1920 to 1950.

(2) Subsections (2) to (5) of 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.

(3) Subsection (1) of section 443 (Provisions as to Board of Trade) of the Act of 1920 is hereby repealed.

Recovery of
penalties &c.

36.—(1) Save as otherwise expressly provided by this Act all offences against this Act and all penalties and forfeitures imposed or recoverable thereunder or under any byelaw made thereunder or by virtue thereof may be prosecuted and recovered in a summary manner.

(2) Any costs or expenses recoverable as aforesaid may be recovered summarily as civil debts where the amount recoverable does not exceed twenty pounds.

Expenses of
execution of
Act.

37. All payments made by the Port Authority for the purposes of or in connection with the exercise of the powers of this Act shall be made out of the port fund or out of moneys borrowed for the purpose and any money received by the Port Authority in pursuance of or consequent on the exercise of the powers of this Act shall be carried to the credit of that fund.

Costs of Act.

38. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act shall be paid by the Port Authority out of the port fund.

SCHEDULES

FIRST SCHEDULE

| Provisions of Act | Short particulars of dues rates tolls and charges | Percentage increase |
|-----------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| Section 15 of the Act of 1920. Subsection (2) of section 16 of and the schedule to the Act of 1932. | Port rates on goods ... | Two hundred per centum. |
| Section 45 of the Act of 1920. | River duties of tonnage ... | One hundred and twenty-five per centum. |
| Section 48 of the Act of 1920. | Tolls for vessels navigating westward of London Bridge and carrying merchandise. | One hundred per centum. |
| Section 53 of the Act of 1920. | Tolls on steam and other vessels landing or embarking passengers or goods at piers and landing places of the Port Authority. | One hundred per centum. |
| Special sections of the Canal Tolls and Charges No. 6 (River Lee etc.) Order Confirmation Act 1894 applicable only to the Surrey Canal. | Tolls and wharfage charges in respect of the use of the Surrey Canal. | Seventy-five per centum. ^{57 & 58 Vict.} per c. ccv. |
| Sections 59 and 61 of the Act of 1920. | | |
| Section 3 of and Part I of the schedule to the Act of 1923. | Landing and rafting rates (Import). | One hundred per centum. |
| Section 3 of and Part II of the schedule to the Act of 1923. | Wharfage and Porterage rates (Export). | Seventy-five per centum. |

SECOND SCHEDULE

DOCK TONNAGE RATES AND RENTS

- (i) On vessels entering to discharge or to load cargo or embark or disembark passengers from or for ports or places situate beyond the coasts of the United Kingdom Eire the Channel Islands and Isle of Man and the continent of Europe between the river Elbe and Brest inclusive—

Dock tonnage rates—4s. 0d. per net register ton.

Rent—1d. per net register ton per day with a maximum of 6d. per net register ton for any continuous period of 7 days.

Rent to commence after 21 days from date of entrance or if the vessel is remaining in dock to lie up repair or fit out upon the day following completion of discharge.

- (ii) On vessels entering to discharge or to load cargo or embark or disembark passengers from or for ports or places situate in the United Kingdom Eire the Channel Islands and Isle of Man and the continent of Europe between the river Elbe and Brest inclusive—

Dock tonnage rates—2s. 0d. per net register ton.

Rent— $\frac{3}{4}$ d. per net register ton per day with a maximum of 5d. per net register ton for any continuous period of 7 days.

Rent to commence after 14 days from date of entrance or if the vessel is remaining in dock to lie up repair or fit out upon the day following completion of discharge.

- (iii) On vessels entering to discharge or to load petroleum or other earth oils or any cargo requiring special attention—

Dock tonnage rates—4s. 0d. per net register ton.

Rent—1d. per net register ton per day with a maximum of 6d. per net register ton for any continuous period of 7 days.

Rent to commence after 21 days from date of entrance or if the vessel is remaining in dock to lie up repair or fit out upon the day following completion of discharge.

- (iv) On tugs entering except as provided hereunder—

Dock tonnage rates—2s. 0d. per net register ton or 1s. 0d. per gross register ton whichever amount be the greater.

Rent from date of entrance—1d. per net register ton per day or $\frac{1}{2}$ d. per gross register ton per day whichever amount be the greater.

On any tug entering where the charge calculated at dock tonnage rates would amount to less than £1 15s. 0d.—a sum of £1 15s. 0d.

- (v) On tugs entering solely for the purpose of towing barges—
17s. 6d. per tug per tide or the equivalent of a tide.
- (vi) On vessels (other than tugs) entering to lie up repair or fit out—

2ND SCH.
—cont.

Dock tonnage rates—2s. 0d. per net register ton.

Rent from date of entrance—1d. per net register ton per day with a maximum of 6d. per net register ton for any continuous period of 7 days.

On any vessel (other than a tug) entering where the charge calculated at dock tonnage rates would amount to less than £4—a sum of £4.

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