
Notes

The words omitted from sub-s (1) and the whole of sub-s (2) were repealed by the Port of London Act 1982, s 7, Sch2.

Constable. See the note to s 119 ante. Note also, as to the appointment of constables by the company, s 154 ante and the note thereto.

Definitions. For "dock", "port police area", "port premises", "specified premises" and "vessel", see s 2(1) ante.

[Sections 158 and 159 and all references in this Act to "specified premises" shall be treated as having ceased to have effect].

Note

Section 158 and 159 were repealed by the Port of Tilbury Transfer Scheme 1991 Confirmation Order 1992 SI1992/284

160. Impersonating a port constable

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 [level 5 on the standard scale] or to both].

Notes

The words in the first (outer) pair of square brackets were substituted by the Port of London Act 1982, s 3(1), Sch 1, Pt I.

The reference to level 5 on the standard scale is substituted by virtue of the Criminal Justice Act 1982, s 46. Under s.37(2) of the Criminal Justice Act 1982, as amended by The Criminal Justice Act 1991, level 5 is now £5,000

Standard scale. See the note to s 38 ante.

PART XI

BYELAWS

161. Byelaws for port premises

The Port Authority may make byelaws for the port premises for any of the following purposes-

- (a) to regulate the use of the port premises and of services and facilities provided there;
- (b) to regulate the conduct of vessels, including the use of their motive power and equipment;
- (c) to regulate goods traffic;
- (d) to promote the safety of persons working at the port premises;
- (e) to protect property at, or forming part of, the port premises from damage, defacement or theft;
- (f) to regulate the admittance of persons to the port premises;
- (g) to prescribe what persons, other than the Port Authority's staff, may be employed at the port premises;

- (h) to prevent trespassing;
- (i) to regulate vehicle and railway traffic;
- (j) to prevent nuisances and other misuses of the port premises; and
- (k) to prevent pollution of the water in the docks.

Notes

Further provisions. See also ss 167 (fines for breach of byelaws), 168 (confirmation of byelaws), 169 (proof of byelaws) and 212, Sch 11, para (h) (transitional provisions) post.

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

162. Thames byelaws

- (1) The Port Authority may make byelaws for the Thames for any of the following purposes-
- (a) to secure the conservation and improvement of the Thames as a harbour and a navigable waterway and to promote ease and convenience of navigation;
 - (b) for the regulation of vessels in the Thames and their entry into and departure from the Thames and, without prejudice to the generality of the foregoing, to prescribe rules for navigation and the lights and signals to be exhibited or made by, or for the benefit of, vessels;
 - (c) for prescribing parts of the Thames-
 - (i) where vessels or a specified class of vessels may not moor, anchor or be otherwise secured; or
 - (ii) which vessels of a specified class may not enter;
 - (d) to regulate the use and to prevent the misuse of services and facilities provided by the Port Authority in or beside the Thames including, without prejudice to the generality of the foregoing, the Richmond works;
 - (e) to promote the safety of persons and vessels on the Thames;
 - (f) to regulate the conduct of persons using the Thames or its banks or towpaths or the Richmond works whether for business, recreation or any other purpose;
 - (g) to prohibit bathing in specified areas of the Thames;
 - (h) to prevent nuisances in or beside the Thames;
 - [(i) subject to subsection (2) of this section, to prevent or regulate the exhibition of advertisements on or over the Thames.
 - (j) to regulate the licensing of vessels for the purpose of sections 124 to 129 of this Act;
 - (k) for regulating the equipment of vessels and requiring vessels to carry specified equipment in the interests of safety;
 - (l) in relation to any vessels other than pleasure vessels, to impose requirements as to the standards of competence and experience required by persons navigating or working vessels and requirements as to the number, competence and experience of its crew;]

[(1A) Paragraph (l) of subsection (1) of this section does not authorise the imposition of requirements as to the standards of competence and experience of a person serving as master of a vessel (within the meaning of regulation 5(4) of the Merchant Shipping (Inland Waterway and Limited Coastal

Operations) (Boatmasters' Qualifications and Hours of Work) Regulations 2006.]

(2) No byelaw made under paragraph (i) of subsection (1) of this section shall prevent-

- (a) the exhibition on board a vessel of advertisements connected with the business of the owner of the vessel; or
- (b) the exhibition on the Thames of an advertisement which is not visible from the banks of the Thames;
- [(c) the exhibition of advertisements by or authorised by any body on land vested in that body by virtue of any provision made by or under the Local Government Act 1985 (being land which immediately before 1st April 1986 belonged to the Greater London Council) and used by that body under any enactment;]
- (d) the exhibition of advertisements by the corporation of Southend-on-Sea on land belonging to them and used by them under any enactment or on Southend Pier.

[(3) Byelaws made under subsection (1) of this section may impose different requirements in relation to different vessels or types of vessels, different parts of the Thames and different types of activity or movement.

(4) Byelaws made under subsection (1)(1) of this section may authorise the imposition of reasonable charges by the Port Authority for assessing standards of competence and experience and for issuing any relevant certificates and endorsements required by such byelaws.]

Notes

Sub.s (1) (j) (k) and (l) were added by the Port of London Authority Harbour Revision Order 2003 article 5 which came into force on 8 October 2003.

Sub.s (1A) was added by The Merchant Shipping (Inland Waterway and Limited Coastal Operations) (Boatmasters' Qualifications and Hours of Work) Regulations 2006 article 21(a) which came into force on 1 January 2007.

Sub.s (2) (c) was substituted by the Local Government Reorganisation (Miscellaneous Provision) Order 1986, SI 1986/1, art 3(2)(a).

Sub.s (3) and (4) were added by the Port of London Authority Harbour Revision Order 2003 article 5 which came into force on 8 October 2003.

General Note. *So much of this section as empowers the Port of London Authority to make byelaws prohibiting or regulating bathing and byelaws for the regulation of the Thames and the navigation thereof and the lights to be exhibited by vessels does not apply to certain areas; see s 187, Sch 8, paras 1, 2 post.*

The Port of London Authority Harbour Revision Order 2003 which came into force on 8 October 2003 included in articles 8 (1)(2) and (3) transitional provisions in relation to the Craft and Boat Registration and Regulation Byelaws 2000 and the Port of London Watermen and Lightermen Byelaws 1992.

Greater London Council. *See the note to s 65 ante.*

Extension. *This section is extended by the Thames Barrier and Flood Prevention Act 1972, s 41(2).*

Definitions. *For "enactment", "owner" "pleasure vessel", "the Richmond works", "the Thames" and "vessel", see s.2(1) ante.*

Current Byelaws. *Port of London Thames Byelaws 2012*

163. Fishing byelaws

Repealed by The Marine and Coastal Access Act 2009 section 321 and Schedule 22 Part 5(C) in force 1 April 2010.

164. Watermen and lightermen byelaws

Repealed by The Merchant Shipping (Inland Waterway and Limited Coastal Operations) (Boatmasters' Qualifications and Hours of Work) Regulations 2006 article 21(b) in force 1 January 2007.

165. **Craft and Boat byelaws**

Repealed by the Port of London Authority Harbour Revision Order 2003 article 7(4).

166. **Dangerous goods byelaws**

Repealed by the Dangerous Substances in Harbour Areas Regulations 1987 SI1987/37.

Notes

Although the Regulations provide for a partial repeal there is a full repeal in so far as they apply within harbours and harbour areas and within those harbours and harbour areas, to the extent that they apply in relation to dangerous substances to which the Dangerous Substances in Harbour Areas Regulations 1987 SI 1987/37 apply see Regs 2(1), 5, 47(5), Sch 8, Pt II. This is the case in Section 166.

Note. The Port of London Dangerous Substances in Bulk Byelaws 1991 and Port of London Dangerous Substances in Bulk (Amendment) Byelaws 2006 have been made under Regulation 43 of the Dangerous Substances in Harbour Areas Regulations 1987.

[167. **Fines for breach of byelaws**

Byelaws made under this Act may provide for imposing on persons offending against them –

- (a) in the case of byelaws made under section 162 (Thames byelaws), a fine not exceeding [level 5 on the standard scale] and a daily fine not exceeding one hundred pounds;
- (b)
- (c) in the case of byelaws made under section 166 (Dangerous goods byelaws) the statutory maximum and, on conviction on indictment a fine; and
- (d) in the case of any other byelaws, a fine not exceeding [level 3 on the standard scale] and a daily fine not exceeding twenty pounds.]

Notes

This section was substituted by the Port of London Act 1982, s 3(2), Sch 1, Pt II, para 9) (Royal Assent 28 May 1982). Sub-section (b) was repealed by The Marine and Coastal Access Act 2009 section 321 and Schedule 22 Part 5(c).

References to levels 2, 3 and 5 on the standard scale were substituted by virtue of the Criminal Justice Act 1982 (Royal Assent 28 October 1982) s 46, which came into force in 1983. The Criminal Justice Act 1988 s.57 provides that for a summary offence a harbour authority may in a Byelaw increase the maximum fine to scale 4 on the standard scale. Under s.37(2) of the Criminal Justice Act 1982, as amended by The Criminal Justice Act 1991, level 4 is now £2,500.

Section 167(b) has been repealed by the Marine and Coastal Access Act 2009 s. 321 Sch 22 Pt 5(C) in force 1 April 2010.

Standard scale. See the note to s 38 ante.

Conviction or indictment; fine. See the notes to s 77 ante.

Definitions. For "daily fine" and "the statutory maximum", see s 2(1) ante.

168. **Confirmation of byelaws**

- (1) Byelaws made by the Port Authority under this Act shall not come into operation until they have been confirmed by the confirming authority.
- (2) The confirming authority shall be the Minister

- (3) (a) At least one month before an application for confirmation of byelaws is made by the Port Authority to the confirming authority, notice of the intention to apply for confirmation and of the place at which and the times during which a copy of the byelaws shall be open to inspection shall be published as follows:-
- (i) once in the London Gazette;
 - (ii) once in each of two successive weeks in some one and the same daily morning newspaper published in London;
 - (iii) once at least in a newspaper published in Greater London and in any administrative county or county borough affected by the byelaws or, if there is no newspaper published in any such administrative county or county borough, then in a newspaper published in some county adjoining or near to such administrative county or county borough.
- (b) Not later than the first date on which the notice under paragraph (a) of this subsection is published, the Port Authority shall send a copy of the notice-
- [(i) to the council of every county, district or London borough affected by the byelaws to which the notice relates and if those byelaws affect the City of London to the town clerk of the City;]
 - (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 [successor to] the [Secretary] of the [Medway Ports Authority].
- (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:
- 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.

Notes

Sub-s (2) the exception which formed the second part of this sub-section was repealed by The Marine and Coastal Access Act 2009 section 321 and Schedule 22 Part 5 (C) in force 1 April 2010 SI 2010/298.

Sub-s (3)(b)(i) was substituted by the Local Government Reorganisation (Miscellaneous Provision) Order 1986, SI 1986/1, art 3(2)(e).

The variation to paragraph (iv) of subsection (b) was made by the Medway Ports Act 1973.

Sub-s (2): The Minister. For meaning, see s 2(1) ante and the note "Minister of Transport" thereto.

River authority. See the note to s 2 ante.

Sub-s (6): Published. See s 185 post.

Definitions. For "drainage authority", "river authority", "the former seaward limit", "the seaward limit" and "the Thames", see s 2(1) ante.

169. Proof of byelaws

A copy of a byelaw of the Port Authority duly confirmed purporting to be printed by direction of the Port Authority and being authenticated by their seal and the signature of their secretary shall for all purposes be prima facie evidence of such byelaw and of the due making and confirmation thereof without proof of such seal or signature.

[In so far as section 169 relates to:-

(a) a byelaw of the Company; or

(b) a byelaw of the Port Authority which, by virtue of paragraph 7 of Schedule 2 to the 1991 Act {the Ports Act 1991} applies in relation to the Company's docks or the Company's port premises;

the reference in that section to authentication of a copy of the byelaw by the seal of the Port Authority and the signature of their secretary shall be treated as a reference to authentication of a copy of the byelaw in accordance with section 41 of the Companies Act 1985]

Notes

The addition to section 169 was made by the Port of Tilbury Transfer Scheme 1991 Confirmation Order 1992 SI 1992/284.

Definition. For "byelaw of the Port Authority", see s 2(1) ante.

170. Arrest of offender against byelaws

Repealed by the Serious Organised Crime and Police Act 2005 ss 111, 174(2) Sch 7 pt 3 para 41(1)(2) Sch 17 Pt 2 from the 1 January 2006.

PART XII

THE SURREY CANAL

171-174 Repealed by the Port of London Act 1982, s7, Sch.2.

PART XIII

MISCELLANEOUS PROVISIONS

(a) General

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

(1) It is hereby declared that for the purposes of the Town and Country Planning Acts, 1962 and 1963, anything done by the Port Authority in the exercise of the powers conferred by section 5 (General duties and powers) or by section 11 (Powers relating to land) of this Act, so far as those sections relate to development of land for use otherwise than for the purposes of the undertaking, does not constitute the carrying on by the Port Authority of their statutory undertaking and, in particular, that land which is used, or in which an interest is held, by the Port Authority exclusively for the purpose of exercising those