S T A T U T O R Y I N S T R U M E N T S

SI 202[ ] No.

HARBOURS, DOCKS, PIERS AND FERRIES

Port of London Authority Harbour Revision Order 202[ ]

Made - - - -	***
Laid before Parliament	***
Coming into force - -	***

CONTENTS

PART 1
PRELIMINARY

1. Citation and commencement
2. Interpretation
3. Application of Order

PART 2
AMENDMENTS TO THE ACT

4. Interpretation of the Act
5. Protection of members of the Port Authority
6. General duties and powers
7. Hydrographic surveys
8. Annual Report
9. Powers relating to land
10. Application of landlord and tenant law
11. Power to acquire securities, lend money and give guarantees
12. Power to make certain charges
13. Charges regulations
14. Arrangements with Her Majesty’s Revenue and Customs
15. Payment of charges
16. Security for charges and consideration
17. Certificate of payment
18. Entry on vessels
19. Recovery and enforcement of charges and consideration
20. Refusal of customs clearance
21. Application of Port Authority’s revenue
22. Borrowing powers
23. Miscellaneous rights of stockholders and others

24. Power to charge interest on capital
25. Accounts and audit
26. Dredging and improvement
27. Protection in relation to dredging
28. Removal of private moorings
29. Reclaiming creeks etc.
30. Permitting of works
31. Permitting of mooring, Permission applications, Determination of permission applications & Public register of permissions
32. Charge for permission
33. Appeal to the Minister
34. Works, mooring or dredging without permission
35. Emergency safety notice
36. Works to be within nearest parish
37. Permitting of dredging, etc
38. Crown property
39. Transfer of work or mooring
40. Provision against danger to navigation
41. Abatement of works abandoned or decayed
42. Survey of tidal works
43. Permanent lights on works
44. Replacement of marked landing places
45. Agreements about calling at landing places
46. Maintenance of Richmond works and working of sluices
47. Entry on land to survey, etc.
48. Times when public use of Thames may be restricted
49. Abatement of nuisances
50. Grab chains and escape ladders
51. General rules for navigation
52. Overcrowding of vessels
53. Special directions to vessels in the Thames
54. Regulation of crowds
55. Power to raise and remove vessels sunk, etc.
56. Power to deal with unserviceable vessels & Sale or disposal of vessels
57. Removal of obstructions other than vessels
58. Removal of projections
59. Unlicensed vessels not to be navigated
60. Power to refuse or revoke or suspend or terminate a licence
61. Appeals
62. Lights detrimental to navigation
63. Fireworks
64. Damage by a vessel
65. Giving false draught
66. Powers of inspection of works and vessels
67. Identity of master and owner or occupier
68. Autonomous vessels
69. Thames watermen and Thames lightermen
70. Register of Thames watermen and Thames lightermen
71. Customs entry by Port Authority

72. Passes for goods
73. Thames byelaws
74. Fines for breach of byelaws
75. Confirmation of byelaws
76. Proof of byelaws
77. Application of Town and Country Planning Acts to Port Authority's land
78. Rights of way over permitted works and land of Port Authority & Adverse possession claims in relation to the Thames
79. Removal of vehicles at port premises
80. Access for government officers
81. Authentication of Port Authority's documents
82. Service of documents
83. Port Authority's publications
84. Crown rights
85. Certain powers not exercisable in Medway approach area and areas off Southend-on-Sea and Sheerness
86. Saving for the East London railway tunnel
87. Saving for rights, etc, of Temples
88. For protection of the Essex County Council
89. For protection of statutory undertakers
90. For the protection of the Metropolitan Water Board
91. Warrant authorising use of force to enter land, work or vessel
92. Prohibition on pollution, etc, of Thames and docks
93. Obstructing bridges
94. Institution and defence of proceedings
95. Jurisdiction of justices
96. Further amendment of Port of London and Midland Railway Act 1922
97. Inquiries by the Minister
98. Description of port limits
99. Provisions relating to members of the Port Authority
100. Proceedings
101. Appeals to the Minister
102. Powers not exercisable in the Medway Approach Area and off Southend-on-Sea and Sheerness
103. Transitional provisions
104. References to licence
105. Repeals

PART 3
MODIFICATIONS TO LOCAL LEGISLATION

106. Modifications of the Medway Ports Authority Act 1973
107. Modifications of the County of Kent Act 1981
108. Modifications of the Essex Act 1987

PART 4
TRANSITIONAL PROVISIONS

109. Savings and transitional provisions

SCHEDULE 1 — REPEALS
PART 1
PART 2
SCHEDULE 2 — SAVINGS AND TRANSITIONAL PROVISIONS

The Port of London Authority has applied in accordance with section 14(2) of the Harbours Act 1964(**a**)for a harbour revision order under section 14 of the Harbours Act 1964.

The Secretary of State, as the appropriate Minister for the purposes of that section, has by an order(**b**) made under section 42A of the Harbours Act 1964(**c**) delegated the functions of the appropriate Minister under section 14 of the Harbours Act 1964(**d**) to the Marine Management Organisation(**e**).

The Marine Management Organisation, being satisfied as mentioned in section 14(2)(b) of the Harbours Act 1964 and in exercise of the powers conferred by section 14(1), (2A) and (3), makes the following order—

PART 1

PRELIMINARY

Citation and commencement

1.—(1) This Order may be cited as the Port of London Harbour Revision Order 202[X] and shall come into force on [XXXX].

(2) The Port of London Acts and Orders 1968 to 2015 and this Order may be cited together as the Port of London Acts and Orders 1968 to 202[X].

Interpretation

2. In this Order—

"the Act" means the Port of London Act 1968(**f**);

"the Company" has the same meaning as in the Act.

Application of Order

3. The amendments made to the Act by the following provisions of this Order, other than article 97, have effect only in relation to functions of the Port of London Authority and do not affect or vary the functions of the Company.

(**a**) 1964 c.40; section 14 was amended by the Transport Act 1981 (c.56), section 18 and Schedule 6, paragraphs 2 to 4(1) and 14 and section 40 and Schedule 12 (Part II); by the Transport and Works Act 1992 (c.42), section 63(1) and Schedule 3, paragraphs 1 and 10, by S.I. 2006/1177, regulation 2 and the Schedule (Part 1); by the Planning Act 2008 (c.29), section 36 and Schedule 2, paragraphs 8 and 9; by S.I. 2009/1941, article 2 and Schedule 1, paragraph 12 and by the Criminal Justice Act 1982 (c.48), sections 37 and 46. Section 54 (orders and regulations) was amended by the Transport Act 1981 (c.56) sections 18 and 40 and Schedules 6 and 12 (Part II) and by the Marine and Coastal Access Act 2009 (c.23), section 315 and Schedule 21, paragraphs 1 and 3(2).

(**b**) See S.I. 2010/674.

(**c**) Section 42A was inserted, in relation to England and Wales, by the Marine and Coastal Access Act 2009 (c.23) section 315 and Schedule 21, paragraphs 1 and 3(1).

(**d**) For the definition of "the Minister" (mentioned in section 14(7)), see section 57(1).

(**e**) The Marine Management Organisation was established by the Marine and Coastal Access Act 2009 (c.23), section 1.

(**f**) 1968 c.32.

PART 2

AMENDMENTS TO THE ACT

Interpretation of the Act

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

(2) In subsection (1)—

(a) after "context otherwise requires–" insert—

""autonomous vessel" means a vessel which, to any degree, is able to operate independently of human interaction or is capable of being operated remotely;";

(b) in the definition of "bed" omit "mean";

(c) in the definition of "charges" after "tolls" insert ", fees";

(d) after the definition of "the Company's port premises" insert—

""commercial and club boats" means any vessel (other than a ship registered under the Merchant Shipping Act 1995 or any vessel usually used for navigation) which is used primarily as a place for accommodating or receiving persons for the purpose of recreation, entertainment or refreshment, or as club premises or offices while it is moored;

"crew" includes anyone employed or engaged to work on a vessel but excludes anyone employed or engaged by the owner or charterer or hirer of the vessel and carried on a vessel but not employed or engaged to provide services in connection with the operation of that vessel;"

(e) in the definition of "docks" —

(i) for "belonging to or administered by the Port Authority", substitute "within the limits"; and

(ii) after "canals", in the second place it occurs, insert "but excludes the Company's docks";

(f) in the definition of "drainage authority"—

(i) after "meaning as" insert ""drainage body""; and

(ii) for "section 81 of the Land Drainage Act, 1930" substitute "section 72 of the Land Drainage Act 1991";

(g) after the definition of "drainage authority" insert—

""dredge" means to cleanse, scour, cut, deepen, widen or dredge the bed or the banks of the Thames or take up, or move material (including through the use of conventional dredgers and hydrodynamic dredging techniques using water injection or agitation or devices to move material) whether or not the material is suspended in water from one part of the bed or the banks of the Thames to another part or remove material from the bed or the banks of the Thames, and "dredging" shall be construed accordingly;

"dredging permission" means a permission granted under section 73(1) (Permitting of dredging, etc);

"electronic communications line" means a line which forms part of an electronic communications apparatus (and both line and electronic communications apparatus have the same meaning given in paragraph 5 of the electronic communications code set out in Schedule 3A to the Communications Act 2003);

"electronic communications network" has the same meaning as in section 32 of the Communications Act 2003;

"electronic form" means a document or information if it is sent or made available—

(a) by electronic means (for example, by email or fax); or

(b) by any other means while in electronic form (for example, sending a disk in the post)

and references to "electronic copy" have a corresponding meaning;

"electronic means" means a document or information if it is sent or made available—

(a) initially and received at its destination by means of electronic equipment for the processing (which expression includes digital compression) or storage of data; and

(b) entirely transmitted, conveyed and received by wire, by radio, by optical means or by other electromagnetic means and a document or information sent in electronic form must be sent in a form, and by a means, that the sender reasonably considers will enable the recipient to read it, and to retain a copy of it; and for the purposes of this definition, a document or information can be read only if—

(i) it can be read with the naked eye, or

(ii) to the extent that it consists of images (for example photographs, pictures, maps, plans or drawings), it can be seen with the naked eye;";

(h) after the definition of "enactment" insert—

""explosive" has the same meaning as in section 3 of the Explosives Act 1875;";

(i) after the definition of "financial year" insert—

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

(j) for the definition of "the former seaward limit" substitute—

""the former seaward limit" means a line drawn from the historical pilot mark at latitude 51.55337 north, 0.85055 east at the entrance of Havengore Creek in the county of Essex on a bearing 166° from true north to the high water level on the Kent bank of the Thames;";

(k) in the definition of "goods" after "whatsoever" insert "including sludge, waste and rubbish but excluding bunker fuel for own use on board a vessel";

(l) in the definition of "harbourmaster" after "appointed" in the second place it occurs insert "and anyone else the Port Authority authorises to carry out any functions of a harbourmaster";

(m) after the definition of "harbourmaster" insert—

""high water level" means mean high water springs;

"houseboat" means any vessel (other than a ship registered under the Merchant Shipping Act 1995 or any vessel usually used for navigation) which is used primarily as a place of habitation;";

(n) in the definition of "hydrofoil vessel"—

(i) omit ", however propelled,";

(ii) after "be" insert "propelled by mechanical means and"; and

(iii) after "foils" insert "when underway";

(o) after the definition of "hydrofoil vessel" insert—

""in writing" includes by electronic means;";

(p) for the defined expression "lighterman", substitute "Thames lighterman" and move the definition to after the definition of "the Thames";

(q) for the definition of "master" substitute—

""master" in relation to a vessel, means

(a) any person (except a pilot) having or taking the command, charge or management of a vessel for the time being (whether lawful or not);

(b) in connection with a houseboat or commercial and club boats it means the owner or if the owner is not in occupation any person who is in occupation for the time being; and

(c) in connection with an autonomous vessel it means the person identified in accordance with s.138A, or if no person is so identified, the person who is in control of or is able to take control of that autonomous vessel;";

(r) after the definition of "master" insert—

""mean high water springs" means the average throughout the year of the heights of two successive high waters during those periods of 24 hours when the range of the tide is at its greatest;";

(s) in the definition of "the Minister" omit "(except in Part VI and Part I of Schedule 5 to this Act)";

(t) in the definition of "mooring" after "anchoring" insert "or any other act to moor or make fast a vessel to any work or chain or other vessel not underway or any thing, and "moor" and "moored" have corresponding meanings";

(u) after the definition of "mooring" insert—

""mooring permission" means a permission granted under section 66A(1) (Permitting of mooring);

"navigation" means the movement on or in the water for whatever purpose of any vessel, whether travelling between two locations or not, but does not include any vessel under tow; ";

(v) for the definition of "owner" substitute—

""owner" means, in relation to a vessel, the owner of a vessel and any person having any interest in a vessel (whether as joint owner, lessee, charterer, mortgagee or otherwise) and includes the registered owner and a person letting a vessel for hire whether or not that person owns the vessel and in reference to houseboats or commercial and club boats includes the occupier or manager;";

(w) after the definition of "passengers" insert—

""permission application" means a permission application made under section 66B(1) (Permission applications);";

(x) in the definition of "pleasure vessel" for "(Survey and Certification) Regulations 1995", substitute "(Boatmasters' Qualifications, Crew and Hours of Work) Regulations 2015";

(y) for the definition of "port rates" substitute—

""port rates" means any charges levied by the Port Authority in relation to goods;";

(z) in the definition of "river duties of tonnage" for "at the Custom House" substitute "by the Her Majesty's Revenue and Customs";

(aa) after the definition of "the statutory maximum" insert—

""temporary permission" means works authorised by the Port Authority under section 66 (Permitting of works) for any period of less than three years;

"terminal" means a terminal, jetty, pier, wharf, or mono-buoy used by ships which is within a harbour but is managed by persons or a body of persons other than the harbour authority for that harbour;

"terminal operator" means a person or body of persons having, for the time being, the management of a terminal;";

(bb) in the definition of "tidal work" for "the level of mean high water springs" substitute "high water level";

(cc) in the definition of "trader"—

(i) in paragraph (a) omit "imported";

(ii) in paragraph (a) after "goods", in the first place it occurs, insert "which have been transported and are"; and

(iii) in paragraph (b) for "for export" substitute "to be transported";

(dd) in the definition of "vessel"—

(i) after "propelled" insert "(and whether or not it is capable of self propulsion)";

(ii) after "moved" insert "whether or not used for navigation";

(iii) after "water", in the first place it occurs, insert "or under water";

(iv) after "hovercraft" for "and" substitute ","; and

(v) after "hydrofoil vessel" insert ", a houseboat, commercial and club boats and an amphibious vehicle";

(ee) after the definition of "vessel" insert—

""vessel licence" means a licence granted under section 124(1) (Unlicensed vessels not to be navigated);";

(ff) in the definition of "the vessel licensing area" for "above the former seaward limit" substitute "classed as C or D waters under regulation 2 of the Merchant Shipping (Categorisation of Waters) Regulations 1992";

(gg) the definition of "waterman" is amended as follows—

(i) for the defined expression "waterman" substitute "Thames waterman";

(ii) before "lighterman", insert "Thames"; and

(iii) move the definition to before the definition of "tidal work".

(hh) in the definition of "works"—

(i) for "licensing", in the first place it occurs, substitute "permitting"; and

(ii) for "Licensing", in the second place it occurs, substitute "Permitting";

(ii) for the definition of "works licence" substitute—

""works permission" means a permission granted under subsection (1) of section 66 (Permitting of works) and includes a temporary permission unless otherwise expressly excluded;"; and

(jj) in the definition of "the Yantlet line" after "Essex" insert "and extending on the same trajectory up to the high water level on either side of the Thames".

(3) After subsection (4) insert—

"(5) All latitude and longitude values in this Act are stated by reference to the Geographical Coordinate System ETRS 1989 referenced to the spheroid GRS 1980.".

Protection of members of the Port Authority

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

"**4A.** Protection of members of the Port Authority

(1) No member of the Port Authority or of any committee or sub-committee established under Schedule 2 is to be liable nor are the estate or effects of that member to be liable to execution or legal process by reason of any lawful act or omission of such member done or made in good faith and not in breach of that member's duty or recklessly and in the purported execution of the powers conferred on the Port Authority and its members by any enactment.

(2) Every member of the Port Authority and every member of such a committee or sub-committee and the estate and effects of that member is to be indemnified out of the assets and revenues of the Port Authority for all payments made by that member and liability incurred in any act done or omission made by that member lawfully and in good faith and not in breach of that member's duty or recklessly and in the purported execution of such powers and against all actions, claims, losses, damages, costs and demands in respect of such act or omission.

(3) The Port Authority may enter into, and pay premiums for, a contract of insurance to indemnify the members of the Port Authority or the members of any committee or sub-committee jointly or severally against personal liability arising from any act or omission by the Port Authority or any member of the Port Authority; not being an act or omission which the member or members in question knew to be a breach of their duty or, concerning which, they were reckless as to whether it was such a breach.".

General duties and powers

6. After subsection (2) of section 5 (General duties and powers) of the Act insert—

"(2A) The power in subsection (2) to turn their resources to account includes investing resources in any investments as they consider necessary or desirable for the benefit directly or indirectly of their undertaking.".

Hydrographic surveys

7. Section 7 (Hydrographic surveys) of the Act is amended as follows—

(a) in subsection (1) omit "former";

(b) after subsection (1) insert—

"(1A) The Port Authority may make such surveys of the bed of the Thames Estuary and the approaches to the Thames outside the seaward limit but within the vicinity of the Thames as they consider necessary or desirable in the discharge of their functions."; and

(c) in subsection (2) for "and such other surveys of the bed of the Thames" substitute "under subsections (1) and (1A)".

Annual Report

8. For section 8 (Annual Report) of the Act substitute—

"**8.** The Port Authority must as soon as possible after the end of each financial year prepare a report on the exercise and performance of their functions during that financial year and make that report available—

(a) on their website or by other suitable electronic means; and

(b) at their principal office, at a reasonable price, if demanded.".

Powers relating to land

9. Section 11 (Powers relating to land) of the Act is amended as follows—

(a) in subsection (1)—

(i) after "lease" insert ", the grant of an easement, right or privilege"; and

(ii) after "otherwise" insert ", or be granted a licence for use of land";

(b) in subsection (2)—

(i) for "Acquisition of Land (Authorisation Procedure) Act, 1946" substitute "Acquisition of Land Act 1981 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976,"; and

(ii) for "that Act and as if this Act had been in force immediately before that Act" substitute "those Acts";

(c) in subsection (3) after "otherwise" insert ", and may grant a licence for use of land or discharge of water into the Thames"; and

(d) after subsection (3) insert—

"(3A) Subsections (3B) to (3G) apply in relation to the grant of an interest in or rights over or under, or a right to use land belonging to the Port Authority which is required in

order to enable the holder of a works or mooring permission to enjoy the benefit of that permission.

(3B) The consideration for the grant of such an interest in or rights over or under or a right to use land is to be such as may be agreed between the Port Authority and the holder of the permission or, failing agreement, is to be assessed in accordance with subsection (3C) 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 or their deputy.

(3C) The consideration referred to in subsection (3B) to be assessed by an arbitrator is 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 such interest or right and taking into account any works or mooring permission granted, but excluding any element of monopoly value attributable to the extent of the Port Authority's ownership of comparable land.

(3D) The holder of a works or a mooring permission who is aggrieved by—

(a) the refusal by the Port Authority to grant a right to use land to which this subsection applies; or

(b) any conditions upon which the Port Authority propose to grant the right to use land;

may, on grounds that the refusal is or the terms are unreasonable, within twenty-eight days from the date upon which the Port Authority notify that person of their decision, appeal to the Minister and the provisions in Schedule 4 to this Act shall apply to such an appeal.

(3E) The conditions to which subsection (3D)(b) applies include any conditions as to the review or reassessment of the consideration, but not the consideration itself.

(3F) The notification by the Port Authority of their decision must inform the person notified of the right to appeal to the Minister under this subsection.

(3G) In any case where a permitted work is attached to land of the permission holder adjoining the Thames, the terms of the interest or right granted under this section regarding that work may require—

(a) that the owner of the adjoining land is not to transfer, lease or make any other disposition of the land to another person ("the transferee"), where the work is not to pass with the adjoining land, unless the owner secures from the transferee a covenant for the benefit of the Port Authority allowing the Port Authority access to the land to inspect the work and allowing continuing support of the work from that land and requiring the transferee to secure a covenant in the same terms from any subsequent transferee; and

(b) that a restriction is registered on the Proprietorship Register of the owner's title at Her Majesty's Land Registry providing that no disposition of the registered estate is to be registered without a certificate from the transferee or their conveyancer that the terms of that covenant have been complied with.".

Application of landlord and tenant law

10. After section 11 (Powers relating to land) of the Act insert—

"**Application of landlord and tenant law**

11A. No enactment or rule of law regulating the rights and obligations of landlords and tenants applies, in relation to the rights and obligations of the parties to a grant by the Port Authority of an interest or right to which sections 11(3B) to 11(3G) apply–

(a) so as to exclude or in any respect modify any of the rights and obligations of those parties under the terms of the interest or right, whether with respect to the termination of the tenancy or any other matter;

(b) so as to confer or impose on either party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the interest or right, in addition to any such right or obligation provided for by the terms of the interest or right; or

(c) so as to restrict the enforcement (whether by action for damages or otherwise) by either party to the interest or right of any obligation of the other party under the interest or right.".

Power to acquire securities, lend money and give guarantees

11. Section 13 (Power to acquire securities, lend money and give guarantees) of the Act is amended as follows—

(a) after "Port Authority" insert "(which for the purpose of this section includes any subsidiary of the Port Authority)";

(b) in paragraph (a) after "corporate" insert "including that of a subsidiary of the Port Authority"; and

(c) in paragraph (b) after "thereof" insert "or a subsidiary of the Port Authority".

Power to make certain charges

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

(2) In subsection (1) after "any" in the first place it occurs,

(a) (i) the existing text "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" becomes subparagraph (a);

(ii) in that subparagraph, for "or", substitute ",";

(iii) after "leaving", insert "or operating within"; and

(iv) after "limits", insert "; or";

(b) after that subparagraph insert—

"(b) goods carried on any vessel navigating within, without entering or leaving, the limits,".

(3) In paragraph (a) of subsection (2), after "behalf" insert ", including professional fees incurred in connection with the grant of an interest or right referred to in section 11(3A),".

(4) After subsection (2) insert—

"(3) The Port Authority may confer total or partial exemptions from, allow rebates to or make compositions with, any person with respect to charges recoverable under subsections (1) and (2), and may vary or extinguish any such exemption or composition.".

Charges regulations

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

(2) In subsection (1)—

(a) in paragraph (a) after "and" insert "how,";

(b) in paragraph (b)—

(i) in subparagraph (i) for "or" in the second place it occurs, substitute ",";

(ii) in subparagraph (i) after "agent" insert "or terminal operator";

(iii) in subparagraph (i) omit "and";

(iv) after subparagraph (ii) insert—

"(iii) the holder of a works or mooring or dredging permission; or

(iv) in the case of the charge payable in relation to a vessel detailed under section 39(2)(d) (Recovery and enforcement of charges), the owner of the permitted work to which the vessel was moored,"; and

(v) before "required", insert "reasonably";

(c) in paragraph (f) omit "a claim under subsection (2) of section 29 (Exemption from port rates for bunker fuel and fish) of this Act and"; and

(d) in paragraph (g) omit "subject to subsection (1) of section 30 (Exemption from port rates for goods in transit) of this Act,".

(3) In subsection (4);

(a) omit—

"(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) "; and

(b) for "shall", in the second place it occurs, substitute "made under this section must".

(4) In paragraph (a) of subsection (5) omit "paragraph (a) of".

Arrangements with Her Majesty's Revenue and Customs

14. Section 23 (Arrangements with Commissioners for her Majesty's Revenue and Customs) of the Act is amended as follows—

(a) the heading is amended by the omission of "Commissioners for";

(b) in subsection (1) omit "the Commissioners for"; and

(c) in subsection (2)—

(i) in paragraph (a) omit "Commissioners for Her Majesty's";

(ii) in paragraph (a) after "goods" insert "and the owners of any vessel and goods";

(iii) in paragraph (b) for "Notwithstanding the provisions of section 64 of the Merchant Shipping Act, 1894, the said Commissioners" substitute "Her Majesty's Revenue and Customs";

(iv) in paragraph (b) omit "book"; and

(v) in paragraph (b) for "section 4 of the said Act" substitute "Part II of the Merchant Shipping Act 1995".

Payment of charges

15.—(1) Subsection (2) of section 35 (Payment of charges) of the Act is amended as follows—

(a) in paragraph (a) for "the owner or master of the vessel." substitute—

"—

(i) the owner of the vessel;

(ii) the master of the vessel; or

(iii) the operator of the vessel.";

(b) after paragraph (a) insert—

"(aa) Charges in respect of passengers embarking or disembarking a vessel shall be payable by the owner or operator of that vessel."; and

(c) in paragraph (b) for "at the Custom House" substitute "with Her Majesty's Revenue and Customs".

(2) After subsection (2) insert—

"(3) Charges in relation to a works permission, a mooring permission, a dredging permission, or a vessel licence shall be payable by—

(a) the applicant up to the date the permission or licence is granted; and

(b) from the date of grant of the permission or licence by the permission or licence holder.".

Security for charges and consideration

16. Section 36 (Security for charges) of the Act is amended as follows—

(a) the heading is amended by the insertion of "and consideration" after "charges";

(b) for "to deposit with them, or to guarantee such sum of money" substitute "or liability to pay consideration or a fee to provide such security,";

(c) for "reasonable" substitute "sufficient to guarantee that person's obligations";

(d) after "charge", in the second place it occurs, insert "or liability"; and

(e) for "deposit or to guarantee the sum of money required" substitute "provide sufficient security"

(f) for "at the docks" substitute "in the limits, but excluding the Company's docks".

Certificate of payment

17. In section 37 (Certificate of payment) of the Act for "a customs officer" substitute "Her Majesty's Revenue and Customs".

Entry on vessels

18. Section 38 (Entry on vessels) of the Act is amended as follows—

(a) for "his", in both places it occurs, substitute "that";

(b) in subsection (1) omit "in the docks or"; and

(c) in subsection (2)—

(i) after "section" insert ", or gives any information or makes a statement which the master knows to be false in a material particular"; and

(ii) for "3" substitute "4".

Recovery and enforcement of charges and consideration

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

(2) The heading is amended by the insertion of "and consideration" after "charges".

(3) For subsection (2) substitute—

"(2) Subsection (2A) and subsection (2B) apply if a charge or any consideration referred to in subsection (2B)(b) 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, (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).

(2A) The Port Authority may—

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

(b) in the case of port rates or other charges on or in respect of goods not on the port premises, seize the goods from a vessel within the limits or from a place within the limits and detain them;

until the charge has been paid, together with any costs incurred by the Port Authority in seizing and detaining the goods.

(2B) The Port Authority may—

(a) in the case of a charge on or in respect of a vessel within the limits, seize and detain the vessel; and

(b) in the case of—

(i) a charge for a works permission or a charge for a mooring permission, or

(ii) any consideration payable for the grant of a right to use land in connection with that work or mooring,

seize and detain the work and any vessel at the mooring or attached to the work;

until the charge or consideration has been paid, together with any costs incurred by the Port Authority in seizing and detaining, except in the circumstances in subsection (5).

(2C) In subsection (2A) and subsection (2B), "seize" and "detain" in relation to a work or a vessel includes pumping out the work or vessel or raising it if it has sunk, removing it and if necessary, maintaining and mooring it elsewhere or storing it and "seizing" and "detaining" shall be construed accordingly."

(4) In subparagraphs (i) and (ii) of paragraph (b) of subsection (3) omit "in a dock or" in both places.

(5) In subsection (4)—

(a) for "The", in the first place it occurs, substitute "Subject to subsection (5) the";

(b) in paragraph (c) omit "or";

(c) in paragraph (d) after "master;" insert "or";

(d) after paragraph (d) insert—

"(e) in the case of a work, to the owner;";

(e) in the text of subsection (4) beneath paragraph (e)—

(i) for "its appurtenances" substitute "the work";

(ii) for "subsection (2)" substitute "subsection (2A), subsection (2B)";

(iii) after "detained is in the" insert "reasonable"; and

(iv) after "attempted sale" insert ", sale"; and

(f) in the proviso of subsection (4)—

(i) for "subsection (2)" substitute "subsection (2A)" and

(ii) after "is of" insert "the reasonable".

(6) For subsection (5) substitute–

"(5) In relation to a vessel detained under subsection (2B)(b) which is not owned by the holder of a permission by whom charges are owed—

(a) the power to sell or dispose of it under subsection (4)(d) is not to have effect unless the owner of the vessel has not claimed the vessel within 90 days of the issue of the notice required by subsection (4), and

(b) if any person does claim the vessel within that period, and is able to prove that they are the owner of the vessel, the vessel must be returned to them without charge, but the Port Authority may recover as a debt in any court of competent jurisdiction from the holder of a permission in question by whom charges are owed the expenses of seizure and detention of the vessel."

(7) In subsection (6)—

(a) for "the master of a vessel which is" substitute "any person removes or attempts to remove goods or a vessel or a work"; and

(b) omit "removes or attempts to remove the vessel".

(8) In subsection (7)—

(a) after "vessel", in the first place it occurs, insert "or work"; and

(b) in paragraph (a), for "and sale", substitute ", attempted sale, sale and disposal (including any costs incurred by the Port Authority in removing, pumping out, raising, maintaining, mooring or storing the work or vessel)".

(9) In paragraph (a) of subsection (8) for "duties of customs and excise" substitute "sums payable to Her Majesty's Revenue and Customs";

(10) In subsection (9)—

(a) after "vessel" insert "or work"; and

(b) after "shall," insert "except in the circumstances in subsection (5)";

(11) In paragraph (a) of subsection (11)—

(a) after "in the" insert "reasonable"; and

(b) for "head" substitute "principal".

(12) In subsection (12) after "goods" insert "or the vessel or the work".

(13) After subsection (12) insert—

"(13) References in this section to removing, maintaining, storing or selling a vessel include a reference to its appurtenances and any tackle or other chattels with or on that vessel but "chattels" does not include any tools or other items of equipment necessary for the employment of any person, or such clothing, bedding or furniture or domestic equipment and provisions as are necessary for satisfying their basic domestic needs (except where these have been abandoned or in the reasonable opinion of the Port Authority are so damaged as to be no longer usable for such employment or to satisfy basic domestic needs). ".

Refusal of customs clearance

20. Section 40 (Refusal of customs clearance) of the Act is amended as follows—

(a) for "A customs officer" substitute "Her Majesty's Revenue and Customs"; and

(b) omit "he is".

Application of Port Authority's revenue

21. Section 47 (Application of Port Authority's revenue) of the Act is amended as follows—

(a) in subsection (1)—

(i) for "Subject to subsection (2) of this section, the receipts" substitute "The income";

(ii) omit "on revenue account";

(iii) in paragraph (a) for "chargeable to revenue account" substitute "recorded in the profit and loss statement"; and

(iv) omit paragraphs (b) and (c).

(b) omit subsection (2); and

(c) in subsection (3)—

(i) in paragraph (a) for "receipts" substitute "income"; and

(ii) in paragraph (b) for "chargeable to revenue account" substitute "recorded in the profit and loss statement".

Borrowing powers

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

"**48.**—(1) The Port Authority (which for the purpose of this section includes any subsidiary of the Port Authority) may borrow money for any of the purposes of their

undertaking whether the purposes concerned are of a capital or revenue nature, and may do so in such manner and on such terms as the Port Authority consider expedient.

(2) Without prejudice to the generality of subsection (1), the power to borrow conferred by that subsection may be exercised—

(a) by the issue of debentures on such terms as the Port Authority think fit;

(b) by borrowing from a government source or bank or other provider on overdraft or loan;

(c) by opening an acceptance credit with a bank or accepting house;

(d) by accepting money on deposit.

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

(4) The Port Authority may for the purposes of their undertaking give guarantees to any person for the benefit of any undertaking carried on by that person or, if that person is a company, by any subsidiary of that person."

Miscellaneous rights of stockholders and others

23. Section 54 (Miscellaneous rights of stockholders and others) of the Act is amended as follows—

(a) for subsection (1) substitute—

"(1) The following provisions shall apply in relation to any borrowing which is secured on the assets for the time being of the Port Authority and on the revenues of the Port Authority.";

(b) for subsection (2) substitute—

"(2) If the Port Authority are in default in the repayment of money borrowed or raised by the Port Authority to which this section applies or have been in default for not less than three months in the payment of interest on money so borrowed or raised, the person to whom that money is owed may apply to the High Court for the appointment of a receiver and manager of the undertaking.";

(c) in subsection (3) omit "meet a deficiency in the port fund and to"; and

(d) omit subsections (5) and (6).

Power to charge interest on capital

24. Section 56 (Power to charge interest on capital) of the Act is amended as follows—

(a) omit "not exceeding ten years"; and

(b) omit "or such longer period as the Minister may in writing agree".

Accounts and audit

25. Section 59 (Accounts and audit) of the Act is amended as follows—

(a) in subsection (3) for "part 42" substitute "section 1210";

(b) after subsection (3) insert—

"(4) The Port Authority must as soon as possible after the end of each financial year prepare a report to include—

(a) a statement of the audited accounts of the Port Authority for that year; and

(b) the independent auditor's report relating to those accounts.

(5) The Port Authority must make the report referred to in subsection (4) available—

(a) on their website or by other suitable electronic means; and

(b) at their principal office, at a reasonable price, if demanded.”.

Dredging and improvement

26.—(1) Section 60 (Dredging and improvement) of the Act is amended as follows.

(2) In subsection (1)—

(a) omit “cleanse, scour, cut, deepen, widen,”; and

(b) omit “, and may take up and remove material therefrom”.

(3) In subsection (2)—

(a) omit “so” in the first place it occurs; and

(b) for “:” substitute “.”.

(4) Omit the proviso.

Protection in relation to dredging

27.—(1) Section 61 (Protection in relation to dredging) of the Act is amended as follows.

(2) In subsection (1)—

(a) for “licence” substitute “dredging permission”; and

(b) after “department” insert “, provided that compensation shall not be made for damage to property or works constructed without lawful authority”.

(3) In subsection (2)—

(a) for “twenty yards” substitute “18.28 metres”;

(b) in paragraph (a) after “Thames;” insert “or”;

(c) omit paragraphs (b) and (c);

(d) for paragraph (d) substitute—

“(d) an electronic communications line, an electric line, a main or pipe (including cooling water intake and outfall works) or sewer under the Thames vested in any operator of an electronic communications network, or electricity, gas, water or sewerage undertakers;”;

(e) omit “the local authority, the Postmaster General”; and

(f) for the proviso substitute—

“Provided that this subsection shall not apply in relation to any electronic communications line, electric line, main, pipe (including cooling water intake and outfall works) or sewer unless the operator of an electronic communications network or the undertaker concerned has supplied the Port Authority with a plan showing the position in which the electronic communications line, electric line, main, pipe or sewer is laid under the Thames.”.

(4) In subsection (3)—

(a) for “the Postmaster General, the local authority” substitute “the operator of an electronic communications network”;

(b) omit “as the case may be,”;

(c) for “Post Office cable” substitute “electronic communications line”.

(5) In subsection (4)—

(a) for “a river authority” substitute “the Environment Agency”;

(b) for the “Land Drainage Act, 1930, the Land Drainage Act, 1961 or the Water Resources Act 1963” substitute “the Land Drainage Act 1991 or the Water Resources Act 1991”;

(c) after “in the” insert “Agency or the”; and

(d) after “authority”, in the final place it occurs, insert “as the case may be”.

Removal of private moorings

28. For section 63 (Removal of private moorings) substitute—

"**Removal of private moorings**

63.—(1) The owner of a mooring chain placed in the Thames before 29th September, 1857 which was exempt from licensing under section 66 (Permitting of works) and section 70 (Works, mooring or dredging without permission) prior to the registration period, or any replacement in whole or in part of such chain, must within the registration period apply to the Port Authority to register any such mooring chain.

(2) To register such a mooring chain the owner must—

(a) plot on a chart the location of the mooring chain and provide written evidence that the mooring chain dates from before 29th September 1857 on a balance of probabilities;

(b) provide evidence that the mooring has been in use from time to time on a more than occasional basis over the 20 years immediately prior to application for registration; and

(c) demonstrate to the satisfaction of the Port Authority that the owner has the necessary right over land or right to use land to retain and use the mooring chain in the Thames.

(3) On the date of registration of a mooring chain under this section the Port Authority must grant for no fee a works permission to retain and maintain the mooring chain in the Thames and the terms of the works permission shall be such terms as the Port Authority thinks fit, including conditions as to variation and revocation of the works permission.

(4) Section 69 (Appeal to the Minister) applies in relation to a refusal by the Port Authority to register a mooring chain, or the imposition of terms in a works permission under subsection (3), as it applies to the refusal to grant a works permission or the imposition of terms under section 66.

(5) The Port Authority must maintain a register of mooring chains which is to be open to the public and sets out the name of the owner and the details of the mooring chains (including their location) which have been registered under subsection (2).

(6) Subject to subsection (4), the owner of a mooring chain which is refused registration under subsection (2), must apply within 30 working days for a works permission to retain it, or at the end of that period will be deemed to be in breach of section 70.

(7) The Port Authority may during the registration period remove any mooring chain to which this section applies provided that unless it is broken, dangerous or useless or has not been in use over the preceding 3 years, the Port Authority must—

(a) pay compensation to the owner, and

(b) if the owner is known to the Port Authority on the date of its removal serve notice on the owner that it has been removed and the reason for its removal;

and the owner is not entitled to replace any mooring chain removed under this subsection without first obtaining a works permission.

(8) Unless the owner and the Port Authority agree, the compensation payable under this section is to 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 Royal Institution of Chartered Surveyors.

(9) After the registration period the Port Authority may remove any mooring chain to which this section applies which has not been registered or granted a works permission except if either of the following apply—

(a) there has been an application for registration under subsection (1) or for a works permission which has not been determined; or

(b) an appeal against a refusal to register or the grant of a works permission is under way.

(10) After the registration period, any mooring chain to which subsection (9) applies which has not been removed under subsection (9) and in relation to which no property interest has been established in accordance with subsection (2)(c) will vest in the Port Authority.

(11) The Port Authority may recover the expenses incurred by them in removing a broken, dangerous or useless mooring chain under subsection (7) or removing a mooring chain under subsection (9), from its owner as a debt in any court of competent jurisdiction and if subsection (9) applies, the Port Authority shall not be required to pay any compensation to the owner for such removal.

(12) In this section—

(a) "mooring chain" means the chain and mooring root by which the chain is fixed in or to the bed of the Thames and includes any ancillary chain, links, buoys or other appendages;

(b) "registration period" means the period of three years commencing on [the date of the commencement of the Order]; and

(c) "working day" means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day that is a bank holiday in England and Wales within the meaning of the Banking and Financial Dealings Act 1971.".

Reclaiming creeks etc.

29. Section 65 (Reclaiming creeks etc.) of the Act is amended as follows—

(a) at the beginning insert "(1)";

(b) in paragraph (a) after "them" insert "including that belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners on behalf of Her Majesty,";

(c) in paragraph (b)—

(i) omit subparagraph (i);

(ii) omit "Crown Estate Commissioners, the government department or the"; and

(iii) omit ", as the case may be"; and

(d) after subsection (1) insert—

"(2) For the purposes of subsection (1)(b), "in front of" means in the half of the river directly in front of land vested in a local government body ("Area A") except that where there is an island or other permanent feature within or partly within Area A—

(a) if the island or feature is not owned by the local government body, "in front of" means in that half of the channel between the bank directly in front of the land vested in the local government body ("the near bank") and the island or feature; or

(b) if the local government body also owns the island or feature, "in front of" includes the area between the near bank and the island or feature and that half of the channel between the island or feature and the far bank of the Thames or the next island or feature.".

Permitting of works

30.—(1) Section 66 (Licensing of works) of the Act is amended as follows.

(2) The heading is amended by the substitution of "Permitting" for "Licensing".

(3) For subsection (1) substitute—

"(1)(a) The Port Authority may on such terms as they think fit, including conditions as to variation, revocation and termination of the permission, grant to a person a permission to

carry out, construct, place, use, alter, renew, or carry out maintenance to or on, or retain or remove works, notwithstanding that the works interfere with the public right of navigation or any other public right.

(b) The grant of a permission under this section does not confer an interest in or rights over or under, or right to use land and the holder of a works permission may not exercise the rights conferred by that permission unless and until the permission holder has been granted such interest in or rights over or under, or right to use land as is necessary to enjoy the benefit of the permission or to comply with any conditions imposed by the permission.”.

(4) For subsection (2) substitute—

“(2) The Port Authority may from time to time review any works permission granted under subsection (1) on grounds of navigational safety or adverse effects on the conservancy of the Thames and may following the review on giving reasonable written notice vary, suspend, revoke or terminate the works permission if the work, in the reasonable opinion of—

(a) the harbourmaster has, or is likely to, become an obstruction, danger or impediment to the safe or convenient navigation or use of the Thames, or

(b) the Port Authority has, or is likely to have, adverse effects on the conservancy of the Thames.”.

(5) For subsection (3) substitute—

“(3) The Port Authority may by notice vary, suspend, revoke or terminate a works permission granted by them if it appears to the Port Authority that the works permission should be varied, suspended, revoked or terminated on one or more of the following grounds—

(a) a permission holder fails to comply with a requirement to pay the fee for the works permission;

(b) in the course of the application for the works permission the applicant or any person on the applicant’s behalf either supplied information to the Port Authority that was false or misleading or failed to supply information and if the correct information had been supplied the Port Authority would have, or it is likely that the Port Authority would have, refused the application or granted the works permission on different terms;

(c) there has been a breach of any of its provisions; or

(d) a permission holder does not hold such interest in or rights over or under, or right to use land as is necessary to enjoy the benefit of the permission or to comply with any conditions imposed by the permission.

(3A) A suspension may extend to all or some of the rights granted under the permission and is for such period as the Port Authority specified in the notice of suspension but the suspension may be extended by further notice provided no suspension exceeds 18 months.

(3B) The Port Authority may terminate a works permission granted under this section if the work so permitted has been abandoned in the reasonable opinion of the Port Authority.”
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(6) In subsection (4) omit “mean”.

(7) In subsection (6)—

(a) in paragraph (a) for “cable placed or maintained by the Postmaster General” substitute “electronic communications line”;

(b) for “Postmaster General” substitute “operator of an electronic communications network”; and

(c) for “cable” substitute “electronic communications line”.

(8) In subsection (7)—

(a) for “a river authority” substitute “the Environment Agency”;

(b) for the "Land Drainage Act, 1930, the Land Drainage Act, 1961 or the Water Resources Act 1963" substitute "the Land Drainage Act 1991 or the Water Resources Act 1991"; and

(c) at the end of the subsection insert "but the Agency or authority must notify the Port Authority of its intention to carry out such works not less than 6 weeks prior to the commencement of them".

(9) After subsection (7) insert—

"(8) Subsection (7) does not affect a requirement for consent under any other enactment."

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Permitting of mooring, Permission applications, Determination of permission applications & Public register of permissions

31. After section 66 (Licensing of works) of the Act insert—

"**Permitting of mooring**

66A.—(1) The Port Authority may upon such terms as they think fit, including conditions as to variation, revocation and termination of the permission, grant to a person a permission to moor a vessel in the Thames and notwithstanding that such mooring may interfere with the public right of navigation or any other public right.

(2) The grant of a permission under this section does not confer an interest in or rights over or under, or right to use land and the holder of such a permission may not exercise the rights conferred by that permission unless and until the permission holder has been granted such interest in or rights over or under, or right to use land as is necessary to enjoy the benefit of the permission or to comply with any conditions imposed by the permission.

(3) The Port Authority may from time to time review any permission granted under this section on grounds of navigational safety or adverse effects on the conservancy of the Thames and may following the review on giving reasonable written notice vary, suspend, revoke or terminate a permission if the mooring of the vessel, in the reasonable opinion of—

(a) the harbourmaster, has or is likely to, become an obstruction, danger or impediment to the safe or convenient navigation or use of the Thames; or

(b) the Port Authority, has or, is likely to have, adverse effects on the conservancy of the Thames.

(4) The Port Authority may by notice vary, suspend, revoke or terminate a mooring permission granted by them if it appears to the Port Authority that the mooring permission should be varied, suspended, revoked or terminated on one or more of the following grounds—

(a) a permission holder fails to comply with a requirement to pay the fee for the mooring permission;

(b) in the course of the permission application the applicant or any person on the applicant's behalf either supplied information to the Port Authority that was false or misleading or failed to supply information and if the correct information had been supplied the Port Authority would have, or it is likely that the Port Authority would have, refused the application or granted the permission in different terms;

(c) there has been a breach of any of its provisions; or

(d) a permission holder does not hold such interest in or rights over or under, or right to use land as is necessary to enjoy the benefit of the permission or to comply with any conditions imposed by the permission.

(5) A suspension may extend to all or some of the rights granted under the permission and is for such period as the Port Authority specified in the notice of suspension but the suspension may be extended by further notice provided no suspension exceeds 18 months.

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

(7) The Port Authority may terminate a mooring permission granted under this section if, in the reasonable opinion of the Port Authority, the vessel to which the mooring permission relates has been abandoned.

Permission applications

66B.—(1) The Port Authority may require an application for—

(a) a works permission;

(b) a mooring permission; or

(c) a dredging permission;

to be made in such form as they may determine but any such permission application must be made in writing to the Port Authority and must be accompanied by plans, sections and full particulars of the works, mooring or dredging to which the application relates so that the permission application can be registered, and in granting any such permission the Port Authority may require modifications in the plans, sections and particulars so submitted.

(2) The Port Authority may—

(a) determine different forms for each of the permissions referred to in subsection (1); and

(b) provide for different fees for each—

(i) stage of application; and

(ii) type of permission.

(3) The Port Authority may require an applicant—

(a) to supply such further information;

(b) to produce such articles; and

(c) to permit such investigations, examinations and tests,

as in the reasonable opinion of the Port Authority may be necessary or expedient to enable them to register a permission application prior to its determination.

(4) If the Port Authority carry out any investigation, examination or test (whether or not by virtue of subsection (3)(c)) which in its reasonable opinion is necessary or expedient to enable it to register a permission application, the authority may require the applicant to pay a fee towards the reasonable expenses of that investigation, examination or test.

(5) The Port Authority shall only register a permission application when they are satisfied they have any necessary fees and sufficient information to enable them to determine the application.

(6) Following registration of a works or dredging permission application, the Port Authority must—

(a) publish notice of the permission application, or

(b) require the applicant to publish notice of it,

unless it is an application for a temporary permission.

(7) If the Port Authority publish notice of a permission application, in pursuance of subsection (6)(a), they may require the applicant to pay a fee towards the reasonable expenses of doing so.

(8) Publication under subsection (6) must be in such manner as the Port Authority think appropriate in the context of that application and is best calculated to bring the application to the attention of any persons likely to be interested in it.

(9) If an applicant fails to comply with a requirement made by the Port Authority under this section, the Port Authority may—

(a) refuse to proceed with the permission application; or

(b) refuse to proceed with it until the failure is remedied.

(10) Subsection (6) does not apply in the case of any particular application if—

(a) the Port Authority considers that notice of the application should not be published; or

(b) the Minister certifies that in the opinion of the Minister publication of notice of the application would be contrary to the interests of national security.

Determination of permission applications

66C.—(1) The Port Authority must not proceed to determine a permission application unless—

(a) the permission application has been registered in accordance with section 66B (Permission applications); and

(b) where required under that section, notice has been published.

(2) In determining any permission application (including the terms on which it is to be granted and what conditions, if any, are to be attached to it) the Port Authority must have regard to—

(a) their powers and duties as set out in this Act and other relevant legislation;

(b) the ability of the applicant to comply with and observe the terms of the permission including any requirement for removal of works or vessels or equipment; and

(c) any representations received within any period for receiving representations specified in the notice published under section 66B.

(3) In the case of an application for a works permission to authorise the carrying out, construction, alteration, renewal, maintenance or retention of any works the Port Authority must have regard (amongst other things) to the effects of any use intended to be made of the works in question when carried out, constructed, altered, renewed, maintained or retained.

(4) If within three months from the date of the registration of a permission application under section 66B the Port Authority do not grant a permission, they are to be deemed to have refused the permission application unless the applicant agrees an extension of time.

(5) In determining any permission application the Port Authority may impose as a term of that permission a requirement that the applicant provides such security as is, in the opinion of the Port Authority, sufficient to guarantee any obligations arising from the grant of the permission.

Public register of permissions

66D.—(1) The Port Authority must maintain a register of information, in relation to permissions granted under this Part.

(2) The register must contain particulars of or relating to—

(a) applications for permissions including the names and addresses of the applicants;

(b) permissions granted including the names and addresses of the permission holders;

(c) variations of permissions granted;

(d) suspensions of permissions granted;

(e) revocations of permissions granted;

(f) terminations of permissions granted;

(g) information supplied in connection with any permission in pursuance of any provision including plans; and

(h) such other matters relating to permission or the activities requiring a permission as the Port Authority considers appropriate for inclusion on the register

but no particulars of a temporary permission, unless the Port Authority determines that they should be included.

(3) The Port Authority must make arrangements for its register to be available for inspection at all reasonable times by members of the public free of charge.

(4) Information must not appear in the register if—

(a) the Minister determines that its disclosure in the register would be contrary to the interests of national security; or

(b) the Port Authority determines that its disclosure in the register would adversely affect the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate commercial interest.

(5) The Port Authority must review a determination to exclude information under subsection (4)(b) every four years.

(6) On a review under subsection (5) the Port Authority must include the information in the register unless, on the application of any person to whom the information relates, the Port Authority determines that it should continue to be excluded.

(7) Where information of any description is excluded from a register by virtue of subsection (4)(b), a statement must be entered in the register indicating the existence of information of that description.".

Charge for permission

32. For section 67 (Consideration for licence) of the Act substitute—

"**Charge for permission**

67. The Port Authority may charge a reasonable fee for—

(a) registering and determining a permission application in accordance with section 66B (Permission applications); and

(b) monitoring compliance with the terms and conditions of any such permission granted.".

Appeal to the Minister

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

(2) The heading is amended by the substitution of "the Minister" for "Board of Trade".

(3) For "Board of Trade", in each place it occurs, substitute "Minister".

(4) After "revocation", in each place it occurs, insert ", termination".

(5) In subsection (1)—

(a) after "licence", in the first place that it occurs, insert ", a mooring permission or a dredging permission";

(b) in paragraph (b), for "the consideration" substitute "any fee";

(c) in paragraph (b), omit "or its reassessment";

(d) in paragraph (c); after "sections", insert ", charts";

(e) after "licence", in the fifth place it occurs, insert ", a mooring permission or a dredging permission";

(f) before "revocation", insert "suspension,";

(g) for "his", in both places it occurs, substitute "that";

(h) omit "(other than the consideration for the licence or its reassessment)";

(i) for "subsection (3) of section 66 (Licensing of works)", substitute "section 66C(4) (Determination of permission applications)"; and

(j) for “him”, substitute “them”.

(6) In subsection (2), for “his” substitute “the”.

(7) In subsection (3)—

(a) after “licence”, in the first place that it occurs, insert “, a mooring permission or a dredging permission”; and

(b) for “his”, substitute “that”.

Works, mooring or dredging without permission

34.—(1) Section 70 (Works not to be constructed, etc, without works licence) of the Act is amended as follows.

(2) For the heading substitute “Works, mooring or dredging without permission”.

(3) For subsection (1) substitute—

“(1) No person shall, or shall cause or permit another person to—

(a) carry out, construct, place, alter, renew, or carry out maintenance to or on or retain or remove works unless permitted so to do by a subsisting works permission and except upon the terms and conditions, if any, upon which a works permission for those works is granted and in accordance with any plans, sections and full particulars approved in pursuance of section 66 (Permitting of works);

(b) subject to subsection (1A), after [the date of the commencement of the Order], moor a vessel in the Thames except in accordance with a subsisting mooring permission and except upon the terms and conditions, if any, upon which that mooring permission is granted and in accordance with any plans, sections and full particulars approved in pursuance of section 66A (Permitting of mooring); or

(c) carry on dredging, or cause or permit any other person to carry on such dredging except in accordance with a subsisting dredging permission and except upon the terms and conditions, if any, upon which a dredging permission for that dredging work is granted and in accordance with any plans, sections and full particulars approved in pursuance of section 73 (Permitting of dredging etc).”.

(4) After subsection (1) insert—

“(1A) The requirements of subsection (1)(b) do not apply to—

(a) any vessel which does not moor in the Thames for a period longer than 7 days in any 3 month period;

(b) any vessel moored under a right conferred by a works permission granted in accordance with section 66(1)(a);

(c) any vessel secured solely to a mooring to which section 63(1) (Removal of private moorings) applies until the end of the registration period referred to in that section or for so long as the circumstances described in section 63(9) continue to apply;

(d) any vessel—

(i) which is moored without a permission before [the date of the commencement of the Order] and is the subject of an application for a mooring permission made but not yet determined by the Port Authority or is the subject of an appeal under section 69 (Appeal to the Minister) in relation to the refusal of a mooring permission; or

(ii) which is the subject of an appeal made in accordance with section 69 in relation to the revocation of a mooring permission; and

(iii) which does not moor on the Thames for a period longer than 14 days after notification of the determination of that appeal or application;

(e) any vessel belonging to or used by the Port Authority; or

(f) any vessel anchoring in the ordinary course of navigation.”.

(5) In subsection (2)—

(a) omit "or who fails to comply with any term or condition upon which a works licence is granted by the Port Authority";

(b) after "and", in the first place it occurs, insert—

"—

(a) "; and

(c) after "£50" insert—

"in respect of a works permission, and;

(b) liable to a fine not exceeding level 4 on the standard scale and to a daily fine not exceeding £50 in respect of a dredging permission or a mooring permission".

(6) For subsection (3) substitute—

"(3) The Port Authority may by notice require a person who contravenes one or more of the provisions of this section within the time specified in the notice to—

(a) remove or abate any works and restore the site to its former condition;

(b) stop—

(i) any carrying out, construction, placing, alteration, renewal, removal or maintenance and remove or abate any works;

(ii) mooring and remove any mooring and any vessel; or

(iii) carrying on any dredging;

to which the contravention relates and to restore the site to its former condition

(c) comply with a term or condition of the relevant permission; and

(d) take such remedial or compensatory steps as the Port Authority considers appropriate;

and the Port Authority may by a further notice revoke the original notice or vary or extend it.

(4) Any notice given under subsection (3)—

(a) must state the Port Authority's grounds for believing that subsection (1) has been contravened;

(b) must state the date and time from which the requirement is to take effect (which may be a time on the date of the notice but must allow a period for compliance which is reasonable in all the circumstances of the case);

(c) may require the person to take such steps as the Port Authority consider appropriate to ensure that the cessation takes place safely; and

(d) if relating to activities requiring a permission under sections 66, 66A or 73 and issued to a person who does not hold a permission authorising those activities, may remain in force until such time (if any) as such a permission is granted to that person.

(5) If the person to whom notice is given in subsection (3) fails to comply with the notice,

(a) compliance with the terms of the notice shall be enforceable in civil proceedings brought by the Port Authority for an injunction;

(b) the Port Authority may—

(i) carry out any work or action required by the notice and any further works or action which in their reasonable opinion appear to them to be necessary or expedient, including seizing and detaining any work or vessel to which the notice relates and recover the cost of so doing from that person as a debt in any court of competent jurisdiction; and

(ii) sell or otherwise dispose of any work or vessel to which the notice relates or any vessel belonging to the owner of the work moored to that work.

(6) The Port Authority may recover out of the proceeds of the sale all the following costs—

(a) any unpaid fee payable under section 21(2)(a) (Power to make certain changes) or section 67 (Charge for permission) or any consideration under section 11(3) (Powers relating to land) or both for the retention or use of works, on or over the land of the Port Authority or for the carrying out of the dredging or mooring or any of them;

(b) any other unpaid fee in respect of the permission;

(c) the costs of any survey and administration costs associated with the service of a notice or with taking any court proceedings;

(d) the expense of removal, storage and disposal of any works and any vessel under this section; and

(e) the costs of undertaking any further works or actions which the Port Authority considered necessary or expedient under subsection (5);

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

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

(8) If the proceeds of sale are insufficient to reimburse the Port Authority for their expenses under this section, or if there is no sale, the Port Authority may recover the deficiency from the owner of the works or any vessel as a debt.

(9) The Port Authority must, before removing works and any vessel, in exercise of their powers of this section give seven clear days' notice in writing of their intention to do so to the owner of the works or vessel, except in a case of emergency when they must give notice as soon as reasonably practicable after they have removed the works or vessel.

(10) In a case where the name and address of a person to whom notice is to be given under subsection (3) or (9) cannot be identified such notice shall be left on the works or vessel associated with the mooring to which it relates.

(11) The power to require removal or to remove a work under subsections (3) to (10) may be exercised notwithstanding that the work supports a walkway created pursuant to an agreement under section 35 of the Highways Act 1980, a city walkway declared under section 6 of the City of London (Various Powers) Act 1967 or a walkway declared under section 11 of the Greater London Council (General Powers) Act 1969.

(12) References in this section to any vessel include reference to any tackle, appurtenances or other chattels with or on that vessel.

(13) Any vessel removed by the Port Authority must be returned to a person who can prove they are the owner of the vessel, on payment of any costs referred to in subsection (6) which have been incurred by the Port Authority in relation to the vessel.".

Emergency safety notice

35. After section 70 (Works not to be constructed, etc, without works licence) of the Act insert—

"**Emergency safety notice**

70A.—(1) This section applies if in the reasonable opinion of the Port Authority a work or any dredging or other activity or moored vessel has, or is likely to, become an obstruction, danger or impediment to the safe or convenient navigation or use or conservancy of the Thames as a result of –

(a) any works, mooring or dredging for the carrying out of which a works permission, a mooring permission or a dredging permission is or was needed; or

(b) any substantial and unforeseen change in the state or position of any such works, mooring or dredging.

(2) The Port Authority may issue an emergency safety notice to any person who is in control of the works, dredging, vessel or other activity to which the notice relates.

(3) By issuing an emergency safety notice to a person, the Port Authority imposes on that person such requirements as are prescribed in the notice with respect to any of the matters specified in subsection (4).

(4) Those matters are—

(a) the provision of lights, signals or other aids to navigation;

(b) the stationing of guard vessels.

(5) An emergency safety notice (in addition to specifying the requirements which it imposes)—

(a) must state the Port Authority's grounds for believing that a work or vessel, or dredging or other activity has, or is likely to, become an obstruction, danger or impediment to the safe or convenient navigation or use or conservancy of the Thames;

(b) must state the date and time from which the requirements are to take effect (which may be a time on the date of the notice but must allow a period for compliance which is reasonable in all the circumstances of the case); and

(c) may require the person to take such steps as the Port Authority considers appropriate to ensure that compliance with the requirements takes place safely.

(6) Any emergency safety notice issued by the Port Authority must be served on each of the following—

(a) if a works permission, mooring permission or dredging permission has been granted authorising the carrying out of the works, mooring or dredging, as the case may be, the permission holder; and

(b) if there is in effect a notice under section 70(3) (Works, mooring or dredging without permission) which relates to the works, or dredging or vessel or activity any person on whom the notice under section 70(3) was served.

(7) The Port Authority may by a further notice revoke an emergency safety notice or vary it so as to substitute an altered date for the date specified in accordance with subsection (5)(b).

(8) A person who fails to comply with an emergency safety notice commits an offence and is liable to a fine not exceeding level 4 on the standard scale.".

Works to be within nearest parish

36. Section 71 (Works to be within nearest parish) of the Act is amended as follows—

(a) for "Licensing" substitute "Permitting"; and

(b) for "licensed" substitute "permitted".

Permitting of dredging, etc

37. Section 73 (Licensing of dredging, etc) of the Act is amended as follows—

(a) the heading is amended by the substitution of "Permitting" for "Licensing";

(b) in subsection (1)—

(i) for "and", in the first place it occurs, substitute ",";

(ii) after "revocation" insert "and termination"; and

(iii) for “cleanse, scour, cut, deepen, widen, dredge or take up or remove material from the bed and banks of the Thames” substitute “dredge”;

(c) after subsection (1) insert—

“(1A) The Port Authority may from time to time review any dredging permission granted under this section on grounds of navigational safety or adverse effects on the conservancy of the Thames and may following the review on giving reasonable written notice vary, suspend, revoke or terminate the dredging permission if the dredging has, or is likely to, become, in the reasonable opinion of—

(a) the harbourmaster, an obstruction, danger or impediment to the safe or convenient navigation or use of the Thames or;

(b) the Port Authority, a danger or damaging to its conservancy including through the spread of polluted material or alien species.

(1B) The Port Authority may by notice vary, suspend, revoke or terminate a dredging permission granted by them if it appears to the Port Authority that the dredging permission should be varied, suspended, revoked or terminated on one or more of the following grounds—

(a) a permission holder fails to comply with a requirement to pay the fee for the dredging permission;

(b) in the course of the application for the dredging permission the applicant or any person on the applicant’s behalf either supplied information to the Port Authority that was false or misleading or failed to supply information and if the correct information had been supplied the Port Authority would have, or it is likely that the Port Authority would have, refused the application or granted the permission on different terms; or

(c) there has been a breach of any of its provisions.

(1C) A suspension may extend to all or some of the rights granted under the permission and is for such period as the Port Authority specified in the notice of suspension but the suspension may be extended by further notice provided no suspension exceeds 18 months.”;

(d) omit subsection (3);

(e) in subsection (5)—

(i) in paragraph (a) for “cable placed or maintained by the Postmaster General” substitute “electronic communications line”;

(ii) for “Postmaster General”, in the second place it occurs, substitute “operator of an electronic communications network”; and

(iii) for “cable”, in the second place it occurs, substitute “line”;

(f) in subsection (6)—

(i) for “a river authority” substitute “the Environment Agency”;

(ii) for the “Land Drainage Act, 1930, the Land Drainage Act, 1961 or the Water Resources Act 1963” substitute “the Land Drainage Act 1991 or the Water Resources Act 1991”; and

(iii) at the end insert “but the Agency or authority must notify the Port Authority of its intention to carry out such works not less than 6 weeks prior to the commencement of them.”; and

(g) after subsection (6) insert—

“(7) Subsection (6) does not affect a requirement for consent under any other enactment.”

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Crown property

38. Section 74 (Crown property) of the Act is amended as follows—

(a) for “licensed” substitute “permitted”; and

(b) for “Licensing”, in both places it occurs, substitute “Permitting”.

Transfer of work or mooring

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

“**Transfer of work or mooring**

75A.—(1) Any person to whom an interest in a work to which a permission relates is transferred must on or before such transfer make an application to the Port Authority for a new works permission and until the grant of the new works permission the current permission holder remains responsible for the discharge of any obligations under the permission.

(2) The grant of a new works permission applied for under subsection (1) does not confer an interest in or rights over or under, or right to use land and the holder of a works permission may not exercise the rights conferred by that permission unless and until that permission holder has been granted such an interest in or rights over or under, or right to use land as is necessary to enjoy the benefit of the permission or to comply with any conditions imposed by the permission.

(3) Any person to whom a works permission has been granted must upon being requested to do so by a duly authorised person acting on behalf of the Port Authority if known to them give the name and address of the person who is currently the owner and identify any person occupying or known to have an interest in that work.

(4) The holder of a works permission or mooring permission who transfers their interest in the work or the vessel to which the permission relates must, no later than 28 days after such transfer, give notice in writing of the transfer to the Port Authority specifying the name and address of the person to whom the work or vessel is transferred and, if requested by the Port Authority, provide evidence of that transfer.

(5) Any person who—

(a) fails to give the name and address as required by subsection (3) or (4); or

(b) gives a false or inaccurate name or address under subsection (3) or (4);

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

(6) An application for a permission under subsection (1) need not be published in accordance with section 66B(6) (Permission applications).”.

Provision against danger to navigation

40. In section 77 (Provision against danger to navigation) of the Act after “forthwith” insert “upon it becoming aware of such destruction or decay, or that it is likely to occur, monitor the tidal work and, if it considers necessary,”.

Abatement of works abandoned or decayed

41. Section 78 (Abatement of works abandoned or decayed) of the Act is amended as follows—

(a) for “Board of Trade”, in each place it occurs, substitute “Minister”;

(b) in subsection (1) for “think” substitute “thinks”;

(c) in subsection (2), for “the level of mean high water springs”, in each place it occurs, substitute “high water level”; and

(d) in subsection (3) for “them” substitute “the Minister”.

Survey of tidal works

42. In section 79 (Survey of tidal works) of the Act for "Board of Trade", in both places it occurs, substitute "Minister".

Permanent lights on works

43. After section 80 (Permanent lights on tidal works) of the Act insert—

"**Permanent lights on works**

80A.—(1) Any person who places or retains a work in the Thames which is subject to a works permission under section 66 (Permitting of works) and anyone else who maintains works in the Thames by virtue of statutory authority, or otherwise, must exhibit on each such work every night from sunset to sunrise and at times of restricted visibility such lights, if any, as the harbourmaster may require for preventing danger to navigation.

(2) Any person failing to exhibit such lights as required by the harbourmaster under subsection (1) is guilty of an offence and liable on summary conviction or on conviction on indictment, to a fine, and the Port Authority are to be entitled to enter on the work and any adjacent land giving access to that work for the purpose of repairing such lights or replacing them with temporary lights and the Port Authority's costs incurred in doing so shall be recoverable from the person in default as a debt.

(3) In proceedings for an offence under subsection (1) it is a defence for a person to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of such offence.

(4) If in any case the defence provided by subsection (3) involves the allegation that the commission of the offence was due to the act or default of another person, the person subject to the proceedings shall not, without leave of the court, be entitled to rely on that defence unless, within a period of seven clear days before the hearing, the person charged has served on the prosecutor a notice in writing giving such information identifying, or assisting in the identification of, that other person as was then in the possession of the person charged.

(5) Compliance with the harbourmaster's requirements under subsection (1) shall also be enforceable in civil proceedings brought by the Port Authority for an injunction.

(6) Subsection (1) does not apply to any works authorised by the Port of Tilbury (Expansion) Order 2019.

(7) In this section "restricted visibility" means all circumstances when visibility is less than 0.5 nautical miles.".

Replacement of marked landing places

44. Section 84 (Replacement of marked landing places) is amended as follows—

(a) renumber existing wording as subsection (1);

(b) after "shall", insert, ", subject to subsection (2),"; and

(c) at end insert—

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

Agreements about calling at landing places

45. In section 85 (Agreements about calling at landing places) of the Act for "waterman" substitute "master".

Maintenance of Richmond works and working of sluices

46. Section 88 (Maintenance of Richmond works and working of sluices) of the Act is amended as follows—

(a) in subsection (1) for "5 feet 9 inches below" substitute "1.72 metres above Ordnance Datum Newlyn";

(b) in subsection (1) omit "the datum line referred to in section 89 (Construction of references to Trinity High Water) of this Act";

(c) in subsection (2) omit "with the consent of the Board of Trade"; and

(d) in subsection (3) for "Board of Trade" substitute "Minister".

Entry on land to survey, etc.

47. Section 90 (Entry on land to survey, etc.) of the Act is amended as follows—

(a) in subsection (1)—

(i) in paragraph (b) after "been" insert "carried out,";

(ii) in paragraph (b) after "maintained" insert ", removed";

(iii) in paragraph (b) omit "and"; and

(iv) after paragraph (c) insert—

"(d) ascertaining whether the terms and conditions imposed by a permission granted under section 66 (Permitting of works), section 66A (Permitting of mooring) or section 73 (Permitting of dredging, etc) have been complied with;

(e) investigation into a navigational incident; and

(f) any enactment conferring powers or duties on the Port Authority or of any byelaw of the Port Authority including the enforcement thereof.";

(b) after subsection (1) insert—

"(1A) Subsections (2) and (5) to (8) of Section 137 (Powers of inspection of works and vessels) apply in relation to an inspection of land under this section as they apply to an inspection of a work or vessel under that section.

(1B) The power of entry conferred by subsection (1) of this section does not include power to enter a dwelling.";

(c) after subsection (3) insert—

"(3A) Compensation under subsection (3) is not payable in respect of any damage necessarily caused in identifying that there has been a breach of the terms and conditions imposed by a permission referred to in subsection (1)(d)."; and

(d) after subsection (4) insert—

"(5) The Port Authority may authorise the powers under this section to be exercised by a constable.

(6) An authorisation under subsection (5) must be given in writing and may apply generally or to particular constables or particular circumstances specified in the authorisation.

(7) In this section "dwelling" means any building or part of a building used as a residence but does not include the common parts of such a building.".

Times when public use of Thames may be restricted

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

(a) in subsection (1)—

(i) in paragraph (b) omit "public";

(ii) in paragraph (b) after "works", in both places it occurs, insert "or operations";

(iii) in paragraph (c) after "event" insert "or any other event or activity taking place in, under or over the Thames";

(iv) in paragraph (c) for "." substitute ";"; and

(v) after paragraph (c) insert—

"(d) to preserve the safety of the public.";

(b) for subsection (2) substitute—

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

(c) for subsection (3) substitute—

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

(d) after subsection (3) insert—

"(4) Any person who, and the master and owner of any vessel which, enters an area of the Thames in contravention of an exclusion or restriction imposed under this section without the prior consent of the Port Authority or without other lawful authority or reasonable excuse shall be guilty of an offence and liable on summary conviction or on conviction on indictment, to a fine.".

Abatement of nuisances

49. Section 92 (Abatement of nuisances) of the Act is amended as follows—

(a) omit "as a navigable waterway";

(b) after "in" insert ", under or over"; and

(c) after "banks" insert "and may recover as a debt in any court of competent jurisdiction the costs reasonably incurred in doing so from the person who caused the annoyance or nuisance".

Grab chains and escape ladders

50. After section 93 (Flood prevention) of the Act insert—

"**Grab chains and escape ladders**

93A.—(1) Any owner of land adjoining the Thames must install and maintain such grab chains and escape ladders on the river bank as the Port Authority may reasonably require in the interests of safety.

(2) If, within 28 days of receiving notice from the Port Authority of the requirement to install and maintain such grab chains or escape ladders, the landowner gives to the Port Authority notice objecting to the installation of such equipment on the ground that it is not practicable to do so, the question must 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.

(3) Any owner failing to install and maintain such grab chains and escape ladders as required by the Port Authority under subsection (1), except where the owner has had an objection upheld under subsection (2), is guilty of an offence and liable on summary conviction or on conviction on indictment to a fine, and the Port Authority shall be entitled to enter on the land for the purpose of installing and maintaining such grab chains and escape ladders and the Port Authority's costs incurred in doing so shall be recoverable from the person in default as a debt.

(4) Compliance with the Port Authority's requirements under subsection (1) shall also be enforceable in civil proceedings brought by the Port Authority for an injunction.".

General rules for navigation

51. Paragraph (b) of section 108 (General rules for navigation) of the Act is amended as follows—

(a) omit "mean"; and

(b) after "Thames" in the second place it occurs, insert "(whether or not such navigation was also without due care and attention)".

Overcrowding of vessels

52.—(1) Section 110 (Overcrowding of vessels) of the Act is amended as follows.

(2) In subsection (1)—

(a) for "carry", in the first place it occurs, substitute "have"; and

(b) for "carry", in the second and third places it occurs, substitute "have on board".

(3) In subsection (2) for "section 274 of the Merchant Shipping Act, 1894", substitute "regulations 13 or 14 of the Merchant Shipping (Survey and Certification) Regulations 2015".

Special directions to vessels in the Thames

53. Section 112 (Special directions to vessels in the Thames) of the Act is amended as follows—

(a) in subsection (1)—

(i) omit ".";

(ii) after "dockmaster", in the second place it occurs, insert

",

and may where it is necessary for making the special direction effective override any provision of a works permission, mooring permission or dredging permission."

;

(b) in subsection (2)—

(i) in paragraph (a) after "direction" insert ", byelaw or statutory power of the Port Authority";

(ii) in paragraph (c) after "stores" omit ".";

(iii) in paragraph (c) after "stores" insert ", discharges waste or is supplied with services;"; and

(iv) after paragraph (c) insert—

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

(e) regulating the embarking or landing of passengers,"; and

(c) after subsection (2) insert—

"(3) In an emergency a harbourmaster may give special directions applicable to all vessels in the Thames or to a particular class of vessel in the Thames for any of the purposes mentioned in subsection (2).

(4) In this section "dockmaster" means the dockmaster for the adjacent dock, whether or not appointed by the Port Authority.".

Regulation of crowds

54. In subsection (1) section 119 (Regulation of crowds) of the Act for "The Commissioner of the Metropolitan Police)" substitute "A Police Officer of at least the rank of Assistant Chief Constable".

Power to raise and remove vessels sunk, etc.

55. Section 120 (Power to raise and remove vessels sunk, etc.) of the Act is amended as follows—

(a) in subsection (1) for "shall" substitute "may";

(b) in subsection (2)—

(i) omit "of customs or excise"; and

(ii) for "purchase tax" substitute "taxes under any enactment";

(c) in subsection (3) for "purchase tax" substitute "taxes under any enactment";

(d) in subsection (5)—

(i) for "head" substitute "principal";

(ii) after "office" insert "and on the website"; and

(iii) after "Port Authority", in the third place it occurs, insert "or in other electronic form";

(e) in subsection (7) after "section" insert ""vessel" includes the equipment of the vessel, and"; and

(f) after subsection (7) insert—

"(8) The Port Authority may appoint another person to raise, remove, blow up or otherwise destroy the vessel under this section on their behalf and subsections (2) to (7) are to apply to a person appointed for this purpose as they apply to the Port Authority.".

Power to deal with unserviceable vessels & Sale or disposal of vessels

56. After section 120 (Power to raise and remove vessels sunk, etc.) of the Act insert—

"**Power to deal with unserviceable vessels**

120A.—(1) The Port Authority may sell, break up or otherwise dispose of any vessel which is, in the reasonable opinion of the harbourmaster, laid by or neglected as unserviceable in the Thames or, if the state of the vessel may affect the navigation or conservation of the Thames, on land immediately adjoining the Thames.

(2) The Port Authority may retain out of the proceeds of sale of any such vessel, or any part of the vessel, any expenses incurred by them, or by any persons appointed by them to sell, break up or otherwise dispose of a vessel on their behalf, in exercising the powers of this section in respect of the vessel or in marking, buoying, lighting or otherwise controlling the vessel or warning shipping of its presence and will pay the surplus, if any, to the owner of the vessel.

(3) If the proceeds of sale are insufficient to reimburse the Port Authority for those expenses, or there is no sale, the Port Authority may recover the deficiency, or, where there is no sale, the whole of the expenses, from the owner as a simple contract debt.

(4) Except in the case of emergency, the Port Authority must, before exercising their powers under this section, give 28 clear days' notice in writing of its intention to do so to the owner of the vessel:

Provided that, if the owner of a vessel or their 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 principal office and on the website of the Port Authority or in other electronic form for the period of its duration.

(5) The Port Authority may appoint another person to sell, break up or otherwise dispose of a vessel under this section on their behalf and subsections (2) to (4) apply to a person appointed under this section as they apply to the Port Authority.

(6) In this section "unserviceable" means laid by or neglected as unfit for river service and "vessel" includes the equipment of the vessel.

Sale or disposal of vessels

120B.—(1) The following provisions have effect in relation to a sale of a vessel under this Act.

(2) The sale of the vessel operates to vest the vessel in the purchaser freed of all mortgages, liens, charges or other interests in it and the purchaser does not require any other evidence of title to the vessel than a copy certified by the Port Authority of its authorisation of the sale.

(3) Where the vessel is registered under Part II of the Merchant Shipping Act 1995 and the purchaser is qualified to be the owner of the vessel under that Act on production of a copy of its authorisation of the sale certified by the Port Authority, the Registrar General of Shipping and Seamen is to register the bill of sale effecting the transfer in the same manner as if the Port Authority were the registered owner of the vessel immediately prior to the transfer.

(4) In the event of a vessel which is registered being destroyed or otherwise disposed of under section 120 (Power to raise and remove vessels sunk, etc.)or 120A (Power to deal with unserviceable vessels) the Port Authority are to give notice of such destruction or disposal to the Registrar General of Shipping and Seamen.".

Removal of obstructions other than vessels

57. Section 121 (Removal of obstructions other than vessels) of the Act is amended as follows—

(a) in subsection (1)—

(i) after "remove" insert ", or if it is not reasonably practicable to remove without destroying, may destroy"; and

(ii) in paragraph (b) for "towpath on the Thames" substitute "landing place";

(b) in subsection (6) after "remove" insert "or destroy"; and

(c) in subsection (7) after "borough," insert ", the Greater London Authority".

Removal of projections

58.—(1) Section 122 (Removal of projections) of the Act is amended as follows.

(2) In paragraph (a) of subsection (2)—

(a) after "is", insert "or is likely to become";

(b) after "navigation", insert "or use";

(c) after "Thames", insert "or any part of the Thames";

(d) after "remove", insert "or destroy"; and

(e) after "removal", insert "or destruction".

(3) In subsection (3)—

(a) in paragraph (a) after "is" in the first place it occurs, insert "or is likely to become"; and

(b) in paragraph (b)—

(i) after "remove", insert "or destroy"; and

(ii) after “removal”, insert “or destruction”.

Unlicensed vessels not to be navigated

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

(a) in subsection (2)—

(i) at the beginning insert “Subject to subsection (2A),”;

(ii) for paragraph (d) substitute—

“(d) a houseboat or commercial and club boats;”;

(iii) for paragraph (f) substitute—

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

(b) after subsection (2) insert—

“(2A) The exemptions in subsection (2) shall not apply in the case of any vessel carrying twelve or less passengers permitted by a certificate of compliance or other authorisation by the harbourmaster issued under byelaws made by the Port Authority to exceed any speed limit in the Thames set out in those byelaws.”; and

(c) in paragraph (a) of subsection (5) for “three” substitute “four”.

Power to refuse or revoke or suspend or terminate a licence

60. Section 125 (Power to refuse or revoke or suspend a licence) of the Act is amended as follows—

(a) the heading is amended by the insertion of “or terminate” after “suspend”;

(b) in subsection (1)—

(i) after “licence”, in the first place it occurs, insert “under section 124 (Unlicensed vessels not to be navigated)”;

(ii) for “or”, in the second place it occurs, substitute “,”; and

(iii) after “suspend” insert “or terminate”.

Appeals

61. In section 126 (Appeals) of the Act after “suspend”, in the first place it occurs, insert “or terminate”.

Lights detrimental to navigation

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

(a) in subsection (1)—

(i) omit “by written notice”;

(ii) omit “specified in the notice”;

(b) in paragraph (a) of subsection (2) for “notice given” substitute “requirement made”; and

(c) in paragraph (b) of subsection (2) for “give a notice” substitute “make a requirement”.

Fireworks

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

"**Fireworks**

133A.—(1) A person must not ignite or launch any firework or other explosive on or over the Thames, other than distress signals ignited as distress signals or race starting guns loaded with blank cartridges, which is likely to mislead persons navigating on the Thames or to interfere with the safe navigation of vessels, without the prior written consent of the Port Authority, which may be given subject to such conditions as the Port Authority thinks fit.

(2) Any person who ignites or launches any firework or other explosive without lawful authority or reasonable excuse in contravention of subsection (1) is guilty of an offence and liable to a fine not exceeding level 4 on the standard scale.".

Damage by a vessel

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

(a) in paragraph (a) of subsection (1)—

(i) in subparagraph (i) after "Thames", insert "(including the bed of the Thames)";

(ii) in subparagraph (i) omit "or";

(iii) in subparagraph (ii) for "." substitute "; or"; and

(iv) after subparagraph (ii) insert—

"(iii) any vessel belonging to or chartered or hired by the Port Authority."; and

(b) in paragraph (b) of subsection (1) after "damage" insert—

"including the costs of any survey carried out by the Port Authority of a vessel of the Port Authority or part of the port premises".

Giving false draught

65. In section 136 (Giving false draught) of the Act for subsection (1) substitute –

"(1) The master of a vessel entering the limits or leaving a dock or intending to enter the limits or leave a dock or navigating within the limits shall if required to do so by the harbourmaster state the draught of his vessel.".

Powers of inspection of works and vessels

66. For section 137 (Boarding vessels) of the Act substitute –

"**Powers of inspection of works and vessels**

137.—(1) A duly authorised officer of the Port Authority may, on producing if so required that authorisation, enter or board and inspect or examine any work in the Thames which is subject to or requires a works permission under section 66 (Permitting of works) or a vessel within the limits—

(a) for the purposes of any enactment conferring powers or duties on the Port Authority or of any byelaw of the Port Authority including the enforcement thereof;

(b) to prevent or extinguish fire;

(c) for the purpose of investigation into a navigational incident;

(d) in connection with any permission granted by the Port Authority, or required under, section 66 (Permitting of works), section 66A (Permitting of mooring) or section 73 (Permitting of dredging, etc) including the enforcement of any permission conditions;

and may enter or board a work or a vessel in the Thames to carry out a survey of the bed of the Thames under section 7 (Hydrographic surveys) in the vicinity of the vessel or work where the surveyor considers it would be impracticable to carry out the survey any other way.

(2) A duly authorised officer in exercising the powers of subsection (1) may—

(a) take any other authorised officer and any equipment or materials;

(b) require the work or vessel or any part of the work or vessel or any article or thing on, under, over or attached to the work or the vessel or such a part to be left undisturbed (whether generally or in particular respects) for so long as is reasonably necessary;

(c) take such measurements and photographs and make such recordings as the authorised officer considers necessary;

(d) in the case of any such article or thing as is mentioned in paragraph (b) which appears to the officer to have caused or to be likely to cause danger or a risk to safety, cause it to be dismantled or subjected to any process or test (but not so as to damage or destroy it unless that is in the circumstances necessary);

(e) in the case of any such article or thing as is mentioned in paragraph (b), take possession of it and detain it for so long as is necessary for all or any of the following purposes, namely—

(i) to examine it and do to it anything which there is power to do under this subsection,

(ii) to ensure that it is not tampered with before the examination of it is completed,

(iii) to ensure that it is available for use as evidence in any proceedings for an offence under this Act or any byelaw made under it;

(f) require the production of, and inspect and take copies of or of any entry in

(i) any books or documents which by virtue of any provision of this Act are required to be kept; and

(ii) any other books or documents which the authorised officer considers it necessary to see.

(3) For the purposes of exercising the power conferred by subsection (1), such authorised officer may require a vessel to stop, or to do anything else that will facilitate the boarding of that vessel or entry on to a work.

(4) Such authorised officer who has boarded a vessel or work may, for the purposes of disembarking from the vessel or work, require that or any other vessel to stop, or to do anything else that will enable the officer and any person accompanying the officer, to disembark from the vessel or work.

(5) Such authorised officer may require any person on board a vessel or in or on the works to afford such facilities and assistance with respect to matters under that person's control as the authorised officer considers would facilitate the exercise of any power conferred by this section.

(6) Nothing in this section confers any powers to search a person.

(7) Where a duly authorised officer of the Port Authority believes that a person has committed an offence the officer may require the person to provide their name and address.

(8) If a person–

(a) refuses or fails to give the required information or produce documents; or

(b) gives false or inaccurate or misleading information,

in response to any request under this section that person is guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.

(9) The powers to enter or board a vessel in subsection (1) do not extend to entering so much of the interior part of a houseboat as is being used for residential purposes except in an emergency or for the purpose described in subsection (1)(b).

(10) The Port Authority may authorise the powers of an officer of the Port Authority under this section to be exercised by a constable.

(11) An authorisation under subsection (10) must be given in writing and may apply generally or to particular constables or particular circumstances specified in the authorisation.”.

Identity of master and owner or occupier

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

“**Identity of master and owner or occupier**

138.—(1) The master of a vessel in the Thames must at the request of a duly authorised officer of the Port Authority give the master’s name and address and such information as the master has about the name of the owner or occupier of the vessel and the owner’s or occupier’s address.

(2) If a master—

(a) fails to give the required information; or

(b) gives false or inaccurate information,

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

(3) The master or owner or occupier of a vessel shall, on written application by the Port Authority, give to the Port Authority in writing all information in the master’s or owner’s or occupier’s power as to the person who at any particular time was the master or owner or occupier of the vessel and the master or any owner or occupier refusing to give such information, giving false or misleading information or by the master’s or owner’s or occupier’s own negligence or default being unable to give the name and address of such person, is guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.

(4) In any proceedings relating to the vessel or its master the information given pursuant to subsection (1) or subsection (3) shall be admissible as evidence for the purpose of determining the identity of the master or owner or occupier of the vessel at a particular time.”.

Autonomous vessels

68. After section 138 (Identity of master) of the Act insert—

“**Autonomous vessels**

138A.—(1) The owner of an autonomous vessel must not permit it to enter the Thames unless the owner has first provided notice in accordance with subsection (2).

(2) A notice given under subsection (1) must be made in writing to the harbourmaster and include full details, including contact details, of a person who is—

(a) in control of the vessel; or

(b) able to take control of the vessel.

(3) The owner of a vessel which enters the Thames without them first providing the required notice is guilty of an offence and liable to a fine not exceeding level 4 on the standard scale.”.

Thames watermen and Thames lightermen

69. In the heading of Part 8 of the Act, before "watermen" and before "lightermen" insert "Thames".

Register of Thames watermen and Thames lightermen

70. Section 139 (Register of watermen and lightermen) of the Act is amended as follows—

(a) the heading is amended by the insertion of "Thames" before "watermen" and "lightermen";

(b) for "shall" in the first place it occurs, substitute "may";

(c) omit "licensed"; and

(d) before "watermen" and "lightermen" insert "Thames".

Customs entry by Port Authority

71. Section 145 (Customs entry by Port Authority) of the Act is amended as follows—

(a) in subsection (1) for "a customs officer", in both places it occurs, substitute "Her Majesty's Revenue and Customs"; and

(b) in subsection (4) for "of customs or excise and purchase tax" substitute "or taxes under any enactment".

Passes for goods

72. Subsection (1) of section 147 (Passes for goods) of the Act is amended as follows—

(a) omit "member of the Port Authority's police force, or other"; and

(b) omit "constable, or other".

Thames byelaws

73. Subsection (1) of section 162 (Thames byelaws) of the Act is amended as follows—

(a) in paragraph (f) omit "or towpaths";

(b) in paragraph (h) after "in" insert ", under, over"; and

(c) after paragraph (l) insert—

"(m)to secure the conservation of the natural beauty of the countryside and of flora, fauna and geological, physiographical or archaeological features of special interest; and

(n) to regulate bunkering services and vessels undertaking bunkering.".

Fines for breach of byelaws

74. Section 167 (Fines for breach of byelaws) of the Act is amended as follows—

(a) for "3" substitute "4"; and

(b) for "twenty pounds" substitute "£50".

Confirmation of byelaws

75.—(1) Section 168 (Confirmation of byelaws) of the Act is amended as follows.

(2) In subsection (3)—

(a) in paragraph (a)—

(i) omit the words from and including "as follows" to the end of the paragraph; and

(ii) after “published” insert “in the London Gazette and one or more newspapers circulating in the area to which the byelaws are to apply”;

(b) in paragraph (b)—

(i) omit “first”;

(ii) in subparagraph (i) after “City”, in the second place it occurs, insert “and if those byelaws affect Greater London to the Greater London Authority”;

(iii) in subparagraph (ii) after “to”, in the first place it occurs, insert “the Environment Agency and to”; and

(iv) in subparagraph (ii) omit “river authority and”;

(v) after subparagraph (ii), insert—

“(iia) to the Company;

(iib) to London Gateway Port Limited (company number 04341592);”

(vi) after subparagraph (iv), insert—

“(v) to Southend-on-Sea Borough Council”;

(c) in paragraph (c) for “head” substitute “principal”; and

(d) in paragraph (d) after “charge” insert “if demanded”.

Proof of byelaws

76. Section 169 (Proof of byelaws) of the Act is amended as follows—

(a) omit “and the signature of their secretary”; and

(b) omit “or signature”.

Application of Town and Country Planning Acts to Port Authority’s land

77. For section 175 (Application of Town and Country Planning Acts to Port Authority’s land) of the Act substitute—

“The bed of the Thames owned by the Port Authority is to be treated as operational land for the purpose of section 263 of the Town and Country Planning Act 1990.”.

Rights of way over permitted works and land of Port Authority & Adverse possession claims in relation to the Thames

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

“**Rights of way over permitted works and land of Port Authority**

175A. As from [the date of the commencement of the Order] no right of way may be acquired by prescription or user over any permitted work in, under or over the Thames or any road, way, slipway, steps, place on land or landing place within the ownership of the Port Authority and giving access to the Thames.

Adverse possession claims in relation to the Thames

175B.—(1) Subject to subsection (2), paragraph 11 of Schedule 1 to the Limitation Act 1980 applies to actions brought by the Port Authority to recover foreshore of the Thames in the ownership of the Port Authority as it applies to actions brought by the Crown in relation to land in its ownership.

(2) This section does not apply in respect of any action which has accrued more than 12 years before [the date of the commencement of the Order].”.

Removal of vehicles at port premises

79. For section 177 (Removal of vehicles at port premises) of the Act substitute—

"**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;

(iii) in any part of the port premises, for a period longer than twenty-four hours after a notice giving the date and time and requiring its removal within twenty-four hours is left on the vehicle by the Port Authority; or

(iv) in any place within the port premises where the Port Authority consider it is unsafe to leave a vehicle or the vehicle is likely to or does obstruct or interfere with the use of or access to the port premises or it poses a security risk;

the Port Authority may, at the risk of the owner, remove the vehicle to a place of safe custody.

(b) If it appears to the Port Authority that a vehicle has been abandoned in any part of the port premises, the Port Authority may, at the risk of the owner, remove the vehicle to a place of safe custody.

(c) 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 are recoverable by the Port Authority from the person responsible as a debt in any court of competent jurisdiction.

(3) For the purposes of subsection (2) "the person responsible" means—

(a) the keeper of the vehicle at the time when it was put in the place from which it was removed under subsection (1); or

(b) if that person shows that they were not concerned in, and did not know of, its being put there, the person who put the vehicle in that place.

(4) If the Port Authority in exercise of the powers of this section remove a vehicle or cause it to be removed, to a place not readily visible from the place whence it is so removed they must, if and as soon as it is reasonably practicable to do so, report that fact to a constable or a police station and send to the keeper of the vehicle at the last known address, the registered address or at the address where the vehicle is ordinarily kept, notice that—

(a) the Port Authority have exercised the powers of this section and of the expenses incurred and the place to which the vehicle has been removed; and

(b) the Port Authority require proof of identity as the keeper of the vehicle, payment of the expenses incurred by the Port Authority and removal of the vehicle within two weeks from the date the notice is served or such longer time as the parties agree.

(5) If in their opinion the vehicle is in such a condition that it ought to be destroyed the Port Authority must also inform the keeper of the vehicle that if the vehicle is not collected within the period required in subsection (4)(b) they propose to destroy the vehicle and the keeper of the vehicle will be responsible for the expense of such destruction.

(6) A notice stating the general effect of subsection (1)(a)(i) of this section must 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 or at a place as close as reasonably practicable to that place or elsewhere at the port premises.

(7) Subject to subsections (10) and (11), the Port Authority may in such manner as they think fit (provided that they have given prior notice under subsection (4) to any keeper of the vehicle if they intend to destroy the vehicle) dispose of any vehicle which is in their custody in pursuance of subsection (1) if the keeper of the vehicle has not complied with the requirements of the notice referred to in subsection (4) within two weeks from the service of the notice referred to in subsection (4) or such extended time as the parties shall agree.

(8) The power to dispose of vehicles conferred on the Port Authority by subsection (7) above includes power to provide plant and apparatus for the purpose of disposing of vehicles.

(9) The expenses of and incidental to the removal recoverable by the Port Authority include the costs of employing any contractor, the removal of the vehicle, storage of the vehicle and its safe custody and the expenses of disposal (including the provision of any plant and apparatus for its disposal) or destruction of the vehicle.

(10) If before a vehicle is disposed of by the Port Authority in pursuance of this section the Port Authority is satisfied that a person who claims the vehicle is the keeper of the vehicle and pays the Port Authority's expenses, the Port Authority shall permit that person to remove the vehicle from their custody.

(11) If before the expiration of the period of one year beginning with the date on which a vehicle is sold by the Port Authority in pursuance of this section any person satisfies the Port Authority that at the time of its sale that person was the keeper of the vehicle, the Port Authority must pay that person any sum by which the proceeds of sale exceed the expenses recoverable by the Port Authority.

(12) In this section, references to the keeper of the vehicle and their registered address are to the person for the time being registered as the keeper of the vehicle and their address recorded in the register in accordance with regulations under the Vehicle Excise and Registration Act 1994.

(13) In this section "vehicle" has the same meaning as in section 99 of the Road Traffic Regulation Act 1984.".

Access for government officers

80. Section 181 (Access for government officers) of the Act is amended as follows—

(a) omit "the Board of Trade and"; and

(b) for "a customs officer" substitute "Her Majesty's Revenue and Customs".

Authentication of Port Authority's documents

81. Section 183 (Authentication of Port Authority's documents) of the Act is amended as follows—

(a) in subsection (1)—

(i) after "licence" insert ", permission";

(ii) after "secretary of", insert "or an officer authorised by"; and

(iii) omit "or by one of his deputies"; and

(b) in subsection (2) omit "or to the management of the business at a dock".

Service of documents

82. Section 184 (Service of documents) of the Act is amended as follows—

(a) in paragraph (b) of subsection (1) after "partnership", in the first place it occurs, insert ", including a limited liability partnership";

(b) in subsection (2)—

(i) for "either" substitute "in any one of the following ways"; and

(ii) in paragraph (c) after "post;" insert—

"or

(d) by sending it by electronic means,"; and

(c) in paragraph (b) of subsection (3)—

(i) after "partnership", in the first place it occurs, insert ", including a limited liability partnership"; and

(ii) after "partnership", in the second place it occurs, insert "and in the case of a limited liability partnership, be the address of its registered or principal office";

(d) after subsection (6) insert—

"(7) Where a document is to be served by electronic means under subsection (2)(d) the party who is to be served must have previously indicated in writing to the party serving—

(a) that the party to be served is willing to accept service by electronic means; and

(b) the email address or other electronic identification to which it must be sent.

(8) Where a party intends to serve a document by electronic means under subsection (2)(d) that party must first ask the party who is to be served whether there are any limitations to the recipient's agreement to accept service by such means (for example, the format in which documents are to be sent and the maximum size of attachments that may be received.)".

Port Authority's publications

83. Section 185 (Port Authority's publications) of the Act is amended as follows—

(a) for "head", in both places it occurs, substitute "principal"; and

(b) in paragraph (b)—

(i) after "available" insert "in hard copy (or if the document is in electronic form, in a printable format)"; and

(ii) after "price" insert—

"if demanded; or

(c) make a copy of the document publically available by electronic means.".

Crown rights

84. Subsection (2) of section 186 (Crown rights) of the Act is amended as follows—

(a) for "Section 70 (Works not to be constructed, etc., without works licence)", substitute "Section 70 (Works, mooring or dredging without permission)"; and

(b) for "referred to in section 200 (Reservation of part of the bed and soil) of the Port of London (Consolidation) Act, 1920." substitute—

"consisting of land in which there is an interest belonging to—

(a) a government department or held in trust for Her Majesty for the purposes of a government department,

(b) Her Majesty in right of the Crown, or

(c) Her Majesty in right of the Duchy of Lancaster or of the Duchy of Cornwall,

and so held since 1856.”.

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

85. Section 187 (Certain powers not exercisable in Medway approach area and areas off Southend-on-Sea and Sheerness) of the Act is amended as follows—

(a) in paragraph (a) of subsection (1) after “schedule” in the second place it occurs, insert “, provided that the restriction on laying down moorings in paragraph (1)(a) in the first column does not apply when the Port Authority lays down moorings in the carrying out of their functions as a local lighthouse authority”.

(b) in paragraph (b) of subsection (1)—

(i) for “Corporation”, substitute “Borough Council”;

(ii) for “the urban district council of Sheerness” substitute “Swale Borough Council”;

(iii) omit “and in relation to the area described in paragraph (2)(b) in the said second column where it means the Medway Ports Authority”; and

(c) omit subsection (2).

Saving for the East London railway tunnel

86. Section 189 (Saving for London Transport Board) of the Act is amended as follows—

(a) the heading is amended by the substitution of “the East London railway tunnel” for “London Transport Board”;

(b) in subsection (1) omit ““the board” means the London Transport Board;”;

(c) in subsection (1) omit “vested in the board”; and

(d) omit subsection (3).

Saving for rights, etc, of Temples

87. In section 192 (Saving for rights, etc, of Temples) of the Act omit “other than Part VI (Prevention of pollution) thereof,”.

For protection of the Essex County Council

88. Section 193 (For protection of Essex County Council) of the Act is amended as follows—

(a) omit subsection (2);

(b) for “Licensing”, in each place it occurs, substitute “Permitting”; and

(c) in subsection (4) for “licensed” substitute “permitted”.

For protection of statutory undertakers

89. Section 195 (For protection of statutory undertakers) of the Act is amended as follows—

(a) in subsection (3)—

(i) for “Licensing”, in each place it occurs, substitute “Permitting”;

(ii) after “undertakers work,” insert “but such carrying out, construction, placing, alteration, renewal, maintenance or retention will be”; and

(iii) after “navigation” insert “or for conservancy of the Thames or to enable the construction of works in, under or over the Thames”;

(b) in subsection (4) after “undertakers work” insert “the location which has been notified in writing to the Port Authority by the undertaker”; and

(c) after subsection (4) insert—

"(4A) Where apparatus has been constructed, placed, altered, renewed, maintained or retained under subsection (3)(a), the Port Authority may from time to time, in addition to directions given under subsection (3)(a), issue a requirement to relocate apparatus of the undertakers at the expense of the Port Authority.".

For the protection of the Metropolitan Water Board

90. Section 197 (For the protection of the Metropolitan Water Board) of the Act is amended as follows—

(a) For "Section 70 (Works not to be constructed, etc., without works licence)", substitute "Section 70 (Works, mooring or dredging without permission)";

(b) for "Licensing" substitute "Permitting"; and

(c) after "1946" insert "but any body to which this exception applies must notify the Port Authority of its intention to carry out such works not less than 6 weeks prior to the commencement of them".

Warrant authorising use of force to enter land, work or vessel

91. After section 198 (For the protection of the Essex and Kent River Authorities) of the Act insert—

"**Warrant authorising use of force to enter land, work or vessel**

198A.—(1) A justice of the peace may issue a warrant authorising a person to use force in the exercise of the powers conferred by section 90(1) and section 137(1) if satisfied—

(a) that another person has prevented or is likely to prevent the exercise of that power; and

(b) that it is reasonable to use force in the exercise of that power.

(2) The force that may be authorised by a warrant is limited to what is reasonably necessary.

(3) A warrant authorising the person to use force must specify the number of occasions on which the Port Authority can rely on the warrant when entering.

(4) The number specified must be the number which the justice of the peace considers appropriate to achieve the purpose for which the entry is required.

(5) Any evidence in proceedings for a warrant under this section must be given on oath.".

Prohibition on pollution, etc, of Thames and docks

92.—(1) Section 200 (Prohibition on pollution, etc, of Thames and docks) of the Act is amended as follows—

(2) In subsection (1)—

(a) in paragraph (a)—

(i) after "fall" insert "or pass";

(ii) after "matter" insert "(including matters in suspension) or any poisonous, noxious or waste matter or liquid"; and

(b) in paragraph (b) for "thing" substitute "article or any solid matter (including matters in suspension) or any poisonous, noxious or waste matter or liquid";

(c) in subsection (2)—

(i) after "puts" insert "or causes or suffers to fall or pass";

(ii) after "hours" insert "or longer";

(iii) after “article or” insert “any solid matter (including matters in suspension) or any poisonous, noxious or waste matter or liquid or other”; and

(iv) after “blown” insert “, fall or be pushed”;

(d) in subsection (3)—

(i) omit “such” in the first place it occurs; and

(ii) after “contravention” insert “of subsection (1)”; and

(e) in subsection (5) after “section” insert “and may recover as a debt in any court of competent jurisdiction the expenses of removal and of any remediation or mitigation of damage or pollution caused by or resulting from the presence of any such matter in or beside the Thames from the person guilty of an offence under subsection (1) or (2)”.

Obstructing bridges

93. In section 202 (Obstructing bridges) of the Act for “belonging to the Port Authority” substitute “within the limits”.

Institution and defence of proceedings

94. In subsection (2) of section 205 (Institution and defence of proceedings) of the Act after “made by”, in the second place it occurs, insert “the secretary or”.

Jurisdiction of justices

95. In subsection (1) of section 207 (Jurisdiction of justices) of the Act for “100 yards” substitute “91.44 metres”.

Further amendment of Port of London and Midland Railway Act 1922

96. After section 210 (Amendment of Port of London and Midland Railway Act 1922) of the Act insert—

“**Further amendment of Port of London and Midland Railway Act 1922**

210A.—(1) The provisions of the Port of London and Midland Railway Act 1922 set out in subsection (2) are amended such that for the words “Board of Trade” and the word “Crown” wherever they occur the words “Port Authority” are substituted.

(2) The provisions referred to in subsection (1) are—

Section 15 (Works below high water mark to be subject to approval of Board of Trade);

Section 16 (Lights on works during construction);

Section 18 (Survey of works by Board of Trade);

Section 19 (Abatement of work abandoned or decayed).

(3) The provisions of the Port of London and Midland Railway Act 1922 set out in subsection (4), as amended by subsection (1), are to apply in relation to any person who for the time being owns, operates or occupies the Company’s portion of the landing stage.

(4) The provisions referred to in subsection (3) are —

Section 9 (Restriction of limits of Work No. 2);

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 during construction);

Section 18 (Survey of works by Board of Trade);

Section 19 (Abatement of work abandoned or decayed);

Section 20 (Provision against danger to navigation).

(5) The London and Midland Railway Act 1922 is not to have effect, if and to the extent that it otherwise would do, so as to remove the requirement to obtain a works permission to retain and use the Company's portion of the landing stage in the event that it ceases to be used primarily in connection with the accommodation of ferry services between Tilbury and Gravesend.

(6) In this section, "the Company's portion of the landing stage" has the meaning given to it in section 4(2) of the Port of London and Midland Railway Act 1922.".

Inquiries by the Minister

97. Section 215 (Inquiries by the Minister and Board of Trade) of the Act is amended as follows—

(a) the heading is amended by the deletion of "and Board of Trade";

(b) omit "and the Board of Trade"; and

(c) omit "each".

Description of port limits

98.—(1) Schedule 1 (Description of port limits) of the Act is amended as follows.

(2) In paragraph (1)—

(a) for the definition of "the landward limit" substitute—

""the landward limit" means a line drawn across the Thames from a stone pillar erected at latitude 51.43427 north, longitude 0.32742 west on the Surry bank to the nearest point of high water level on the Middlesex bank;"; and

(b) for the definition of "the seaward limit" substitute—

""the seaward limit" means a line drawn from the point of high water level on the line from latitude 51.61741 north, longitude 0.95411 east (Foulness Point in the county of Essex) to latitude 51.76868 north, longitude 1.34057 east (Gunfleet Old Lighthouse) and from there to latitude 51.44386 north, longitude 1.42325 east (most south-easterly point) and from there to latitude 51.41450 north, longitude 0.90456 east (Historical Warden Point in the county of Kent) and from there at 166° from true north to the high water level on the Kent bank of the Thames.".

(3) in paragraph 2—

(a) omit "mean";

(b) after "docks", in the first place it occurs, insert "(whether or not belonging to or administered by the Port Authority)";

(c) after "places," insert "the tidal River Brent excluding that part which is part of the Grand Union Canal, the remaining part of Chelsea Creek which originally formed part of the Kensington Canal";

(d) omit "Hermitage Basin; Western Dock Canal system; Shadwell Basin, including Brussels Wharf Surrey Water, Thames Link, Albion Canal, Albion Dry Dock and Canada Water";

(e) omit "and associated jetties; Blackwall pier; two jetties on either side of entrance lock leading to King George V Dock; two jetties on either side of site of former entrance to Albert Basin; jetty on north side of Gallion's Yacht Lock entrance; Cory's jetty";

(f) after "Albert Basin" for ";" substitute "and"; and

(g) in subparagraph (e) for "1000 yards" substitute "914.4 metres".

Provisions relating to members of the Port Authority

99. Part 1 of Schedule 2 (Provisions relating to members of the Port Authority) of the Act is amended as follows—

(a) for paragraph 2 substitute—

"**2.**—(1) The Secretary of State shall not later than the 1st December in 1976 and thereafter as required appoint a person not being an officer of the Port Authority to be chairman of the Port Authority and, subject to paragraph 12, the appointment is to be for three years.";

(b) in subparagraph (1) of paragraph 3 after "members" insert "appointed by the Secretary of State";

(c) in subparagraph (2) of paragraph 3—

(i) for "Member" substitute "Members"; and

(ii) for "his" substitute "their";

(d) in paragraph 4—

(i) after "have", in the first place it occurs, insert "special knowledge or";

(ii) omit "of, and to have shown capacity in"; and

(iii) after "experience" insert "or ability appropriate to the statutory functions of the Port Authority, which may include, but is not limited to knowledge or experience of or an ability in";

(e) in paragraph 6 after "Port Authority", in the fourth place it occurs, insert "or ceases to hold the executive positions held by that member at the time of appointment";

(f) in paragraph 8—

(i) for "A", in the first place it occurs, substitute "The chairman or a"; and

(ii) after subparagraph (2) insert—

"(3) If the Secretary of State appoints as chairman a member of the Port Authority appointed by the Port Authority the appointment of that person as a member by the Port Authority shall cease immediately before the appointment of the member as chairman commences.";

(g) in paragraph 11—

(i) after "that" insert "the chairman or";

(ii) after subparagraph (c) insert—

"(ca) has been convicted of a criminal offence and that conviction is not spent; or

(cb) has failed to declare a conflict of interest or otherwise acted improperly; or";

(iii) in subparagraph (d) after "unable" insert ", unwilling";

(iv) in the text beneath subparagraph (d) after "may" insert "suspend for such period as the Secretary of State or as the case may be the Port Authority may specify, or terminate the appointment, and, on termination,"; and

(v) in the text beneath subparagraph (d) after "office", in the first place it occurs, insert "as chairman or"; and

(h) in paragraph 12 for "during the remainder of the term for which the person whom he replaces was appointed" substitute "for such a period as may be specified in the appointment".

Proceedings

100. Part 2 of Schedule 2 (Proceedings) of the Act is amended as follows—

(a) in paragraph 2 after "member" insert "or because any such member was disqualified from acting on grounds of interest or had ceased to hold office";

(b) after paragraph 3 insert—

"**3A.** Meetings of the Port Authority and of committees and sub-committees may be held and conducted in such a way that members of the Port Authority who are not present together at the same place may by telephonic or electronic means attend and speak and vote and any member attending a meeting by telephonic or electronic means is to be counted in the quorum for that meeting.";

(c) after paragraph 4 insert—

"**4A.** A committee to which functions have been delegated under paragraph 4 may further delegate any of those functions (other than functions set out in sub-paragraphs (a) to (f) of paragraph 9B of Schedule 2 to the Harbours Act 1964) to a sub-committee or an officer of the Port Authority except to the extent that the Port Authority limits or prohibits its further delegation.";

(d) after paragraph 5 insert—

"**5A.**—(1) The validity of proceedings of any committee or sub-committee of the Port Authority is not affected by any vacancy among the members.

(2) Acts done by the members of a committee or sub-committee of the Port Authority or any person acting as a member are valid notwithstanding that it is afterwards discovered—

(a) that there was some defect in the appointment of any such member or person acting as member of such committee or sub-committee; or

(b) that any such member, person acting as a member or committee or sub-committee member was disqualified from acting on grounds of interest or had ceased to hold office.";

(e) in paragraph 6 after "committee", in both places it occurs, insert "or sub-committee"; and

(f) after paragraph 6 insert—

"**6A.** Subject to the provisions of this Schedule, the procedure of the Port Authority shall be regulated in such manner as the Port Authority may from time to time determine.".

Appeals to the Minister

101. For Schedule 4 (Licensing Appeals to the Board of Trade) of the Act substitute—

"SCHEDULE 4

Sections 69-129

Appeals To The Minister

1. This Schedule applies to any appeal which is made under sections 11, 69 and 126.

Notice of appeal

2. Notice of appeal must—

(a) be made in writing to the Minister and the Port Authority; and

(b) include—

(i) the appellant's name and address and telephone number and email address;

(ii) full details of the application to which the appeal relates and all supporting information, including plans, documents and correspondence between the appellant and the Port Authority; and

(iii) further information that the appellant considers in the circumstances to be relevant to the appeal.

Notice of receipt of appeal

3. The Minister must, as soon as reasonably practicable after receipt of the notice of appeal, notify the appellant and the Port Authority in writing of—

(a) the date from which the process for deciding the appeal is to be taken to start;

(b) the reference number allocated to the appeal;

(c) the details of the application to which the appeal relates; and

(d) the address to which written communications to the Minister about the appeal are to be sent,

and at the same time request from the Port Authority any further relevant information it holds relating to the subject of the appeal.

4.—(1) The Port Authority must, within a period of 28 days beginning with the starting date notified in subparagraph 3(a), submit to the Minister any further information requested in accordance with paragraph 3.

(2) The Port Authority must at the same time send a copy of that further information to the appellant.

(3) If the Port Authority wishes to submit a statement in addition to the further information mentioned in subparagraph (1), they must—

(a) within a period of 28 days beginning with the starting date, serve notice on the Minister and on the appellant of their intention to submit such a statement; and

(b) within a period of 35 days beginning with the starting date, submit the statement to the Minister, at the same time sending a copy of it to the appellant.

(4) The further information referred to in subparagraph (1) and the statement referred to in subparagraph (3) must state the date on which it is submitted to the Minister.

Representations by the appellant and by the Port Authority

5.—(1) The appellant may submit to the Minister representations in response to—

(a) the Port Authority's further information copied to it pursuant to paragraph 4(2); and

(b) the Port Authority's statement (if any) copied to it pursuant to paragraph 4(3)(b).

(2) Representations pursuant to subparagraph (1)(a) must be sent within a period of 28 days beginning with the date of submission by the Port Authority of the copy of the Port Authority's further information, and those pursuant to subparagraph (1)(b) within a period of 28 days beginning with the date of submission by the Port Authority of the copy of the Port Authority's statement.

(3) Any representations submitted pursuant to subparagraph (1) must be dated and submitted to the Minister on the date they bear, and the appellant must at the same time send a copy of them to the Port Authority.

Closing representations in respect of new matters

6. Where the appellant submits representations pursuant to paragraph 5(1), and those representations raise a new matter, the Port Authority may, within a period of 28 days beginning with the date of the appellant's submission of a copy of those representations pursuant to paragraph 6(3), submit to the Minister representations in respect of that new matter, copying them at the same time to the appellant.

Allowing further time

7. The Minister may in a particular case give directions setting later time limits than those set out in paragraphs 2 to 6 of this Schedule.

Determination

8.—(1) In this paragraph—

"representations" include any statement submitted or to be submitted by the appellant or the Port Authority pursuant to this Schedule.

(2) For each appeal the Minister must proceed to a decision within 3 months of the expiry of whichever is the latest date of the relevant events in subparagraph (3), taking into account only those representations and supporting documents as were submitted before the expiry of the relevant period.

(3) The events referred to in subparagraph (2) are—

(a) if no further information is requested and the Port Authority do not provide a statement under paragraph 4(3), 35 days from the starting date notified in subparagraph 3(a);

(b) if the Port Authority submit further information requested under paragraph 3, 28 days from the date the Port Authority sent the further information to the appellant;

(c) if the Port Authority submit a statement under paragraph 4(3), 28 days from the date the Port Authority sent the appellant a copy of that statement;

(d) if the appellant submits representations pursuant to paragraph 5(1)(a), 28 days from the date the appellant sent the Port Authority a copy of those representations;

(e) if the appellant submits representations pursuant to paragraph 5(1)(b), 28 days from the date the appellant sent the Port Authority a copy of those representations; and

(f) if the Port Authority submit representations under paragraph 6, from the date the Port Authority sent the appellant a copy of those representations.

(4) The Minister may set a date under subparagraph (2) that is later than the latest date required by that subparagraph provided that the Minister notifies the new deadline to the Port Authority and the appellant within 7 days of the new date being set.".

Powers not exercisable in the Medway Approach Area and off Southend-on-Sea and Sheerness

102. Schedule 8 (Powers not exercisable in the Medway Approach Area and off Southend-on-Sea and Sheerness) to the Act is amended as follows—

(a) in paragraph 1(c) of column 2, for "The" substitute "So much of the district of Swale as was formerly within the";

(b) omit paragraph 2 of column 1; and

(c) omit paragraph 2 of column 2.

Transitional provisions

103. Schedule 11 (Transitional provisions) of the Act is amended as follows—

(a) in paragraph (i), omit "or the Board of Trade"; and

(b) in paragraph (k), for "section 67 (Consideration for licence)" substitute "section 11(3) (Powers relating to land)".

References to licence

104. For "licence" and "licences", in each place it occurs in the following provisions of the Act—

Section 66 (Licensing of works)

Section 69 (Appeal to the Board of Trade)

Section 70 (Works not to be constructed, etc, without works licence)

Section 71 (Works to be within nearest parish)

Section 73 (Licensing of dredging, etc)

Section 74 (Crown property)

Section 90 (Entry on land to survey, etc.)

Section 122 (Removal of projections)

Section 195 (For protection of statutory undertakers)

substitute "permission" and "permissions" respectively.

Repeals

105. The provisions of the Act specified in column 1 of Part 1 of Schedule 1 and the other enactments specified in column 1 of Part 2 of Schedule 1 are repealed to the extent specified in column 2.

PART 3

MODIFICATIONS TO LOCAL LEGISLATION

Modifications of the Medway Ports Authority Act 1973

106. Subsection (2) of section 85 (For the mutual protection of Authority and Port of London Authority) of the Medway Ports Authority Act 1973 is modified as follows—

(1) after paragraph (c) insert—

"(ca) the exercise by the Port of London Authority of their powers to lay down or place buoys within the Medway approach area under section 62 (Works in the Thames) of the 1968 Act or section 201 (Powers of harbour authorities) of the Merchant Shipping Act 1995;

(cb) the exercise by the Port of London Authority in relation to the Medway approach area of their power to make byelaws for the regulation of the Thames and its navigation and the lights to be exhibited by vessels under section 162 (Thames byelaws) of the 1968 Act;

(cc) the exercise by the Port of London Authority of the power to make general directions or by the harbour master of the power to make special directions in relation to the Medway approach area under the provisions contained in Part VII (Vessels and Navigation) of the 1968 Act;".

Modifications of the County of Kent Act 1981

107. The County of Kent Act 1981 is modified as follows—

(1) after subsection (9) of section 33 (Touting, hawking, photographing etc.) insert—

"(10) Nothing in this section shall apply to any land owned by or vested in the Port of London Authority and before designating any seashore not owned by the Port of London Authority which is within the Port of London limits the district council shall consult the Port of London Authority.".

(2) in section 85 (Extension of section 268 of Act of 1936 to houseboats) the existing text becomes subsection (1); and

(3) after that subsection insert—

"(2) Before making, amending or revoking any byelaws under section 268 of the 1936 Act as extended by subsection (1) which apply to houseboats within the Port of London, the district council must give notice of their intention and a draft of their proposal to the port authority and must consider any written representations of the port authority within a period of two months from receipt of them.".

Modifications of the Essex Act 1987

108. The Essex Act 1987 is modified as follows—

(1) in section 11 (Touting, hawking, photographing etc.)—

(a) in paragraph (a) of subsection (6) after "relates" insert "and where the designation will affect the seashore within the port authority's limits the council shall give notice to the port authority,";

(b) after subsection (9) insert—

"(9A) Before giving consent under this section to the hawking, selling or offering or exposing for sale of anything on the seashore within the Port of London, the district council must consult the port authority."; and

(c) after subsection (10) insert—

"(11) No seashore owned by the port authority is to be designated as provided for in this section without the prior agreement of the port authority."

(2) in section 30 (Unauthorised structures on seashore)—

(a) in subsection (5) omit "which is vested in or under the control of the port authority"; and

(b) after subsection (5), insert—

"(6) The port authority shall be consulted before the district council consents to the erection providing or placing of any structure on any seashore within the area described in sub-paragraphs (a) and (b) of paragraph 1 of the second column of Schedule 8 to the said Act of 1968.".

(3) in section 31 (Byelaws as to boats)—

(a) in subparagraph (iv) of paragraph (c) of subsection (2) omit "which is vested in or under the control of the port authority"; and

(b) after subsection (3), insert—

"(4) Before making, amending or revoking any byelaws under section 76 as having effect in accordance with this section which apply to any part of the seashore described in sub-paragraphs (a) and (b) of paragraph 1 of the second column of Schedule 8 the district council must give notice of their intention and a draft of their proposal to the port authority and must consider any written representations made by the port authority within a period of two months from receipt of them.".

(4) in subsection (2) of section 57 (Interpretation of Head B of Part XI.) after "Section 69 (Power to demolish piers)" insert "Section 76 (For the Protection of the Port of London Authority)";

(5) in subsection (1) of section 66 (Pier byelaws), after "may" in the second place it occurs insert ", after consultation with the port authority and taking account of any representations made by the port authority,";

(6) in section 83 (Groynes) after "may" insert "after consultation with the port authority and taking account of any representations made by the port authority".

PART 4

TRANSITIONAL PROVISIONS

Savings and transitional provisions

109. The transitional provisions contained within Schedule 2 to this Order are to have effect.

Signed by the authority of the Marine Management Organisation

Name
As Authorised employee of the Marine Management Organisation

Date

SCHEDULE 1

Article 105

REPEALS

PART 1

Provision	*Extent of repeal*
Section 2	In subsection (1) the definitions of “craft”, “the Custom House”, “customs officer”, “duties of customs or excise”, “fish”, “mean high water level”, “port stock”, “river authority”, “the Surrey Canal”, “tonnage by measurement” and “tug”
Section 18	The whole section
Section 20	The whole section
Section 27	The whole section
Section 29	The whole section
Section 30	The whole section
Section 33	The whole section
Section 41	The whole section
Section 46	The whole section
Section 49	The whole section
Section 52	The whole section
Section 53	The whole section
Section 55	The whole section
Section 58	The whole section
Section 68	The whole section
Section 72	The whole section
Section 75	The whole section
Section 76	The whole section
Section 89	The whole section
Section 93	The whole section
Section 128	The whole section
Section 140	The whole section
Section 141	The whole section
Section 148	The whole section
Section 179	The whole section
Section 180	The whole section
Section 196	The whole section
Section 199	The whole section
Section 204	The whole section
Section 209	The whole section
Schedule 1	In paragraph (1) the definition of “the former seaward limit”
Schedule 7	The whole schedule
Schedule 10	The whole schedule

PART 2

Enactment	*Extent of Repeal*
Port of London Authority (Manner of Borrowing) Order 1968	The whole Order

SCHEDULE 2

Article 109

SAVINGS AND TRANSITIONAL PROVISIONS

Interpretation

1. In this Schedule—

"the added area" means the area between the limits as described in paragraph 2 of Schedule 1 to the unamended Act and the limits as described in paragraph 2 of Schedule 1 to the Act;

"the commencement date" means the date of the coming into force of this Order;

"the unamended Act" means the Act in the form it was in immediately prior to the commencement date.

Extension of limits

2.—(1) The holder of a works licence granted under subsection (1) of section 66 (Licensing of works) of the unamended Act prior to the commencement date in relation to a work which is partially located in the added area is not required to apply for a new works permission under section 66 of the Act in relation to that part of the work.

(2) The owner of an existing work located wholly in or landward of the added area is not required to apply for a works permission under section 66 of the Act in relation to that work.

Existing works licences

3.—(1) Subject to subsection (2), a works licence granted under subsection (1) of section 66 (Licensing of works) of the unamended Act prior to the commencement date is to be deemed to have been granted as a works permission under section 66 (Permitting of works) of the Act.

(2) The rights conferred upon the holder of a works licence referred to in subsection (1) by section 66(1)(b) of the unamended Act will continue to apply, notwithstanding the repeal of that provision by this Order.

Existing licences or agreements to moor

4. The holder of an existing licence or agreement to moor granted by the Port Authority prior to the commencement date is not required to apply for a mooring permission under section 66A (Permitting of mooring) of the Act in relation to that mooring.

Historic moorings

5.—(1) The moorings defined as "Old Moorings" in the River Works Licence completed between the Port Authority and the Tower Bridge Yacht and Boat Company Limited dated 31 January 2018 relating to moorings, access to collar barges, existing and proposed new brow at Downings Roads Moorings, Reeds Wharf, Upper Pool are to be deemed to have been included in and are to be subject to the terms and conditions contained within that Licence.

(2) Any application under section 63 (Removal of private moorings) of the Act to register any of the moorings at the coordinates set out in paragraph (3) within the area known as Downings Roads, in so far as they are in existence, is not required to—

(a) be made within the registration period, as defined in that section; or

(b) comply with section 63(2)(a) to (c).

but an application for the registration of any of those moorings must be made before the mooring is brought into use.

(3) The coordinates referred to in paragraph (2) are:

mooring number 67 at latitude 51.50212, longitude -0.06961

mooring number 69 at latitude 51.50197, longitude -0.06929

mooring number 70 at latitude 51.50205, longitude -0.06924

mooring number 75 at latitude 51.50224, longitude -0.06971

mooring number 79 at latitude 51.50208, longitude -0.06934

mooring number 81 at latitude 51.50212, longitude -0.06915

mooring number 82 at latitude 51.50217, longitude -0.06910

mooring number 83 at latitude 51.50222, longitude -0.06902

mooring number 85 at latitude 51.50201, longitude -0.06942

mooring number 91 at latitude 51.50177, longitude -0.06835

(4) The moorings at mooring number 1 at latitude 51.50235, longitude -0.05422, mooring number 2 at latitude 51.50262, longitude -0.05358 and mooring number 3 at latitude 51.50288, longitude -0.05294 within the area known as the Hop Pole Barge Roads are to be deemed to have been included in and are to be subject to the terms and conditions contained within the River Works Licence completed between the Port Authority and Charles Hay & Son Ltd dated 5 March 2019.

(5) Any application under section 63 of the Act to register any of the Rotherhithe inshore moorings is not required to:

(a) be made within the registration period, as defined in that section, or

(b) comply with section 63(2)(b)

but an application for the registration of any of those moorings must be made before the mooring is brought into use.

(6) In paragraph(5), “the Rotherhithe inshore moorings” means those moorings at:

mooring number 28 at latitude 51.50252, longitude -0.05267

mooring number 29 at latitude 51.50250, longitude -0.05259

mooring number 30 at latitude 51.50246, longitude -0.05256

mooring number 31 at latitude 51.50246, longitude -0.05251

mooring number 34 at latitude 51.50236, longitude -0.05236

mooring number 35 at latitude 51.50260, longitude -0.05222

mooring number 36 at latitude 51.50248, longitude -0.05203

mooring number 37 at latitude 51.50239, longitude -0.05200

mooring number 38 at latitude 51.50269, longitude -0.05216

mooring number 39 at latitude 51.50271, longitude -0.05206

mooring number 44 at latitude 51.50317, longitude -0.05114

mooring number 100 at latitude 51.50234, longitude -0.05212

mooring number 101 at latitude 51.50238, longitude -0.05202

mooring number 102 at latitude 51.50228, longitude -0.05229

(7) Nothing in paragraph (5) is to affect the operation of the agreement between the Port Authority and Charles Hay & Son Ltd dated 23 April 2018.

Vesting of embanked land

6.—(1) Notwithstanding the repeal of section 72 (Vesting of embanked land) of the Act that section is to apply so as to vest in the owner of the adjoining land a reclamation of land by embankment for which a licence has been granted under section 66 of this Act before the commencement date in the following two cases.

(2) Where the reclamation has not been completed at the commencement date, it is to vest in the adjoining land owner on completion of that work in accordance with the terms of the licence.

(3) Where the reclamation has been completed in accordance with the terms of the licence before the commencement date, but no certificate has been endorsed on the licence, it is to vest on the commencement date.

EXPLANATORY NOTE

(This note is not part of the Order)

The Order revises the functions conferred on the Port of London Authority under the Port of London Act 1968 and other local legislation.