

Harbour Revision Order – Port of London Act 1968

A Supplemental Guide

April 2020

This Guide is supplemental to the Simple Guide issued by the Port of London Authority (PLA) in September 2019. The purpose of this Guide is to summarise the main changes that have been made to the Harbour Revision Order (HRO) following the informal consultation held with stakeholders last year. Where possible, the PLA has amended the HRO to take account of consultation responses. If you responded to us during the process, we will send a copy of the amended HRO to you for your information; as an alternative it will also be published on the PLA's website.

What are the changes to the HRO?

The main changes made to the HRO as a result of the informal consultation are as follows:

Exemptions from works licensing for private ('ancient') moorings – Section 63

It is proposed that the existing section 63 be replaced by a new provision which requires owners of historic moorings chains to apply to register the chain within a three- year period from the commencement of the HRO.

We have amended the requirements that must be satisfied in order for registration to take place. The requirements are now as follows: supplying evidence that the mooring chain dates from 1857 on a balance of probabilities; demonstrating that it has been used from time to time on a more than occasional basis over the past 20 years; and demonstrating that the owner has the necessary property right to retain and use the chain.

The second requirement has been reduced from a requirement that it be demonstrated that the chain has been in uninterrupted use over a 20-year period to a requirement that that it be demonstrated that the chain has been used from time to time on a more than occasional basis over that period.

Appeals to the Minister – Section 69

The ability to appeal to the Department of Transport has been broadened so that it now includes the ability to appeal in the event of a suspension of a works permission, mooring permission or dredging permission.

Replacement of marked landing places – Section 84

This section has been amended so that in the event that the PLA removes, closes or permanently interferes with the public use of a landing place, it shall now provide a replacement which is free and of equal convenience. However, the PLA may close a *part* of a landing place if in its reasonable opinion the remaining part is adequate for public use.

Entry on land to survey, etc. – Section 90

This section has been amended to clarify that this power of entry does not include a power to enter a dwelling. A dwelling for these purposes means a building (or part of) being used for residential purposes but does not include common parts.

Grab chains and escape ladders – Section 93A

This section has been amended to provide that grab chains and escape ladders on the riverbanks will only be necessary if the PLA reasonably requires them *in the interests of safety*.

Power to deal with unseaworthy vessels – Section 120A

This power provides the PLA with the ability to sell, break up or otherwise dispose of any vessel which is, in the reasonable opinion of the harbourmaster, laid by or neglected as unseaworthy in the Thames. Queries were raised during the informal consultation regarding the meaning of “unseaworthy”, and this is now defined as meaning “laid by or neglected as unfit for river service”.

This power has also been extended so that a vessel can be dealt with etc. where the state of the vessel may affect the navigation or conservation of the Thames.

Powers of inspection of works and vessels – Section 137

These powers have now been restricted so that they do not extend to entering so much of the interior of a houseboat as is being used for residential purposes, save in the case of emergency or fire.

Power to require information in relation to the investigation of a navigational incident - Section 138A

It has been decided that this power is no longer required.

Service of documents – Section 184

Queries were raised during the informal consultation regarding the use of electronic means for service of documents. As a result, the PLA has added some clarificatory wording to this Section.

Where a document is to be served using electronic means, the party on which it is served must have previously indicated in writing that they are prepared to accept service by electronic means and confirming the correct email address, etc.,

The person using electronic means to serve a document must first ask the recipient whether there are any limitations on acceptance of service (for example the formatting of the relevant documents, maximum size of attachments etc).

Warrant authorising use of force to enter land, work or vessel – Section 198A

This section provides the PLA with a power to obtain a warrant to use no more than reasonable force to enter onto land, a work or a vessel. The warrant is only obtained by giving evidence on oath to a justice of the peace who must be satisfied that exercise of the PLA's entry powers under section 90 (Entry on land to survey, etc.) or section 137 (Powers of inspection of works and vessels) has been or is likely to be prevented by others, and it is reasonable to use force in exercising those powers of entry. The warrant must specify the number of times the justice of the peace considers appropriate for it to be used for forced entry.