

- (ii) indemnify the Port Authority against all claims, demands, proceedings, costs, damages and expenses which may be made against or recovered from or incurred by the Port Authority in consequence of the commission of the offence;

and the Port Authority may remove the goods in question and may recover from the owner or offender the costs of such removal and of placing or storing the goods elsewhere.

Notes

The words omitted from sub-s (3) were repealed by the Port of London Act 1982, s 7, Sch 2 and the words in square brackets in that subsection were substituted by s 3(2) of, Sch 1, Pt II, para 7 to, that Act.

General Note. *As to customs entries relating to certain goods that the Port of London Authority intend to remove under this section, see s 145 ante.*

Publish. *As to the publication of documents by the Port of London Authority, see s 185 post.*

Conviction or indictment; fine. *See note to s 77 ante.*

Definitions. *For "goods", "port premises" and "the statutory maximum", see s 2(1) ante.*

150 – 152

Repealed by the Dangerous Substances in Harbour Areas Regulations 1987 SI1987/37

Note

Although the Regulations provide for a partial repeal there is a full repeal in so far as they apply within harbours and harbour areas and within those harbours and harbour areas, to the extent that they apply in relation to dangerous substances to which the Dangerous Substances in Harbour Areas Regulations 1987 SI 1987/37 apply see Regs 2(1), 5, 47(5), Sch 8, Pt II. This is the case in Sections 150-152.

153. Under declaration of weight of goods

- (1) If a person knowingly under-declares the weight of any goods brought into the port premises, he shall be guilty of an offence and liable to a fine not exceeding [level 3 on the standard scale].
- (2) It shall be a defence to a person charged with an offence under subsection (1) of this section to prove that the safety of persons handling goods at the port premises was not, or was not likely to be, endangered as a consequence of the under-declaration of the weight of the goods in question.
- (3) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against.
- (4) In subsection (3) of this section, "director" in relation to any body corporate which is established by or under any enactment for the purpose of carrying on or under national ownership any industry or part of an industry or undertaking the affairs of which are managed by the members thereof, means a member of that body.

Note

The reference to level 3 on the standard scale in sub-s (1) is substituted by virtue of the Criminal Justice Act 1982, s 46. (The

maximum fine was previously increased to £200 by the Port of London Act 1982, s 3(1), Sch 1, Pt I). Under s.37(2) of the Criminal Justice Act 1982, as amended by The Criminal Justice Act 1991, level 3 is now £1,000

Standard scale. See the note to s 38 ante.

Definitions. For "enactment", "goods" and "port premises", see s 2(1) ante. Note as to "director", sub-s (4).

PART X

THE PORT AUTHORITY'S POLICE FORCE

154. Appointment, etc, of constables

- (1) The Port Authority may appoint persons to be constables and a person so appointed shall, on appointment, be attested as a constable by making a declaration before a justice of the peace in the form set out in Schedule 6 to this Act.
- (2) The Port Authority may suspend or terminate the appointment of a person appointed under this section.
- (3) If the Port Authority terminate the appointment of a person appointed under this section, that person shall thereupon cease to be a constable.
- (4) ...

[In so far as section 154 would, apart from the provisions of this paragraph, continue to confer functions on the Port Authority (as distinct from conferring functions on the Company by virtue of the transfer of functions under section 22 (8)(b) of the 1991 Act {the Ports Act 1991}), that section shall cease to have effect.]

Notes

Sub-s (4) was repealed by the Criminal Justice Act 1972, s 64(2), Sch 6, Pt I.

The further partial repeal of section 154 was made by the Port of Tilbury Transfer Scheme 1991 Confirmation Order 1992 SI 1992/284.

Constables. As to constables who are deemed to have been appointed under this section, see s 212, Sch 11, para (m) post.

155. Area of authority

- (1) A constable appointed under section 154 (Appointment, etc., of constables) of this Act may act as such-
 - (a) in the port police area; and
 - (b) elsewhere in the circumstances described in subsection (2) of this section;and, whilst he is so acting, he shall have all the powers and privileges of a constable.
- (2) A constable who, in the course of his duties as a member of the Port Authority's police force, pursues a person from the port police area, shall have the same powers of arrest in respect of that person outside the port police area as he would have within that area.

Notes

All the powers and privileges of a constable. Note that sub-s (1) refers only to the powers and privileges and not also the duties of a constable. See also the note "Constable" to s 119 ante.

Definition. For "port police area", see s 2(1) ante.

156. Powers of constables

- (1) In this section "constable" means a constable appointed under section 154 (Appointment, etc., of constables) of this Act.
- (2) A constable may enter and search a vessel within the port police area (taking with him persons to assist him if he thinks it necessary)-
- (a) if he, with reasonable cause, suspects that an [indictable] offence has been, or is about to be, committed on board the vessel; or
 - (b) in order to arrest a person whom he may lawfully arrest; or
 - (c) if he, with reasonable cause, believes that by so doing he will be able to facilitate the detection of an [indictable] offence committed, or the prevention of an [indictable] offence which he, with reasonable cause, suspects is about to be committed, within the port police area;
- and he may detain anything found on board which he, with reasonable cause, suspects to have been stolen or otherwise unlawfully obtained.
- (3) A constable may within the port premises and any specified premises enter and search a vessel or vehicle if he, with reasonable cause, suspects that anything which has been stolen or otherwise unlawfully obtained-
- (a) on or from the port premises;
 - (b) on or from a vessel either in a dock of the Port Authority or at a pier provided by the Port Authority; or
 - (c) on or from any specified premises;
- may be found therein, and he may detain anything found on board the vessel or in the vehicle, as the case may be, which he with reasonable cause suspects to have been so stolen or obtained.
- (4) No power conferred on a constable by this section shall derogate from, take away or in any way diminish any other power which the constable may have.

Notes

The word in square brackets "indictable" replaces "arrestable" which was repealed by the Serious Organised Crime and Police Act 2005 s. 111 Sch 7 Pt 3 Para 41(1)(3), from the 1 January 2006.

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

157. Unlawful possession

- (1) A constable may within the port police area stop and search a person whom he, with reasonable cause, suspects of having or conveying in any manner anything which has been stolen or otherwise unlawfully obtained-
- (a) on or from the port premises;
 - (b) on or from a vessel either in a dock of the Port Authority or at a pier provided by the Port Authority; or
 - (c) on or from specified premises;
- (2)

Notes

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

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

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

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

Note

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

160. Impersonating a port constable

A person who, with intent to deceive, impersonates a member of the Port Authority's police force, or makes any statement or does any act calculated falsely to suggest that he is a member of the Port Authority's police force, shall be guilty of an offence and liable to [imprisonment for a term not exceeding six months or to a fine not exceeding [level 5 on the standard scale] or to both].

Notes

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

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

Standard scale. See the note to s 38 ante.

PART XI

BYELAWS

161. Byelaws for port premises

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

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