

ELIZABETH II

1968 CHAPTER xxxii

An Act to consolidate with amendments the statutory provisions relating to the Port of London Authority; and for other purposes. [26th July 1968]

WHEREAS by the Port of London Act, 1908, the Port of London Authority were established for the purpose of administering, preserving and improving the port of London and for other purposes in that Act set forth:

And whereas by various subsequent Acts and Orders further powers were conferred on the Port Authority:

And whereas it is expedient that the provisions of the various enactments by which or by reference to which the constitution, powers, rights, authorities, privileges, duties and obligations of the Port Authority are at present defined should be unified, consolidated and amended as in this Act provided:

And whereas it is expedient that other powers be conferred on the Port Authority as in this Act contained and that the other provisions of this Act be enacted:

And whereas the objects of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:-

PART I

PRELIMINARY

1. Short title

This Act may be cited as the Port of London Act 1968.

Note

The following may, as provided by The Port of London Authority (Constitution) Harbour Revision Order 2005 1(2) SI 2005/3514, be cited together as the Port of London Acts and Orders 1968 to 2005: of the Port of London Act, 1968, the Port of London Act 1970, the Port of London Authority (Borrowing Powers) Revision Order 1971, SI 1971/1227, the Port of London Authority (Constitution) Revision Order 1975, SI 1975/1890, the Port of London Authority (Borrowing Powers. etc) Revisions Order 1980, SI 1980/1068, the Port of London Act 1982, The Port of London (Pilotage) Harbour Revision Order 1988 SI 1988/1626, The Port of London Authority Harbour Revision Order 1989 SI 1989/774, The Port of Tilbury Transfer Scheme 1991 Confirmation Order 1992 SI 1992/284, The Port of London Authority Harbour Revision Order 1992 SI 1992/3011, The Port of London Authority Harbour Revision Order 1999 SI 1999/1353, The Port of London Authority Harbour Revision Order 2003 SI 2003/2556 and The Port of London Authority (Constitution) Harbour Revision Order 2005 SI 2005/3514.

2. Interpretation

(1) In this Act, except so far as the context otherwise requires-

"arrestable offence" -

"bed" in relation to the Thames, means the bed, shore and banks of the Thames below mean high water level;

["boat for hire" means a passenger vessel whether or not it is let for hire and any other vessel which is let for hire for carrying persons;]

"byelaw of the Port Authority" includes a byelaw made by a predecessor of the Port Authority which is in force by virtue of section 212 (Transitional provisions) of this Act;

"charges" includes charges, rates, tolls and dues of every description which the Port Authority are for the time being authorised to demand, take and recover and "charge" shall be construed accordingly;

["the Company" means Port of Tilbury London Limited, being the company formed in pursuance of section 21 of the Ports Act 1991 and registered under the Companies Act 1985 with the number 2659118;

"the Company's docks" means the docks at Tilbury belonging to or administered by the Company and includes locks, basins and cuts forming part of those docks, and "a dock of the Company" shall be construed accordingly;

"the Company's port premises" means the docks and landing places at Tilbury at any time vested in, belonging to or administered by the Company and all other works and land at any time vested in, belonging to or administered by the Company for the purpose of operating those docks and landing places;

"the Company's Tilbury undertaking" means the undertaking for the time being of the Company which consists in operating the Company's port premises or, if the undertaking for the time being of the Company consists in more than that, that part of the undertaking of the company which for the time being so consists;]

"craft" means a lighter or a tug;

"the Custom House" means the Custom House of the Port of London;

"customs officer" means a person commissioned by the Commissioners [for Revenue and Customs];

"daily fine" means a fine for each day on which an offence is continued after conviction;

"dock manager" means a person appointed by the Port Authority to be a dock manager and includes the

deputies and assistants of a person so appointed;

"dockmaster" means, in relation to a dock, a person appointed by the Port Authority to be a dockmaster and, in relation to a canal, a person appointed by the Port Authority to be a canal master or canal ranger and includes the deputies and assistants of persons so appointed;

"docks" means the docks and canals belonging to or administered by the Port Authority and includes locks, basins and cuts forming part of those docks or canals and "dock" and "canal" shall be construed accordingly;

"drainage authority" has the same meaning as in section 81 of the Land Drainage Act, 1930;

"duties of [HM Revenue and Customs]" include any tax, levy, surcharge or any other sum to the collection of which the general provisions of the Customs and Excise Act, 1952, relating to [revenue or] customs have been applied by statute;

"enactment" means any Act whether general, local or personal and any order or other instrument made thereunder and any provisions in any such Act, order or instrument, and includes this Act;

"financial year" means the financial year of the Port Authority and includes any accounting period, whether shorter or longer than a year, adopted to effect a change in the Port Authority's financial year;

["fish" includes shell fish and also the spawn, brood and fry of fish and shell fish, but does not include salmon, trout, freshwater fish or eels, within the meaning of the Salmon and Freshwater Fisheries Act 1923;]

"the former seaward limit" means the former seaward limit described in Schedule 1 to this Act;

"general direction" means a direction authorised by section 111 (General directions to vessels in the Thames) of this Act or by subsection (1) of section 113 (Directions to vessels at the docks) of this Act ;

"goods" includes all tangible personal property of any kind whatsoever ;

"harbourmaster" means a person appointed by the Port Authority to be a harbourmaster and includes the deputies and assistants of a person so appointed [but does not mean or include a person appointed by the Company or the deputies or assistants of a person appointed by the Company];

"hovercraft" means a vehicle which is designed to be supported when in motion wholly or partly by air expelled from the vehicle to form a cushion of which the boundaries include the ground, water or other surface beneath the vehicle ;

"hydrofoil vessel" means a vessel, however propelled, designed to be supported on foils ;

"land" includes land covered by water and any interest in land ;

"landing places" means wharves and other waterside landing places, piers, jetties and similar installations and includes approaches from land to such installations ;

"the landward limit" means the landward limit described in Schedule 1 to this Act ;

"lighter" includes a barge or other like craft for carrying goods;

"lighterman" means a person working or navigating a lighter for hire;

"the limits" means the limits described in paragraph 2 of Schedule 1 to this Act ;

"master" in relation to a vessel, means any person having or taking the command, charge or management of a vessel for the time being ;

"mean high water level" means the level which is half way between mean high water springs and mean

high water neaps ;

" the Minister" (except in Part VI and Part I of Schedule 5 to this Act) means the [Secretary of State for Transport] ;

"mooring" includes anchoring;

"navigation tolls" -

"owner" in relation to a vessel includes the charterer;

["passenger vessel" means a vessel used for carrying passengers;

“passengers” means any persons carried on a vessel other than its crew;

“pleasure vessel” has the same meaning as in the Merchant Shipping (Survey and Certification) Regulations 1995;]

"the Port Authority" means the Port of London Authority;

"the Port of London Acts, 1920 to 1967" include the Port of London Authority (Financial Provisions) Revision Order 1967 SI 1967/1813;

"port fund" means the port fund established under section 16 of the Port of London Act, 1908 ;

["port police area" means the Company's port premises and any place within one mile of those premises;]

"port premises" means the docks, landing places and all other works and land at any time vested in, belonging to or administered by the Port Authority;

"port rates" means, subject to subsection (3) of this section, dues for the time being charged by the Port Authority on goods imported from parts beyond the seas or coastwise into, or exported to parts beyond the seas or coastwise from, the limits ;

"port stock" means Port of London Stock and "A port stock" means the 3 per cent. A port stock 1929-1999 issued by the Port Authority in 1909 and 1910;

"published" in relation to documents of the Port Authority, means made available to the public in accordance with section 185 (Port Authority's publications) of this Act ;

"the Richmond works" means the works comprising a footbridge, sluices, lock and slipway constructed in and over the Thames under the Richmond Footbridge, Sluices, Lock and Slipway Act, 1890;

"river authority" means a river authority constituted under the Water Resources Act 1963 and includes the Lee Conservancy Catchment Board ;

"river duties of tonnage" means dues for the time being charged per ton by the Port Authority on the tonnage of a vessel for every voyage trading both in and out of the limits and for this purpose "tonnage" means-

- (a) in the case of a registered British vessel, the register tonnage ; and
- (b) in the case of a foreign vessel, its tonnage as recognised at the Custom House ;

"seaplane" includes a flying boat and any other aircraft designed to manoeuvre on the water but does not include a hovercraft or hydrofoil vessel ;

" the seaward limit" means the seaward limit described in Schedule 1 to this Act ;

"special direction" means a direction authorised by section 112 (Special directions to vessels in the Thames) of this Act or by subsection (2) or (3) of section 113 (Directions to vessels at the docks) of this Act ;

" specified premises "

["the statutory maximum" means the prescribed sum as defined in section 32(9) of the Magistrates' Court Act 1980;]

"the Surrey Canal" means the Grand Surrey Canal and includes the entrance lock to the canal ;

"the Thames" means so much of the river Thames, the Thames estuary, rivers, streams, creeks, watercourses and the sea as is within the limits ;

"tidal work" means so much of any work belonging to the Port Authority as is on, under or over tidal waters or tidal lands below the level of mean high water springs;

"tonnage by measurement" means the tonnage of a lighter ascertained in accordance with byelaws made by the Port Authority ;

"trader" in relation to port rates, means-

- (a) the owner of imported goods liable to port rates, the consignee of those goods and any person taking delivery of those goods on behalf of the owner or consignee ; and
- (b) the owner of goods intended for export which will be liable to port rates, the shipper of those goods and any person shipping those goods on behalf of the owner or shipper ;

"the Trinity House" means the Corporation of Trinity House of Deptford Strond ;

"tug" means a vessel propelled by mechanical power and used for towing or pushing another vessel or a raft or float of timber ;

"undertaking" means the undertaking for the time being of the Port Authority ;

"vessel" means every description of vessel however propelled or moved and includes any thing constructed or used to carry persons or goods by water and a seaplane on or in the water, a hovercraft and a hydrofoil vessel ;

["the vessel licensing area" means that part of the Thames above the former seaward limit;

"waterman" means a person having charge of a vessel (other than a pleasure vessel) underway or working on the Thames and includes a lighterman;]

"works" where used in relation to the licensing of works by the Port Authority, means works of any nature whatever in, under or over the Thames or which involve cutting its banks other than those referred to in section 73 (Licensing of dredging, etc.) of this Act and " work " shall be construed accordingly ;

"works licence "means a licence granted under subsection (1) of section 66 (Licensing of works) of this Act ;

" the Yantlet line" means a line across the Thames from the London Stone North level in the Isle of Grain in the county of Kent to the City or Crow Stone opposite Canvey Island in the county of Essex.

[(1A) For the purpose of construing this Act as it applies in relation to functions of the Port Authority under this Act to the extent to which those functions are by virtue of section 22(8)(b) of the Ports Act 1991 transferred to the Company –

" docks " means the Company's docks, and "dock" shall be construed accordingly;

"the limits" means the area of the Company's port premises, and, in addition, includes the waters immediately adjoining any of the landing places at Tilbury belonging to or administered by the Company;

"port premises" means the Company's port premises;

"undertaking" means the Company's Tilbury undertaking].

- (2) Reference in this Act to any enactment shall be construed as reference to that enactment as re-enacted, extended or amended by, or by virtue of, any other enactment, including this Act.
- (3) For the purposes of the sections in Part IV of this Act which confer exemption from port rates, the definition of "port rates" contained in subsection (1) of this section shall have effect as if the words " per ton " were inserted after the word " charged " .
- (4) In this Act, in relation to goods conveyed or intended to be conveyed by a hovercraft, hydrofoil vessel or seaplane, "shipped "means loaded thereon, "unshipped "means unloaded therefrom and " shipping ", " unshipping " and " shipper " shall be construed accordingly.

NOTES

The definition "arrestable offence" is repealed by sections 111, 174(2) Para 41(1), (2) Sch 17 Pt 2 of the Serious Organised Crime and Police Act 2005 in force 1 January 2006.

The definitions "boat for hire", "passenger boat", and "waterman" were substituted, "passengers", "pleasure vessel", and "the vessel licensing area", were added and "navigation tolls" was repealed, by the Port of London Authority Harbour Revision Order 2003 article 7 in force on the 8 October 2003.

The definition "fish" was substituted by the Water Authorities etc (Miscellaneous Provisions) Order 1974, SI 1974/607, art 12(2), subject to a saving in art 12(3) thereof that any byelaws made by the Port of London Authority in force immediately before 1 April 1974 and relating to the excluded fish continue in force and that in any such byelaws, so far as they so relate, any reference to that Authority has effect as a reference to the Thames Water Authority. (Note that from 1 September 1989, ie the date appointed by order under the Water Act 1989, s 4, as the transfer date for the purposes of that Act, the functions of the water authorities were transferred to the National Rivers Authority (now the Environment Agency); see the Environment Act 1995, ss 1, 2) and the successor companies appointed under s 4 of the 1989 Act. By the Water Authorities (Successor Companies) Order 1989, SI 1989/1465, Thames Water Utilities Ltd was appointed as the successor company to the Thames Water Authority).

The definitions "the Company, "the Company's docks", "the Company's port premises" and "the Company's Tilbury undertaking" were inserted by the Port of Tilbury Transfer Scheme 1991 Confirmation Order 1992 SI 1992/284.

The addition to the definition "harbourmaster" was inserted by the Port of Tilbury Transfer Scheme 1991 Confirmation Order 1992 SI 1992/284.

The definition of "Minister" should now be construed as a reference to the Secretary of State for, Transport . The title of the Minister of Transport was changed to the Minister of Transport and Civil Aviation by the Transfer of Functions (Ministry of Civil Aviation) Order 1953, SI 1953/1204 and reverted to the Minister of Transport by virtue of the Minister of Aviation Order 1959, SI 1959/1768. By the Secretary of State for the Environment Order 1970, SI 1970/1681, art 2, the Ministry of Transport was dissolved and all functions of the Minister of Transport were transferred to the Secretary of State. The transport functions of the Secretary of State for the Environment were transferred to the newly created Secretary of State for Transport by the Secretary of State for Transport Order 1976, SI 1876/1755. By the Minister of Transport Order 1979, SI 1979/571, all functions which had been conferred on the Secretary of State for Transport were transferred to the Minister. Functions of the Minister for Transport were again transferred to the Secretary of State for Transport by the Transfer of Functions (Transport) Order 1981, SI 1981/238. By the Secretary of State for the Environment, Transport and the Regions Order 1997 SI 1997/2971 the functions of the Secretary of State for Transport were transferred to the Secretary of State for the Environment, Transport and the Regions and then by the Secretaries of State for Transport, Local Government and the Regions and for Environment, Food and Rural Affairs Order 2001, SI 2001/2568 to the Secretary of State for Transport, Local Government and the Regions. By the Transfer of Functions (Transport, Local Government and the Regions) Order 2002, SI 2002/2626 the functions transferred to the Secretary of State for Transport.

The definition "port police area" was substituted by the Port of Tilbury Transfer Scheme 1991 Confirmation Order 1992 SI 1992/284.

"specified premises" this definition shall be treated as having ceased to have effect as provided by the Port of Tilbury Transfer Scheme 1991 Confirmation Order 1992 SI 1992/284.

The definition "statutory maximum" was inserted by the Port of London Act 1982, s 3(2), Sch 1, Pt II, para 1.

Subsection (1A) of Section 2 was inserted by the Port of Tilbury Transfer Scheme 1991 Confirmation Order 1992 SI 1992/284.

General Note.

Byelaw of the Port Authority. See Pt XI (ss 161-169) of this Act, and Sch 11, para (h) post.

Customs and Excise Act 1952. Mostly repealed by the Customs and Excise Management Act 1979, s 177 (3), Sch 6 and replaced by provisions of that Act. The Latest act is the Commissioners for Revenue and Customs Act 2005 brought into force by a Commencement Order on 18 April 2005, SI 2005/1126 which unites the revenue with the customs.

Docks. See also s 182 post. The Port Authority no longer owns or administers any docks or canals.

Land Drainage Act 1930, s81. Repealed by the Land Drainage Act 1976, s 117(3), Sch 8 (The Land Drainage Act 1976 has for the most part been replaced by the Land Drainage Act 1991 and the Water Resources Act 1991); for the meaning of "internal drainage boards ", see now s 1 of the Land Drainage Act 1991. The majority of the Water Resources Act 1963 has been repealed by the Water Consolidation (Consequential Provisions) Act 1991.

Lee Conservancy Catchment Board. This Board was constituted by the Land Drainage Act 1930. s 80(2) (repealed) and abolished by the Water Act 1973, s 33(d) (repealed). The Board's functions which were then exercised by the British Waterways Board have now been taken over by the Canal & River Trust under the British Waterways Board (Transfer of Functions) Order 2012 in force 1 July 2012 .

Magistrates' Courts Act 1980, s 32(9) has been amended.

Port of London Act 1908, s 16. Repealed with savings by the Port of London (Consolidation) Act 1920, s 3, Sch 3, and now wholly repealed by s 208, Sch 9, Pt I post.

Port of London Acts 1920 to 1967. Those Acts (so far as unrepealed) are (with the exception of the Port of London and Midland Railway Act 1922 (which is amended by s 210 of this Act) and the Port of London (Dock Charges) Act 1923) repealed with savings by ss 208, 209, 212 and Schs 9-11 post.

Port of London Authority. By Section 1(4) the Port of London Authority was excluded from being a relevant port authority under the Ports Act 1991. Part II of the Act dealt with the disposal by the Port of London Authority of the Port of Tilbury.

Port of London Authority (Financial Provisions) Revision Order 1967. SI 1967/1813, revoked by s 208, Sch 9, Pt II post.

Port Stock "A port stock" has now been repaid.

Registered British Vessel. For provision as to the registration of British ships see, in particular, the Merchant Shipping Act 1995, s8. For provision as to certificates of registration, see the Merchant Shipping Act 1995, s10(2)(d), and regulations made or having effect thereunder. The tonnage of British ships is ascertained in accordance with s 19 of the 1995 Act, and regulations made thereunder. As to the tonnage of ships of foreign countries, see s 12 of the 1995 Act.

Richmond Footbridge, Sluices, Locks and Slipway Act 1890. Repealed by s 208, Sch 9, Pt I post.

River authority. All river authorities were abolished by the Water Act 1973, s 33, (repealed) and replaced by water authorities established under s 2 of that Act (repealed). The functions of the water authorities were transferred to the National Rivers Authority under the Water Act 1989, s1, Sch 1 (repealed in so far as they related to the establishment of the NRA, by the Water Consolidation (Consequential Provisions) Act 1991). The NRA was continued in its existence by the Water Resources Act 1991, s1 Sch 1 (repealed). By the Environment Act 1995, s2, the NRA was abolished and all its functions were transferred to the Environment Agency.

Salmon and Freshwater Fisheries Act 1923. Repealed by the Salmon and Freshwater Fisheries Act 1975, s 43, Sch 5. For the meaning of "salmon", "trout", "freshwater fish" and "eels", see now s 41(1) of the 1975 Act.

The Surrey Canal. The canal was finally closed on 31 January 1971; see the Port of London Act 1970, s 3.

The Thames. See also the definition of "the limits" in this section.

PART II

Constitution of the Port Authority

[3. Constitution

The Port Authority shall consist of not less than [seven] and not more than [twelve] members, and Part I of Schedule 2 of this Act shall have effect with respect to the constitution and members of the Port Authority.]
