

## Notes

*This section was substituted by the Port of London Authority (Constitution) Revision Order 1975, SI 1975/1890, art 5(2)*

*The numbers six and twelve were substituted by the Port of London Harbour Revision Order 1992, art 2(1) SI 1992/3011. The number seven was then substituted for six by the Port of London Authority (Constitution) Harbour Revision Order 2005 in force 28 December 2005.*

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## 4. Proceedings

Part II of Schedule 2 to this Act shall have effect with respect to the proceedings of the Port Authority.

## PART III

### Duties And General Powers Of The Port Authority

## 5. General duties and powers

(1) [It shall be the duty of the Port Authority to take such action as they consider necessary or desirable for or incidental to the improvement and conservancy of the Thames.

(1A) The Port Authority shall have power to provide, maintain, operate and improve such port and harbour services and facilities in, or in the vicinity of, the Thames as they consider necessary or desirable and to take such action as they consider incidental to the provision of such services and facilities, and]

(2) The Port Authority shall have power either themselves or by arrangement between themselves and another person to take such action as the Port Authority consider necessary or desirable whether or not in, or in the vicinity of, the Thames-

(a) for the purpose of discharging or facilitating the discharge of any of their duties, including the proper development or operation of the undertaking ;

(b) for the provision, maintenance and operation of-

(i) warehousing services and facilities ;

(ii) services and facilities for the consignment of goods on routes which include the port premises ;

(c) for the purpose of turning their resources to account so far as not required for the purposes of the undertaking.

(3) Particular powers conferred or particular duties laid upon the Port Authority by this Act shall not be construed as derogating from each other or from the generality of subsections (1), [(1A)] and (2) of this section.

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## Notes

*The substitution of subsection (1), the insertion of subsection (1A) and the addition in subsection (3) were made by the Port of Tilbury Transfer Scheme 1991 Confirmation Order 1992 SI 1992/284.*

**General Note.** *Additional powers were granted by Section 21 of the Ports Act 1991. As to the application of this section to the Town and Country Planning acts, see s 175 post.*

**Definitions.** *For the "Port Authority", "the Thames" and "undertaking", see s 2(1) ante.*

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## [General duties and powers of the Company

- 5A.(1) It shall be the duty of the Company to provide, maintain, operate and improve such port and harbour services and facilities at the Company's port premises as the Company considers necessary or desirable and to take such action as it considers incidental to the provision of such services and facilities.
- (2) The Company shall have power either itself or by arrangement between itself and another person to take such action as the Company considers necessary or desirable in, or in the vicinity of, the Company's docks –
- (a) for the purpose of discharging or facilitating the discharge of any of its duties, including the proper development or operation of the Company's Tilbury undertaking;
- (b) for the provision, maintenance and operation of –
- (i) warehousing services and facilities;
- (ii) services and facilities for the consignment of goods on routes which include the Company's port premises
- (3) Particular powers conferred or particular duties laid upon the Company by this Act (as having effect by virtue of subsection (8)(b) of section 22 of the Ports Act 1991 or any provision of a scheme made under that section) shall not be construed as derogating from each other or from the generality of subsections (1) and (2) of this section]

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**Notes**

*This section was inserted by the Port of Tilbury Transfer Scheme 1991 Confirmation Order 1992 SI 1992/284.*

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**[Company's functions subordinate to Port Authority's functions**

- 5AA. The exercise in, under or over the Thames by the company or by any officer of the company of any function which is, by virtue of section 22(8)(b) of the Ports Act 1991 or otherwise, conferred on it or him by or under this or any other Act shall be subject to-
- (a) any enactment (including any provision of this Act or of any subordinate legislation) relating to or made by the Port Authority; and
- (b) the exercise by the Port Authority or their harbour master of any function conferred on them or him by or under any local statutory provision.]

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**Notes**

*This section was inserted by the Port of Tilbury Transfer Scheme 1991 Confirmation Order 1992 SI 1992/284.*

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**6. Public access to port premises**

- (1) Subject to-
- (a) the enactments relating to the Port Authority ;
- (b) the byelaws and regulations of the Port Authority ;
- (c) payment of the Port Authority's charges ; and
- (d) subsections (2) and (3) of this section ;

the port premises for the time being in operation by the Port Authority shall be open to all persons for the shipping and unshipping of goods and the embarking and landing of passengers.

- (2) This section shall not apply to the shipping and unshipping of goods or the embarking and landing of passengers on or from hovercraft, hydrofoil vessels and seaplanes.
- (3) This section shall not be construed as derogating from the power of the Port Authority to discontinue any part of the undertaking.

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### **Notes**

*Byelaws.* As to byelaws under this Act, see Pt XI post.

*Open to all.* See, however, s 85 post.

*Discontinue any part of the undertaking.* See, for example, s 81(2) post.

*Definitions.* For "byelaws of the Port Authority", "enactments", "goods", "hovercraft", "hydrofoil vessel", "port premises", "seaplane", "the Port Authority" and "undertaking", see s 2(1) ante; for "shipping" and "unshipping", see s 2(4) ante.

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## **7. Hydrographic surveys**

- (1) The Port Authority shall make such surveys of the bed of the Thames from the landward limit to the former seaward limit as they consider necessary or desirable in the discharge of their functions.
- (2) The Port Authority shall publish all surveys of the bed of the Thames made by them in connection with the discharge of their functions and such other surveys of the bed of the Thames as they consider should be published by them.

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### **Notes**

*Definitions.* For "bed", "published", "the former seaward limit", "the landward limit", "the Port Authority" and "the Thames", see s 2(1) ante.

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## **8. Annual report**

- (1) The Port Authority shall as soon as possible after the end of each financial year report to the Minister on the exercise and performance of their functions during the preceding financial year and the Minister shall lay a copy of every such report before each House of Parliament.
- (2) The report shall include-
  - (a) a statement of the audited accounts of the Port Authority for that year; and
  - (b) any report made by the auditor on those accounts.
- (3) A summary of the statement of the audited accounts, together with any report of the auditor thereon included in the report to the Minister, shall within fourteen days of the presentation of the report to the Minister be published by the Port Authority in one or more national daily morning newspapers.
- (4) Copies of the report shall for a reasonable period after its presentation to the Minister be on sale to the public at the Port Authority's head office at a reasonable price.

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### **Notes**

*Minister.* For meaning, see 2(1) ante and the note "Minister of Transport" thereto.

*Definitions.* For "financial year" and "the Port Authority" see s 2(1) ante.

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### **9. Returns and statistics**

The Port Authority shall give the Minister such returns, statistics and information with respect to the exercise of their powers as he may require.

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### **Notes**

*Minister.* For meaning, see s 2(1) ante and the note "Minister of Transport" thereto.

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### **10. Power to acquire undertakings**

The Port Authority may acquire by agreement an undertaking providing or intended to provide services or facilities of a kind which the Port Authority are themselves authorised to provide.

### **11. Powers relating to land**

- (1) The Port Authority may for the purposes of the undertaking acquire land by agreement, whether by way of purchase, exchange, lease or otherwise.
- (2) The Minister may authorise the Port Authority to purchase compulsorily any land which they require for the purposes of the undertaking and the Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply as if the Port Authority were a local authority within the meaning of that Act and as if this Act had been in force immediately before that Act.
- (3) Notwithstanding anything in section 6 (Public access to port premises) of this Act the Port Authority may dispose of land belonging to them in such manner whether by way of sale, exchange, lease, the creation of any easement, right or privilege or otherwise, for such period, upon such conditions and for such consideration as they think fit.
- (4) Subject to section 175 (Application of Town and Country Planning Acts to Port Authority's land) of this Act the Port Authority-
  - (a) may for the purposes of the undertaking manage, use or develop land belonging to them as they think fit; and
  - (b) in addition may with a view to selling or otherwise disposing of any right or interest in the land after the development is carried out-
    - (i) retain any part of land belonging to them which is not required for the purposes of the undertaking and develop it or procure its development for use by other persons; or
    - (ii) where the use of land belonging to them for the purposes of the undertaking can be combined with its use for other purposes, develop the land or procure its development for use wholly or partly by other persons.
- (5) Where the Port Authority intend to develop or procure the development of land belonging to them for

purposes other than the purposes of the undertaking, and are of opinion that the land cannot by itself be developed satisfactorily, they may acquire adjoining land by agreement, whether by way of purchase, exchange, lease or otherwise for the purpose of developing it or of procuring its development together with the other land.

- (6) For the purpose of the acquisition by the Port Authority of land by agreement, the provisions of Part I (other than sections 4 to 8 and sections 27 and 31) and of subsection (3) of section 38 of the Compulsory Purchase Act 1965 shall apply to the exclusion of the Lands Clauses Acts, and as if this Act were mentioned in Schedule 6 to the said Act of 1965.

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### **Notes**

*General Note.*

*Additional powers were granted by Sections 22 and 23 of the Ports Act 1991*

*For the application of this Section to the Town and Country Planning Acts, see s 175 post.*

*Definitions. For "undertaking", see s 2(1) ante.*

*Acquisition of Land (Authorisation Procedure) Act 1946. Mostly repealed by the Acquisition of Land Act 1981, s 34, Sch 6, Pt I; as to the application of the 1981 Act by this Act, see in particular s 1 thereof.*

*Compulsory Purchase Act 1965, Part I, s 38(3), Sch 6. S 38(3) of, and Sch 6 to, the 1965 Act are largely spent or repealed; Sch 6 amended various Acts by replacing references to the Lands Clauses Acts with references to the 1965 Act.*

*Lands Clauses Act. For meaning, see the Interpretation Act 1978, s 5, Sch 1.*

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## **12. Powers relating to legislation**

The Port Authority may promote or oppose any local or private legislation.

## **13. Power to acquire securities, lend money and give guarantees**

The Port Authority may, for the purposes of the undertaking or the development or disposal of land belonging to them which is not required for the purposes of the undertaking-

- (a) acquire or subscribe for any shares, stock, debentures, debenture stock or any other security of a like nature of a body corporate;
- (b) lend money to, or give a guarantee for the benefit of, any person for the purposes of an undertaking carried on by him or, where that person is a body corporate, an undertaking carried on by that body corporate or by a subsidiary thereof.

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### **Notes**

*Definition. For "undertaking", see s 2(1) ante.*

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## **14. Construction of vessels**

The Port Authority may construct vessels for use in carrying out their functions.

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### **Notes**

**Definition.** For "vessels", see s 2(1) ante.

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### 15. Powers formerly exercisable by the Crown and City of London

The powers, authorities, rights and privileges which were vested in the Conservators of the river Thames by section 52 (Powers of the Queen and of the Corporation of London vested in Conservators) of the Thames Conservancy Act, 1857, and which were immediately before the commencement of this Act vested in the Port Authority shall continue to be so vested and shall, so far as they are not inconsistent with the provisions of this Act, be exercisable by the Port Authority in the same manner as they were exercisable and subject to any restrictions to which they were subject immediately before the commencement of this Act.

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#### **Notes**

*Commencement of this Act.* means 26 July 1968.

*Thames Conservancy Act 1857, s 52.* 20 & 21 Vict c cxlvii; repealed by the Thames Conservancy Act 1894 (c clxxxvii) (repealed)

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### 16. Arrangements, etc, with British Railways Board

The Port Authority and the British Railways Board may-

- (a) together take such action within their respective powers as they think fit; and
  - (b) enter into any arrangement or agreement which will in their opinion promote or secure the provision or improved provision of any service or facility which they may separately provide and without prejudice to the generality of the foregoing provisions of this paragraph any such arrangement or agreement may include provisions relating to-
    - (i) the use by either party of the facilities or equipment maintained by the other;
    - (ii) the temporary employment of the staff of one party by the other on secondment or otherwise;
    - (iii) the charges made in respect of the use of any service or facility to which the arrangement or agreement relates;
    - (iv) the financing of any project by either or both parties;
    - (v) research connected with any existing service or facility provided by either party or in relation to any service or facility under consideration; and
    - (vi) the joinder in the arrangement or agreement of any other person.
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#### **Notes**

*British Railways Board.* The body was constituted by the Transport Act 1962, s 1, Sch 1, Pt 1 and this constitution was amended and extended by various subsequent Act. It was not abolished until 2013 although most of its land and powers had been transferred much earlier.

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### 17. Donations and subscriptions

The Port Authority may make such donations or subscriptions to public institutions or charities as they think fit.

### 18. Refreshment rooms

- (1) Subject to subsection (2) of this section the Port Authority may, in connection with the undertaking, provide refreshment rooms, canteens and similar facilities.

- (2) The Port Authority shall not without the consent of the Commissioners [for Revenue and] Customs provide or operate such facilities at a place within the customs wall or fence at any of the docks where there is a quay which was a legal quay before the commencement of the Customs and Excise Act, 1952, and which has not since that date either ceased to be a legal quay or been the subject of an appointment as an approved wharf under section 14 of that Act.

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### **Notes**

*Definitions. For "docks" and "undertaking", see s 2(1) ante.*

*Customs and Excise Act 1952. Repealed; for provisions replacing s 14 of the 1952 Act, see now the Customs and Excise Management Act 1979, s 20, 20(A). The 1952 Act came into operation on 1 January 1953. 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.*

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## **19. Staff benefits**

- (1) The Port Authority may make such payments (apart from remuneration) and provide such benefits as they think fit for or in respect of persons employed or formerly employed by them, and, without prejudice to the generality of the foregoing, may provide pensions and comparable benefits for or in respect of such persons and may promote, assist or make contributions to institutions providing facilities for such persons.
- (2) The rules set out in Schedule 3 to this Act or, as the case may be, those rules altered as provided for by the said rules, shall apply with respect to the Port of London Authority Pension Fund established under section 5 (Establishment of pension fund) of the Port of London Act, 1928.
- (3) ...
- (4) ...

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### **Notes**

*Sub-ss (3), (4). were repealed by the Port of London Act 1982, s 7, Sch 2.*

#### Notes

*Sub-s (2) The rules have been altered on various occasions and the current rule are no longer set out in Schedule 3.*

*Port of London Act 1928. Repealed by s 208, Sch 9, Pt I post.*

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## **20. Staff housing**

The Port Authority may, subject to such terms and conditions as they think fit-

- (a) provide on land belonging to them, and take on lease or hire elsewhere, housing accommodation for their employees and may, without prejudice to their power to impose other terms and conditions, permit the same to be occupied by their employees with or without payment of rent;
- (b) permit a person formerly in their employment to continue to occupy such accommodation after his employment with them has ceased;
- (c) make loans to their employees to assist them to acquire housing accommodation and guarantee loans made to their employees for housing purposes by building societies and other lenders;
- (d) continue a loan made by them to a person formerly in their employment after his employment with them has ceased or a guarantee of a loan given by them in respect of such a person.