
57. General reserve

The Port Authority shall continue and maintain a general reserve and shall determine the moneys to be carried to the credit of that reserve, the management thereof and the application for the purposes of the Port Authority of the moneys comprised therein.

58. Saving for powers of the Treasury

It shall not be lawful to exercise the powers of borrowing conferred by this Act otherwise than in compliance with any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act, 1946.

Notes

Powers of borrowing. See s 48 ante.

Borrowing (Control and Guarantees) Act 1946, s 1. Repealed by the Government Trading Act 1990, s 4, Sch 2, Pt I and not replaced.

59. Accounts and audit

- (1) The Port Authority shall keep proper accounts and proper records in relation thereto.
- (2) The accounts for each financial year shall be audited by an auditor or firm of accountants [appointed by the Port Authority.]
- (3) [The auditor or firm must be eligible for appointment as a statutory auditor (see part 42 of the Companies Act 2006).]
- (4)

Notes

The words in square brackets in sub-s (2) were substituted and the whole of sub-s (4) was repealed, by the Port of London Authority (Borrowing Powers, etc) Revision Order 1980, SI 1980/1068, art 3.

The words in square brackets forming sub-s (3) were substituted by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 Schedule 1 para 19 Art 2(1) SI 2009/1941.

United Kingdom. *See the note to s 29 ante.*

Board of Trade. *The functions of the Board of Trade in this respect are now exercisable by the Secretary of State for Trade and Industry; see the Companies Act 1985, s 389(1).*

Definition. *For "financial year" see s 2(1) ante.*

Companies Act 1948, s 161(1). *Repealed by the Companies Consolidation (Consequential Provisions) Act 1985, s 29, Sch 1, and replaced by the Companies Act 1985, s 389(1) (repealed); and then by the Companies Act 1989 Pt II, see now the Companies Act 2006..*

PART V

The Thames

(a) Operations of the Port Authority

60. Dredging and improvement

- (1) The Port Authority may cleanse, scour, cut, deepen, widen, dredge and improve the bed and banks of the Thames, and may take up and remove material therefrom.
- (2) Any material so taken up and removed shall (in so far as it is not the property of the Port Authority before being taken up) become the property of the Port Authority on taking up and may be used, sold, deposited or otherwise disposed of as the Port Authority think fit:

Provided that no such material shall be deposited below the level of mean high water springs seaward of the Yantlet line except in such position as the Board of Trade may approve, and subject to such restrictions and conditions as they may impose.

Notes

General Notes: As to consents required in respect of certain works under this section, see ss 61 and 198 post. For certain restrictions, see s 193 post; within the delineated lands as defined by the Thames Barrier Act the provisions of ss 60, 62, 65, 66 and 73 of the Port of London Act 1968 are subject to section 48(3) of the Thames Barrier Act.

In the Medway approach area as defined by the Medway Ports Act 1973 as varied by The Medway Ports Authority Harbour Revision Order 1989, the provisions of ss 60, 66, 69, 73 and 120 of Port of London Act 1968 are subject to section 85(3) of the Medway Ports Act 1973.

Board of Trade. The powers of the Board of Trade are now exercised by and all references to the Board of Trade are now to be construed as a reference to the Secretary of State for Transport. See note on Minister of Transport to clause 2.

Definitions. For "bed", "the Thames" and the "Yantlet line", see s 2(1) ante.

61. Protection in relation to dredging

- (1) Except as otherwise provided by any other enactment or agreement or by any licence the Port Authority shall make compensation to a person whose property or works are damaged by, or in consequence of, any operations of the Port Authority in connection with dredging or otherwise deepening and improving the bed or banks of the Thames in any case where that person would have been entitled to damages if the operation had been executed otherwise than in pursuance of statutory powers and for the purposes of this provision the expression "person" shall include the Crown and any government department.
- (2) Before exercising the powers of section 60 (Dredging and improvement) of this Act within twenty yards of-
 - (a) the pier of a bridge over, or a tunnel under, the Thames;
 - (b) a sewer under the Thames vested in a local authority;
 - (c) a submarine cable placed or maintained by the Postmaster General; or
 - (d) an electric line, main or pipe (including cooling water intake and outfall works) under the Thames vested in any statutory electricity, gas or water undertakers;

the Port Authority shall give to the person in whom the bridge or tunnel is vested, the local authority, the Postmaster General or the undertakers concerned, as the case may be, not less than fourteen days' notice in writing of their intention so to do stating the position and depth of the proposed dredging:

Provided that this subsection shall not apply in relation to any electric line, main or pipe (including cooling water intake and outfall works) unless the undertakers concerned have supplied the Port Authority with a plan showing the position in which the electric line, main or pipe is laid under the Thames.

- (3) No material taken up and removed in the exercise of the said powers shall, without the consent of the Postmaster General, the local authority or the undertakers concerned, as the case may be, be deposited so as to obstruct or impede any work of, or connected with the inspection or repair of, any such sewer, Post Office cable, electric line, main or pipe (including cooling water intake and outfall works) or so as to

affect the efficient operation thereof.

- (4) For the purposes of this section a work under the control of a river authority or of a drainage authority in exercise of their functions under the Land Drainage Act, 1930, the Land Drainage Act, 1961, or the Water Resources Act 1963 shall be deemed to be vested in the authority.

Notes

Postmaster General and Post Office Cable. *By the Post Office Act 1969, s 1, the office of Postmaster General was abolished and replaced by the Post Office. The British Telecommunications Act 1981 transferred the telecommunications functions and property of the Post Office to the corporation and the Telecommunications Act 1984 authorised their transfer to British Telecommunications plc.*

Statutory ... undertakers. *See statutory undertakers in s 121(7) post.*

As to the authentication of documents given or issued by the Port of London Authority, see s 183 post, and as to the service of documents under this Act, see s 184 post.

Definitions. *For "bed", "drainage authority", "enactment", "river authority" and "the Thames", see s 2(1) ante.*

Land Drainage Act 1930; Land Drainage Act 1961. *Repealed by the Land Drainage Act 1976, s 117(3), Sch 8 and replaced by provisions of that Act. The Land Drainage Act 1976 has for the most part been replaced by the Land Drainage Act 1991 and the Water Resources Act 1991. The Water Resources Act 1963 has been repealed by the Water Consolidation (Consequential Provisions) Act 1991.*

62. Works in the Thames

- (1) The Port Authority may lay down, maintain and operate in and over the Thames such works and equipment as are required for or in connection with the exercise by them of any of their functions.
- (2) The Port Authority shall obtain the approval of the Trinity House before placing in or near the Thames a buoy, beacon, light or other device of any nature designed to assist navigation.

Notes

General Note: *For restrictions on the powers of the Port of London Authority under this section, see s 187, Sch 8, paras 1, 2 post; within the delineated lands as defined by the Thames Barrier Act the provisions of ss 60, 62, 65, 66 and 73 of Port of London Act 1968 are subject to section 48(3) of the Thames Barrier Act*

Definitions. *For "the Thames" and "the Trinity House", see s 2(1) ante.*

63. Removal of private moorings

- (1) Section 66 (Licensing of works) and section 70 (Works not to be constructed, etc., without works licence) of this Act shall not apply to a mooring chain placed in the Thames before 29th September, 1857, but the Port Authority may remove any such mooring chain provided that, unless it is broken, dangerous or useless, they pay compensation to the owner for any loss or damage which he may sustain by the removal.
- (2) Unless the owner and the Port Authority agree, the compensation payable under this section shall 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 Institution of Civil Engineers.
- (3) The Port Authority may recover the expenses incurred by them in removing a broken, dangerous or useless mooring chain under subsection (1) of this section, from its owner as a debt in any court of competent jurisdiction.

Notes

General Note. *This section does not apply to certain areas; see s 187, Sch 8 para 1, post.*

Arbitrator. *The provisions of the Arbitration Act 1996, Pt I are applied by s 94 to every arbitration under an enactment subject to the adaptations and exclusions in ss 95-98 thereof.*

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

64. Use of Thames Water

The Port Authority may for the purposes of the undertaking take, impound and use water from, and discharge water to, the Thames.

Notes

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

65. Reclaiming creeks etc.

The Port Authority may fill up, raise and reclaim creeks, inlets, bends, mud flats, sands and sloblands in and adjoining the Thames, and for that purpose may place piles in the Thames and construct groynes, retaining walls and other works in or upon the bed and banks of the Thames:

Provided that the Port Authority shall not exercise the powers of this section-

(a) in relation to any land not owned by them unless they first obtain the consent in writing of the owner thereof; or

(b) in relation to any part of the Thames-

(i) in front of or adjoining land belonging to Her Majesty in right of the Crown or to a government department or held in trust for Her Majesty for the purposes of a government department and protected by section 186 (Crown rights) of this Act;

[(ii) in front of land which is vested in any body by virtue of any provision made by or under the Local Government Act 1985 (being land which immediately before 1st April 1986 belonged to the Greater London Council) and which was acquired by the predecessors of the Council before the 23rd December, 1920;]

without the consent in writing of the Crown Estate Commissioners, the government department or the [body], as the case may be.

Notes

The words in square brackets were substituted by the Local Government Reorganisation (Miscellaneous Provision) Order 1986, SI 1986/1, art 3(2)(a).

General Note. *For restrictions on works under this section, see ss 195(2), 198 post; within the delineated lands as defined by the Thames Barrier Act the provision of ss 60, 62, 65, 66 and 73 of the Port of London Act 1968 are subject to section 48(3) of the Thames Barrier Act.*

Greater London Council. *The Greater London Council was originally established by the London Government Act 1963, s 2(2), (4), Sch 2 (repealed), and it was continued in being by the Local Government Act 1972, s 8(1), Sch 2 (repealed so far as they relate to that council). The council was abolished on 1 April 1986 by the Local Government Act 1985, s 1, and its functions are transferred mainly to the London borough councils and the Common Council of the city of London by Pt II of the 1985 Act.*

Crown Estate Commissioners. *The Commissioners referred to in the Crown Estate Act 1961, s 1.*

Definitions. For "bed", "land" and "the Thames", see s 2(1) ante

(b) Control of works and dredging

66. Licensing of works

- (1) (a) The Port Authority may for a consideration to be agreed or assessed in accordance with section 67 (Consideration for licence) of this Act and on such terms as they think fit, including conditions as to variation and revocation of the licence and reassessment of the consideration from time to time, grant to a person a licence to carry out, construct, place, alter, renew, maintain or retain works, notwithstanding that the works interfere with the public right of navigation or any other public right.
- (b) A works licence granted under paragraph (a) of this subsection to carry out, construct, place, alter, renew, maintain or retain works in, under or over land belonging to the Port Authority shall be deemed to confer on the holder of the licence such rights in, under or over land as are necessary to enable the holder of the licence to enjoy the benefit of the licence.
- (2) Application for a works licence shall be made in writing to the Port Authority and shall be accompanied by plans, sections and full particulars of the works to which the application relates, and in granting any such licence the Port Authority may require modifications in the plans, sections and particulars so submitted.
- (3) If within three months from the date of the making of an application under subsection (2) of this section the Port Authority do not grant a works licence in accordance with the application, they shall be deemed to have refused the application.
- (4) For the avoidance of doubt it is hereby declared that works above mean high water level which do not-
- (a) constitute or form part of an embankment;
- (b) project over the Thames; or
- (c) involve cutting its banks;
- are not subject to the provisions of this Act relating to works licences.
- (5) A works licence may be given under the hand of a duly authorised officer of the Port Authority.
- (6) In the exercise of the powers of a works licence the holder of the licence shall not damage or injuriously affect-
- (a) any submarine cable placed or maintained by the Postmaster General; or
- (b) any undertakers work (as defined in section 195 (For protection of statutory undertakers) of this Act);
- or, without the consent of the Postmaster General or the undertakers concerned, as the case may be, interfere with or adversely affect the operation of any such submarine cable or undertakers work.
- (7) A works licence shall not be required under this section for the carrying out, construction, placing, alteration, renewal, maintenance or retention of any work by a river authority or a drainage authority in exercise of their functions under the Land Drainage Act, 1930, the Land Drainage Act, 1961, or the Water Resources Act 1963.

Notes

General Notes: For further consents required before carrying out certain works under this section, see s.74 post and for exemptions, see s 63(1) ante, and s 187, Sch 8, para 1 post. For certain restrictions, see s 193 post; within the delineated lands as defined by the Thames Barrier Act the provisions of ss 60, 62, 65, 66 and 73 of Port of London Act 1968 are subject to section 48(3) of the Thames Barrier Act 1972.

In the Medway approach area as defined by the Medway Ports Act 1983 as varied by The Medway Ports Authority Harbour Revision Order 1989, the provisions of ss 60, 66, 69, 73 and 120 of Port of London Act 1968 are subject to section 85(3) of the Medway Ports Act 1973.

Postmaster General. *See the note to s 61 ante.*

Undertakers. *ie statutory undertakers; cf the definition in s 121(7) post.*

River authority. *See the note to s 2 ante.*

Definitions. *For "drainage authority", "mean high water level", "river authority" and "the Thames", see 2(1) ante; for "works", see s 2(1) ante, in conjunction with sub-s (4) above.*

Land Drainage Act 1930; Land Drainage Act 1961. *Repealed by the Land Drainage Act 1976, s 117(3), Sch 8 and replaced by provisions of that Act now repealed. The Land Drainage Act 1976 has for the most part been replaced by the Land Drainage Act 1991 and the Water Resources Act 1991. The Water Resources Act 1963 has been repealed by the Water Consolidation (Consequential Provisions) Act 1991.*

67. Consideration for licence

- (1) The consideration for a works licence shall be such [...] as may be agreed between the Port Authority and the applicant or as shall, failing agreement, be assessed in accordance with subsection (2) of this section 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.
- (2) The consideration shall be 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 rights in, under or over land of the Port Authority deemed to be conferred by the licence, but excluding any element of monopoly value attributable to the extent of the Port Authority's ownership of comparable land.
- (3) The assessment of the consideration [...] for a works licence shall not be referred to an arbitrator under this section until the other terms of the licence or, in the case of variation the other terms as proposed to be varied, have been determined.

Notes

The words omitted from sub-ss (1), (3) were repealed by the Port of London Act 1982, s 7, Sch 2.

General Note. *This section does not apply to certain areas; see s 187, Sch 8, para 1 post. See also s 212, Sch 11, para (k) post. See further the General Note to s 66 ante.*

Works licence. *ie a licence under s 66 ante; see s 2(1) ante.*

Arbitrator. *See the note to s 63 ante.*

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

68. Exemption for works authorised or powers conferred before 17th August, 1894

The provisions in this Part of this Act relating to works licences shall not apply to works authorised, or powers to execute, alter or maintain works conferred, under or by virtue of an enactment which came into force before 17th August, 1894.

Notes

General Note. *This section does not apply to certain areas; see s 187, Sch 8, para 1 post. See also s 212, para (k) post.*

Provisions ... relating to works licences. *ie ss 66 and 67 ante, ss 69-72 post, and s 74 post, so far as it relates to s 66 ante.*

Before 17th August 1894. *For the purposes of this Part of this Act, Pt II of the Thames Barrier and Flood Prevention Act 1972,*

is deemed to be an enactment which came into force before 17 August 1894; see s 48(1) of that Act.

Definitions. For "enactment", "works" and "works licences", see s 2(1) ante

69. Appeal to Board of Trade

- (1) An applicant for a works licence who is aggrieved by-
 - (a) the refusal by the Port Authority to grant the licence;
 - (b) any term upon which the Port Authority propose to grant the licence (other than the consideration for the licence or its reassessment); or
 - (c) any modification by the Port Authority in the plans, sections or particulars submitted by the applicant;

and a holder of a works licence who is aggrieved by the revocation or variation of his licence by the Port Authority or by the refusal of the Port Authority to vary any term of his licence (other than the consideration for the licence or its reassessment) may within twenty-eight days from the date upon which the Port Authority are under subsection (3) of section 66 (Licensing of works) of this Act deemed to have refused the application or the date upon which the Port Authority notify him of their decision, as the case may be, appeal to the Board of Trade and the provisions in Schedule 4 to this Act shall apply to such an appeal.

- (2) The notification by the Port Authority of their decision shall inform the person notified of his right to appeal to the Board of Trade under this section.
- (3) In any case where the holder of a works licence appeals to the Board of Trade against the revocation or variation of his licence, such revocation or variation shall not have effect until such appeal has been determined.

Notes

General Notes: This section does not apply to certain areas; see s 187, Sch 8, para 1 post.

In the Medway approach area as defined by the Medway Ports Act 1983 as varied by The Medway Ports Authority Harbour Revision Order 1989 SI 1989/775 the provisions of ss. 60, 66, 69, 73 and 120 of Port of London Act 1968 are subject to section 85(3) of the Medway Ports Act 1973.

Board of Trade. See the note to s 60 ante.

Definition. For "works licence", see s 2(1) ante.

70. Works not to be constructed, etc, without works licence

- (1) No person shall carry out, construct, place, alter, renew, maintain or retain works unless he is licensed so to do by a subsisting works licence and except upon the terms and conditions, if any, upon which the licence is granted and in accordance with the plans, sections and particulars approved in pursuance of section 66 (Licensing of works) of this Act.
- (2) A person who contravenes the provisions of this section or who fails to comply with any term or condition upon which a works licence is granted by the Port Authority shall be guilty of an offence and liable to a fine not exceeding [level 5 on the standard scale] and to a daily fine not exceeding [£50].
- (3) The Port Authority may by notice require a person who contravenes the provisions of this section to remove or abate within a reasonable time specified in the notice any works to which the contravention relates and to restore the site thereof to its former condition and, if the person to whom the notice is given fails to comply with the notice, the Port Authority may carry out the work required by the notice and recover the cost of so doing from that person as a debt in any court of competent jurisdiction.

Notes

The reference to level 5 on the standard scale in sub-s (2) is substituted by virtue of the Criminal Justice Act 1982, s 46. (The maximum fine was previously increased to £1,000 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 5 is now £5,000

The sum of £50 in square brackets in sub-s (2) was substituted by the Port of London Act 1982, s 3(1), Sch 1, Pt I.

Application. *The River Thames (Hungerford footbridges) Order 1999 SI 2981/1999, Sch 13 provides that this Section shall not apply to any works authorised by the Order.*

Section disappplied by Crossrail Act 2008 s.40 Sch 14 para 6(a).

See Crossrail Act 2008 s.40 Sch 14 para 6(a) as to the disapplication of this section.

Definitions. *For "daily fine", "works" and "works licence", see s 2(1) ante.*

Standard scale. *See the note to s 38 ante.*

Exemptions. *See s 63(1) ante, and ss 186(2), 187, 195(3), 197, Sch 8, para 1 post.*

Powers of entry. *See s 90 post*

71. Works to be within nearest parish

So much of any work constructed or placed in accordance with a licence granted under section 66 (Licensing of works) of this Act as is not within any parish and so much of any alteration or extension of any such work licensed under that section shall be deemed for all purposes to be within the parish to which it is nearest.

Notes

Work. *For meaning, see s 2(1) ante.*

Parish. *The urban parishes in England existing immediately before 1 April 1974 were abolished on that date by the Local Government Act 1972, ss 1(10), 20(6), and by virtue of s 179(1), (4) of that Act the reference to a parish is now to be construed, as respects England, as a parish (ie generally a rural parish construed by the name of a parish by s 1 (6) of that Act)*

72. Vesting of embanked land

- (1) Where pursuant to a works licence land is reclaimed by embankment and a certificate that the embankment has been completed is endorsed on the works licence by the Port Authority, the land reclaimed by the embankment shall thereupon vest in the owner of the land in front of which the embankment has been made (hereinafter in this section referred to as " the adjoining land") for the like estate or interest as that upon which the adjoining land is then held and subject to, and with the benefit of, the like estates, interests, exceptions, reservations, incumbrances, covenants and conditions (hereinafter in this section referred to as "incidents ") as then attached to the adjoining land and subject to any continuing terms of the works licence.
- (2) A certificate under this section may be given under the hand of a duly authorised officer of the Port Authority and may, if the Port Authority and all persons directly affected by any incidents proposed to be modified so agree, contain provisions modifying any incident attaching to the land reclaimed by the embankment.

Notes

Authorised. *As to the authentication of documents given or issued by the Port Authority, see s 183 post.*

Definitions. *For "land" and "works licence", see s 2(1) ante*

73. Licensing of dredging, etc

- (1) Subject to section 74 (Crown property) of this Act, the Port Authority may upon such terms as they think fit, including conditions as to variation and revocation of the licence, grant to a person a licence to cleanse, scour, cut, deepen, widen, dredge or take up or remove material from the bed and banks of the Thames.
- (2) A licence under this section may be given under the hand of a duly authorised officer of the Port Authority.
- (3) A person who cleanses, scours, cuts, deepens, widens, dredges or takes up or removes material from the bed or banks of the Thames and who cannot show that he is acting under and in accordance with a subsisting licence granted under this section shall, without prejudice to any other remedy or proceeding against him, be guilty of an offence and liable to a fine not exceeding [level 4 on the standard scale].
- (4) The issue of a licence under this section shall not confer statutory authority for the carrying out of the work covered by the licence.
- (5) In the exercise of the powers conferred by a dredging licence the holder of the licence shall not damage or injuriously affect
 - (a) any submarine cable placed or maintained by the Postmaster General; or
 - (b) any undertakers work (as defined in section 195 (For protection of statutory undertakers) of this Act);or, without the consent of the Postmaster General or the undertakers concerned, as the case may be, interfere with or adversely affect the operation of any such submarine cable or undertakers work.
- (6) A dredging licence shall not be required under this section by a river authority or drainage authority in exercise of their functions under the Land Drainage Act, 1930, the Land Drainage Act, 1961, or the Water Resources Act 1963.

Notes

The reference to level 4 on the standard scale in sub-s (3) is substituted by virtue of the Criminal Justice Act 1982, s 46. (The maximum fine was previously increased to £500 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 4 is now £2,500

General Note. *For further consents required before carrying out certain works under this section, see s 74 post. For certain restrictions, see ss 193, 195(3) and 197 post; within the delineated lands as defined by the Thames Barrier Act the provisions of ss 60, 62, 65, 66 and 73 of Port of London Act 1968 are subject to section 48(3) of the Thames Barrier Act.*

In the Medway approach area as defined by the Medway Ports Act 1983 as varied by The Medway Ports Authority Harbour Revision Order 1989 SI 1989/775, the provisions of ss 60, 66, 69, 73 and 120 of the Port of London Act 1968 are subject to section 85(3) of the Medway Ports Act 1973.

Sub-s (1): Licence. *Where the Port Authority have formed a company to operate the port of Tilbury pursuant to the Ports Act 1991, s 21 post, and property consisting of or comprising works requiring a works licence is transferred to the company under s 22 of that Act, a works licence for the said property is regarded as having been granted to the Company for a consideration agreed or assessed under this section; see s 25 of the 1991 Act post.*

Application.

The Dartford-Thurrock Crossing Act 1988 provides that s. 73 shall not apply to anything done in exercise of any powers granted by the Act.

The River Thames (Hungerford Footbridges) Order 1999, SI 2981/1999, provides that section 73(3) shall not apply to any works authorised by the Order.

Section 73(3) disapplied by Crossrail Act 2008 s.40 Sch 14 para 6(b).

See Crossrail Act 2008 s.40 Sch 14 para 6(a) as to the disapplication of this section.

Authorised. *As to the authentication of documents given or issued by the Port Authority, see s 183 post.*

Standard scale. *See the note to s 38 ante.*

Postmaster General. *See the note to s 61 ante.*

River authority. See the note to s 2 ante.

Definitions. For "bed", "drainage authority", "river authority" and "the Thames", see s 2(1) ante.

Land Drainage Act 1930: Land Drainage Act 1961. Repealed by the Land Drainage Act 1976, s 117(3), Sch 8 (repealed) and replaced by that provisions of that Act. The Land Drainage Act 1976 has for the most part been replaced by the Land Drainage Act 1991 and the Water Resources Act 1991. The Water Resources Act 1963 has been repealed by the Water Consolidation Act (Consequential Provisions) 1991.

74. Crown property

A person licensed by the Port Authority under section 66 (Licensing of works) or section 73 (Licensing of dredging, etc.) of this Act to carry out the works or dredging and raising of gravel, sand, ballast and other substances in, upon or from any part of the bed of the Thames belonging to Her Majesty or a government department shall, in addition to the licence of the Port Authority, require the consent of the Crown Estate Commissioners on behalf of Her Majesty or of the relevant government department, as the case may be, to carry out the works or to dredge and raise gravel, sand, ballast and other substances.

Notes

Crown Estate Commissioners. See the note to s 65 ante.

Definitions. For "bed", "the Thames, and "works", see s 2(1) ante

75. Lands above mean high water level

- (1) In this section "mean high water" means high water of the medium tide between the spring tides and the neap tides.
- (2) This section applies to lands which are submerged by the waters of the Thames at high water of spring tides but not at mean high water and which lie between a line drawn in prolongation of the line marking the former seaward limit and a straight line passing through Margaret Ness on the south bank of the Thames in the London borough of Greenwich and a point true north thereof on the north bank of the Thames.
- (3) A person proposing to carry out on, in or under lands to which this section applies any operation which would or might have the effect of causing those lands or any other lands to be submerged by the waters of the Thames at mean high water shall before commencing that operation give notice of the proposed operation to the Port Authority accompanied by plans, sections and particulars thereof.
- (4) If the Port Authority are of opinion that detriment to the interests of navigation would or might ensue if the proposed operation were carried out they may give notice of that opinion to the person who gave the notice referred to in subsection (3) of this section and, if the Port Authority are of opinion that the proposed operation could be carried out in a modified form without detriment to the interests of navigation, they shall send with the notice plans, sections and particulars of the manner in which the proposed operation could, in their opinion, be carried out without such detriment.
- (5) No person shall commence or proceed with any such operation as is mentioned in subsection (3) of this section
 - (a) unless he has complied with the requirements of that subsection and the Port Authority have informed him that they are of opinion that the operation can be carried out without detriment to the interests of navigation either as proposed by him or in a modified form; or
 - (b) if he is dissatisfied with the decision of the Port Authority, without the consent of the Board of Trade;

and in either case, otherwise than in accordance with plans, sections and particulars approved by the Port Authority or by the Board of Trade, as the case may be.

- (6) (a) A person who proves that his property is injuriously affected or that in relation to such property he suffers loss or injury by reason of his having been prohibited by this section from carrying out any such operation as is mentioned in subsection (3) of this section shall be entitled to compensation from the Port Authority in respect of such injurious affection, loss or injury.
- (b) Any question whether compensation is payable under this subsection or as to the amount of compensation so payable shall in default of agreement be determined by the [Upper Tribunal].
- (7) Without prejudice to any other right or remedy of the Port Authority any person contravening the provisions of subsection (5) of this section shall be guilty of an offence and liable to a fine not exceeding [level 3 on the standard scale].
- (8) Nothing in this section shall take away, interfere with, limit, prejudice, affect, abridge or impeach any rights, powers, privileges, authorities or properties vested in any river authority or drainage authority.

Notes

The reference to the Upper Tribunal in sub-s (6)(b) is substituted by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 Articles 5(1) and (2) and para 88 of Sch 1 which came into force on 1 June 2009.

The reference to level 3 on the standard scale in sub-s (7) 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

Board of Trade. See the note to s 60 ante.

Standards . See the note to s 38 ante.

River authority. See the note to s 2 ante.

Definitions. For "drainage authority", "land", "river authority", "the former seaward limit" and "the Thames", see s 2(1) ante

(c) Obligations relating to tidal works

76. Works to be approved by Board of Trade

- (1) A work shall not be placed or constructed on the bed of the Thames under the direction or licence of the Port Authority and a work so placed or constructed shall not be altered or renewed under such a direction or licence unless the work or the alteration or renewal-
- (a) has been previously approved in writing by the Board of Trade; or
- (b) if such approval has not been previously obtained, a condition has been imposed in any works licence granted that the work will be removed immediately if the Board of Trade so require it.
- (2) If a work is placed, constructed, altered or renewed in contravention of this section-
- (a) the Board of Trade may by notice in writing require the owner of the work at his own expense to remove the work or any part thereof and restore the site thereof to its former condition; and if, on the expiration of thirty days from the date when the notice is served upon the owner, he has failed to comply with the requirements of the notice, the Board of Trade may execute the works specified in the notice; or
- (b) if it appears to the Board of Trade urgently necessary so to do, they may themselves remove the work or part of it and restore the site to its former condition;

and any expenditure incurred by the Board of Trade in so doing shall be recoverable from the owner as a simple contract debt.

Notes

Board of Trade. See the note to s 60 ante.

Application. The Thames Barrier and Flood Prevention Act 1972, s 49(3)(c), provides that this section (except sub-s (1)(b)) applies in relation to a tidal work as if it were, or were to be, a work placed or constructed on the bed of the river under the direction or licence of the Port Authority.

Definitions. For "bed", "the Thames", "works" and "works licence", see s 2(1) ante

77. Provision against danger to navigation

- (1) In case of injury to or destruction or decay of a tidal work or any part thereof the Port Authority shall forthwith lay down such buoys, exhibit such lights and take such other steps as are necessary for preventing danger to navigation.
 - (2) If the Port Authority fail to comply in any respect with this section they shall be guilty of an offence and liable to a fine not exceeding [the statutory maximum] and on conviction on indictment to a fine.
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Notes

The words in square brackets in sub-s (2) were substituted by the Port of London Act 1982, s 3(2), Sch 1, Pt II, para 2.

Definitions. For "the statutory maximum" and "tidal work", see 2(1) ante.

78. Abatement of works abandoned or decayed

- (1) Where a tidal work is abandoned, or suffered to fall into decay, the Board of Trade may by notice in writing require the Port Authority at their own expense either to repair and restore the work or any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Board think proper.
 - (2) Where a work consisting partly of a tidal work and partly of works of the Port Authority on or over land above the level of mean high water springs is abandoned or suffered to fall into decay and that part of the work on or over land above the level of mean high water springs is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Board of Trade may include that part of the work, or any portion thereof, in any notice under this section.
 - (3) If, on the expiration of thirty days from the date when a notice under this section is served upon the Port Authority, they have failed to comply with the requirements of the notice the Board of Trade may execute the works specified in the notice and any expenditure incurred by them in so doing shall be recoverable from the Port Authority as a simple contract debt.
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Notes

Board of Trade. See the note to s 60 ante.

Definitions. For "land", "tidal work" and "works", see s 2(1) ante

79. Survey of tidal works

The Board of Trade may at any time if they deem it expedient order a survey and examination of a tidal work or of the site upon which the Port Authority propose to construct a tidal work, and any expenditure incurred by the Board of Trade in any such survey and examination shall be recoverable from the Port Authority as a simple contract debt.

Notes

Board of Trade. See the note to s 60 ante.

Definitions. For "tidal work", see s 2(1) ante

80. Permanent lights on tidal works

- (1) The Port Authority shall exhibit on each tidal work every night from sunset to sunrise such lights, if any, and take such other steps as are necessary for preventing danger to navigation.
 - (2) If the Port Authority fail to comply in any respect with this section they shall be guilty of an offence and liable to a fine not exceeding [the statutory maximum] and on conviction on indictment to a fine.
-

Notes

The words in square brackets in sub-s (2) were substituted by the Port of London Act 1982, s 3(2), Sch 1, Pt II, para 3.

Definitions. For "the statutory maximum" and "tidal work", see s 2(1) ante.

(d) Landing places

81. Port Authority's landing places

- (1) The Port Authority may construct, maintain and operate in the Thames such landing places as they think fit.
 - (2) Notwithstanding anything in section 6 (Public access to port premises) of this Act the Port Authority may dispose of a landing place belonging to them in such manner, whether by way of sale, exchange, lease, the creation of any right or privilege or otherwise, upon such conditions and for such consideration as they think fit.
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Notes

General Note. This section does not apply to certain areas; see s 187, Sch 8, para 1 post.

Definitions. For "landing places" and "the Thames", see s 2(1) ante

82. Transfer of landing places by Greater London Council

- (1) [The Thames Water Authority] may transfer to the Port Authority a landing place belonging to [the Thames Water Authority], whether by way of sale or lease, upon such conditions and for such consideration as may be agreed between [them].
 - (2)(a) Upon such transfer, unless the instrument of transfer stipulates otherwise, byelaws of [the Thames Water Authority] which immediately before the transfer applied to the transferred landing place shall continue to apply and may be enforced by the Port Authority in relation to that landing place.

(b) The Port Authority may revoke a byelaw applied by paragraph (a) of this subsection.
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Notes

The words in square brackets were substituted by the Local Government Reorganisation (Miscellaneous Provision) Order 1986, SI 1986/1, art 3(2)(b).

Thames Water Authority. As from 1 September 1989 (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 (established under the Water Act 1973, s 2 (repealed))

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 Limited was appointed as the successor company to the Thames Water Authority.

Definition. For "landing place" see s 2(1) ante

83. Charges by transferee of landing place to which public have access

If the Port Authority dispose, otherwise than by sale, of a landing place on terms that the public shall have a right of access to it, the person to whom the disposition is made shall, to the extent provided by the instrument effecting the disposition, have the same powers and rights to make, recover and enforce the payment of charges in respect of the use of the landing place by members of the public as the Port Authority would have had if they had not made the disposition.

Notes

Definition. For "landing place" see s 2(1) ante

84. Replacement of marked landing places

If the Port Authority remove, close or permanently interfere with the public use of a landing place which on the 1st January, 1967, was marked by the Port Authority as a free public landing place, they shall provide in lieu thereof an equally convenient free public landing place.

Notes

Definitions. For "landing place" see s 2(1) ante.

85. Agreements about calling at landing places

(1) Notwithstanding anything in section 6 (Public access to port premises) of this Act, the Port Authority may make an agreement

(a) with the owner of a vessel with respect to the times at which his vessel; or

(b) with a waterman with respect to the times at which a vessel not owned by him;

may call at a landing place belonging to or administered by the Port Authority and the length of stay there.

(2) A vessel in respect of which an agreement has been made under subsection (1) of this section shall, so far as is practicable, use the landing place at the times specified in the agreement and not otherwise, and, for the purpose of giving effect to agreements made under this section, the Port Authority may control the use of their landing places by vessels.

Notes

Agreement. All agreements made by the Port Authority under this section relating, or in so far as they relate, to any landing place acquired by Thames Water Utilities Limited and in force immediately before the date of such acquisition continue on and after that date and are as binding and of as full force and effect in every respect against or in favour of the Authority and are enforceable as fully and effectively as if, instead of the Port Authority, Thames Water Utilities Limited had been a party thereto: see the Greater London Council (General Powers) Act 1973, s 15. See also the note "Thames Water Authority" to s 82 ante.

Definitions. For "landing place", "owner", "vessel" and "waterman", see s 2(1) ante.

(e) *Fish*

86. Area of jurisdiction relating to fish

Repealed by The Marine and Coastal Access Act 2009 section 321 and Schedule 22 Part 5(C) from 1 April 2010.

87. Entry on fishing vessel

Repealed by The Marine and Coastal Access Act 2009 section 321 and Schedule 22 Part 5(C) from 1 April 2010.

(f) *Richmond lock, footbridge, etc.*

88. Maintenance of Richmond works and working of sluices

(1) Subject to subsections (2) and (3) of this section the Port Authority shall maintain the Richmond works and shall work the sluices forming part thereof so as to hold the water upstream of the works to a height at the site of the works of not less than 5 feet 9 inches below the datum line referred to in section 89 (Construction of references to Trinity High Water) of this Act.

(2) The Port Authority may with the consent of the Board of Trade keep the said sluices up for such period as the Port Authority think necessary for the protection of the navigation of the Thames.

(3) The Board of Trade may with the consent of the London boroughs of Hounslow and Richmond upon Thames make an order by statutory instrument releasing the Port Authority from the obligations imposed upon them by subsection (1) of this section.

(4) An order under this section shall be subject to special parliamentary procedure.

Notes

Board of Trade. See the note to s 60 ante.

Definitions. For "the Richmond works" and "the Thames", see s 2(1) ante.

Orders under this section. No Order has been made under this section.

(g) *Miscellaneous*

89. Construction of references to Trinity High Water

(1) Reference in any enactment to the level of Trinity High Water or Trinity Standard shall be deemed to be to a level having a value of 11.4 feet above the datum line called mean sea level at Newlyn in the county of Cornwall in the Second Geodetic Levelling of England and Wales published by order of the Minister of Agriculture, Fisheries and Food.

(2) No bridge, building, structure or work in existence on 12th July, 1950, shall by reason solely of the enactment of this section be deemed to be erected or placed otherwise than in accordance with any enactment applicable to the said bridge, building, structure or work.

90. Entry on land to survey, etc.

(1) A duly authorised person acting on behalf of the Port Authority may, on producing if so required his authority, enter on land in or near the Thames at any reasonable time for the purpose of-

(a) carrying out a survey of the bed of the Thames under section 7 (Hydrographic surveys) of this Act;

(b) ascertaining whether any work has been constructed, placed, altered, renewed, maintained or retained contrary to section 70 (Works not to be constructed, etc., without works licence) of this Act; and

(c) ascertaining whether a landing place or embankment is in such an insecure condition or want of repair that action is necessary under subsection (1) of section 123 (Repair of landing places and embankments) of this Act:

Provided that no land shall be entered under this section unless the Port Authority, not less than seven days before the date of the first entry and not less than twenty-four hours before any subsequent entry, have given notice in writing to the owner and occupier of the land.

(2) The power of survey conferred by subsection (1) of this section includes power to bore for the purpose of ascertaining the nature of the subsoil.

(3) Where property is damaged in the exercise of a power conferred by this section, any person interested in the property may recover from the Port Authority compensation for the damage to be determined in case of dispute by the [Upper Tribunal] and, so far as compensation is properly to be calculated by reference to the depreciation of the value of his interest in the property, Rules 2 to 4 of the Rules set out in section 5 of the Land Compensation Act, 1961, shall apply.

(4) In exercise of the powers of this section in relation to any land occupied or used by any statutory undertakers in connection with the manufacture, storage or supply of gas or generation or supply of electricity an authorised person shall observe any precautions reasonably required by the undertakers in the interests of safety and for preventing interference with the supply of gas or electricity.

Notes

The reference to the Upper Tribunal in sub-s (3) is substituted by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 Articles 5(1) and (2) and para 89 of Sch 1 which came into force on 1 June 2009.

On producing, if so required, his authority. See the note to s 38 ante. As to the authentication of documents given or issued by the Port Authority, see s 183 post.

Statutory undertakers. Cf the definition of "statutory undertaker" in s 121(7) post.

Definitions. For "bed", "land", "landing place", "the Thames", "work" and "works licence", see s 2(1) ante.

91. Times when public use of Thames may be restricted

(1) Without prejudice to any other powers exercisable in that behalf, the Port Authority may exclude the public from, or restrict public use of, a part of the Thames in an emergency and for any of the following purposes :-

(a) to preserve public order;

(b) to allow or facilitate the carrying out of any public works (including works of the Port Authority) affecting the Thames or adjoining land;

(c) to facilitate the safe and orderly conduct of a procession, boat race, regatta or similar event and to prevent accident to the spectators.

(2) Subsection (1) of this section shall not be construed as empowering the Port Authority to impose a permanent exclusion or restriction.

(3) Where practicable the Port Authority shall give notice, in whatever manner they consider appropriate, of their intention to exercise the powers conferred by this section.

Notes

Shall give notice. As to the service of notices under this Act, see s 184 post.

Definition. For "the Thames, see s 2(1) ante.

92. Abatement of nuisances

For the purpose of maintaining and improving the Thames as a navigable waterway, or of improving the flow of water therein, the Port Authority may abate or remove annoyances and nuisances in the Thames or on its banks.

93. Flood prevention

Notwithstanding the repeal by this Act of section 26 (Saving provisions for certain Acts) of the London and India Docks Company (New Works) Act, 1901, and of section 39 (For protection of London County Council) of the Port of London Act, 1917, the works executed by the Port Authority under the powers conferred by those Acts shall continue to be subject to the provisions of section 17 (Provision as to certain dock companies) of the Metropolis Management (Thames River Prevention of Floods) Amendment Act, 1879.

Notes

London and India Docks Company (New Works) Act 1901. 1 Edw. 7 c ccxxvii. That Act was repealed with savings by the Port of London (Consolidation) Act 1920, ss 3, 4, Sch 3, Pt IV, Sch 4. The 1920 Act is repealed with savings by ss 208, 209, Schs 9, 10 post.

Port of London Act 1917. 7 & 8 Geo 5 c xlv. That Act was repealed with savings by the Port of London (Consolidation) Act 1920, ss 3, 4 Sch 3, Pt VII, Sch 4. The 1920 Act is repealed with savings by ss 208, 209, Schs 9, 10 post.

PART VI Prevention of Pollution

94-107 Repealed by the Water Authorities etc (Miscellaneous Provisions) Order 1974, SI 1974/607, art 12(1)).

PART VII Vessels And Navigation

Note. This Part of this Act does not apply to vessels belonging to or employed in the service of Her Majesty, or to their moorings; see s 186(3) post. The provisions of this Part relating to general and special directions (see ss 111 and 112 post, respectively) do not apply to certain areas; see s 187 and Sch. 8, para 2 post.

(a) Regulation of vessels in the Thames and the docks

108. General rules for navigation

A master who navigates his vessel on the Thames-

(a) without due care and attention; or

(b) in a manner liable to injure or endanger persons, other vessels, the banks of the Thames (whether above or below mean high water level) or any structure or installation in or beside the Thames;

shall be guilty of an offence and liable to a fine not exceeding [the statutory maximum and on conviction on indictment to a fine].

Notes