

SCHEDULE 4

Paragraph 6

AMENDMENTS TO THE PORT OF LONDON ACT 1968

1. The following shall be treated as inserted after the definition of “charges” in section 2(1) of the 1968 Act—

““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;”.

2. At the end of the definition of “harbourmaster” in section 2(1) of the 1968 Act there shall be treated as being added the words “but does not mean or include a person appointed by the Company or the deputies or assistants of a person appointed by the Company”.

3. The following shall be treated as substituted for the definition of “port police area” in section 2(1) of the 1968 Act—

““port police area” means the Company’s port premises and any place within one mile of those premises;”.

4. The following subsection shall be treated as inserted after subsection (1) of section 2 of the 1968 Act—

“(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.”.

5. Section 5 of the 1968 Act shall be treated as amended by—

(a) the substitution of the following subsections for subsection (1) of that section—

“(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

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(b) the insertion in subsection (3) of that section of “, (1A)” after “(1)”.

6. The following sections shall be treated as inserted after section 5 of the 1968 Act–

“5A General duties and powers of the Company.

(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.

5AA 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 harbourmaster of any function conferred on them or him by or under any local statutory provision.”.

7. The power of the Port Authority under paragraph (ii) of section 39(3) of the 1968 Act to detain goods which are on the port premises shall be treated as including power to seize any such goods from the Company’s port premises and detain them.

8. Section 120(1) of the 1968 Act shall be treated (if, apart from the provision made by this paragraph, it would not have been treated) as if–

- (a) as regards the opinion of the harbourmaster there mentioned, the reference were only to a vessel sunk, stranded or abandoned in the Thames which is, or is likely to become, an obstruction, impediment or danger to the safe and convenient navigation or use of the Thames; and
- (b) as regards the opinion of the dockmaster so mentioned, the reference were only to a vessel sunk, stranded or abandoned in the docks which is, or is likely to become, an obstruction, impediment or danger to the safe and convenient navigation or use of the docks.

9. In its application to the Company section 121 of the 1968 Act shall have effect as if in subsection (1)(a) thereof the reference to an obstruction or impediment in any part of the Thames or in a dock were a reference to an obstruction or impediment in the Company’s docks.

10. In so far as section 137 of the 1968 Act relates to the purposes of any enactment relating to the Port Authority or of any byelaw of the Port Authority (as distinct from the purposes of any enactment relating to the Company or of any byelaw of the Company) or to the prevention or extinguishing of fire, the reference in that section to the docks shall be treated as including a reference to the Company's docks.

11.—(1) Where—

- (a) a vessel is intended to be brought into the Company's docks carrying dangerous goods; or
- (b) it is intended to place dangerous goods on a vessel in the Company's docks;

section 150 of the 1968 Act, so far as still in force⁽¹⁾, shall be treated as applying as it applies where—

- (i) a vessel is intended to be brought into the limits carrying dangerous goods; or
- (ii) it is intended to place dangerous goods on a vessel within the limits;

and in that section as treated as so applying—

- (A) the references to the limits shall be treated as references to the Company's docks;
- (B) the reference to the harbourmaster of the Port Authority shall be treated as a reference to the dockmaster of the Company; and
- (C) the references to the Port Authority in subsection (3) shall be treated as references to the Company.

(2) A requirement imposed on the owner or master of a vessel by the said section 150 as treated as applying by virtue of sub-paragraph (1) above is without prejudice to any requirement imposed on him by that section otherwise than by virtue of that sub-paragraph.

12. In so far as section 154 of the 1968 Act would, apart from the provisions of this paragraph, continue to confer functions on the Port Authority (as distinct from conferring functions on the Company by virtue of the transfer of functions under section 22(8)(b) of the 1991 Act), that section shall cease to have effect.

13. Sections 158 and 159 of the 1968 Act and all references in that Act to "specified premises" shall be treated as having ceased to have effect.

14. In so far as section 169 of the 1968 Act relates to—

- (a) a byelaw of the Company; or
- (b) a byelaw of the Port Authority which, by virtue of paragraph 7 of Schedule 2 to the 1991 Act, applies in relation to the Company's docks or the Company's port premises;

the reference in that section to authentication of a copy of the byelaw by the seal of the Port Authority and the signature of their secretary shall be treated as a reference to authentication of a copy of the byelaw in accordance with section 41 of the Companies Act 1985⁽²⁾.

15. In its application to the Company subsection (1) of section 175 of the 1968 Act shall have effect as if the reference to section 5 of that Act were replaced by a reference to section 5A of that Act (which is to be treated as inserted in that Act by virtue of paragraph 6 of this Schedule).

16. The limits described in paragraph 2 of Schedule 1 to the 1968 Act shall be treated as including (if, apart from the provision made by this paragraph, they would not have included) the Company's docks.

(1) Section 150 was repealed by the Dangerous Substances in Harbour Areas Regulations 1987 (S.I.1987/37), Schedule 8, Part II, to the extent stated in regulation 47(5).

(2) 1985 c. 6; section 41 was amended by the Companies Act 1989 (c. 40), section 130(7) and Schedule 17, paragraph 4.

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