

ELIZABETH II



1963 CHAPTER xxvii

An Act to confer further powers on the Port of London Authority; and for other purposes.

[31st July 1963]

WHEREAS by the Port of London Act, 1908, the Port of London Authority (hereinafter referred to as "the Port 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 by that Act (inter alia) the undertaking and powers of the London and India Docks Company and other undertakings and powers were transferred to and vested in the Port Authority, other powers were conferred upon the Port Authority and other provisions were made with reference to the port of London:

And whereas by various subsequent Acts and Orders further powers were conferred on the Port Authority and the Port Authority have executed divers works for the improvement of the port of London:

And whereas it is expedient that certain of the rates which may be demanded and taken by the Port Authority should be increased and that further provision, as in this Act contained, should be made with respect to certain other rates:

And whereas it is expedient that other powers be conferred upon 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 attained 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:—

Short and
collective
titles.

1.—(1) This Act may be cited as the Port of London Act 1963.

(2) The Port of London Acts, 1920 to 1962, and this Act may be cited together as the Port of London Acts 1920 to 1963.

Interpreta-
tion.

2.—(1) In this Act, unless the subject or context otherwise requires, the words and expressions to which meanings are assigned by section 2 (Interpretation) of the Act of 1920 shall have the same respective meanings and—

“ the Act of 1920 ” means the Port of London (Consolidation) Act, 1920;

“ the Act of 1923 ” means the Port of London (Dock Charges) Act, 1923;

“ the Act of 1935 ”, “ the Act of 1950 ”, “ the Act of 1952 ”, “ the Act of 1957 ”, “ the Act of 1961 ” and “ the Act of 1962 ” mean the Port of London Acts of those respective years;

“ enactment ” means any Act, whether public, general or local, or any order made thereunder, or any provision in any Act or in any such order;

“ the Port Authority ” means the Port of London Authority;

“ the port fund ” means the port fund established in pursuance of the Port of London Act, 1908.

(2) In the Port of London Acts 1920 to 1963, unless the subject or context otherwise requires—

“ dockmaster ” means any dockmaster, canal master or canal ranger appointed by the Port Authority and includes the deputies and assistants of any dockmaster, canal master or canal ranger so appointed;

“ hover vehicle ” means a vehicle, however propelled, designed to be supported on a cushion of air;

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

“ seaplane ” includes a flying boat and any other aircraft designed to manoeuvre on the water but does not include a hover vehicle or hydrofoil vessel;

“ 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, except for the purpose of levying rates, includes a seaplane on or in the water;

and in relation to goods conveyed or intended to be conveyed by a hover vehicle, hydrofoil vessel or seaplane “ shipped ” means loaded thereon, “ unshipped ” means unloaded therefrom and “ shipping ”, “ unshipping ” and “ shipper ” shall be construed accordingly.

(3) Nothing in subsection (2) of this section shall extend to authorise a dockmaster or other officer of the Port Authority to require the dismantling of a hover vehicle, hydrofoil vessel or seaplane or any part thereof, or any alteration or modification to its structure or equipment which will affect its safety or manoeuvrability.

(4) References in this Act to any other enactment shall be construed as references to that enactment as applied, extended, varied or amended by, or by virtue of, any subsequent enactment including this Act.

3.—(1) The maximum amounts of the rates and rents authorised by the provisions of the Acts specified in the first column of the First Schedule to this Act, of which rates and rents short particulars are contained in the second column of that schedule, are hereby increased by an amount equal to twenty-five per centum of the respective amounts thereof; and the Port of London Acts, 1920 to 1963, shall be read and construed accordingly. Increase of certain rates.

(2) In paragraph (a) of subsection (1) of section 5 (Port rates on goods) of the Act of 1961, the word “ fifty ” shall be substituted for the words “ twenty-five ”.

4.—(1) The Port Authority may demand and take on or in respect of hover vehicles and hydrofoil vessels— Rates on hover vehicles and hydrofoil vessels.

- (a) entering, using or leaving the port of London;
- (b) entering, using or leaving any of the docks and works;
- (c) using any moorings, landing places or hards belonging to the Port Authority and there embarking or disembarking passengers or loading or discharging cargo;

such rates as the Port Authority may determine and as shall be approved by the Minister of Transport.

(2) Section 66 (No rates to be imposed on vessels or goods in certain cases) of the Act of 1920 shall, so far as applicable, extend and apply to the rates authorised by this section.

Power to compound for rates on hover vehicles, hydrofoil vessels and seaplanes.

5. The Port Authority may from time to time agree with the owner of a hover vehicle, hydrofoil vessel or seaplane liable to pay rates to the Port Authority for entering, using or leaving the port of London for the payment of a fixed sum payable in advance, as composition by the year or shorter period for the rates payable during the period of composition.

Certain enactments not to apply to hover vehicles, hydrofoil vessels or seaplanes.

6. The enactments referred to in the first, second and third columns of the Second Schedule to this Act to the extent specified in the fourth column of that schedule shall not apply to hover vehicles, hydrofoil vessels and seaplanes or in respect of discharging or other services connected therewith.

Re-enactment of section 35 of Act of 1935.

7. Section 35 (Fees for inspection of quays for loading or discharging petroleum spirit) of the Act of 1935 is hereby repealed and the following section substituted therefor:—

“ Fees for inspection of quays for loading or discharging petroleum spirit or dangerous goods. 35.—(1) Whenever application is made to or pending before the Port Authority under any byelaw made under the Petroleum (Consolidation) Act, 1928, or under section 13 (Byelaws relating to certain dangerous goods) of the Act of 1962, to approve any quay for the loading or discharging of petroleum spirit or dangerous goods the Port Authority may cause the quay to be inspected by a person appointed by them and if the inspection is made by a person who is not an officer of the Port Authority the person making the application shall pay to the Port Authority the amount of any fees or expenses reasonably incurred by them in connection with the inspection.

(2) The Port Authority may require the person making or intending to make the application to deposit with them such reasonable sum as they may require to cover any such expenses.

(3) In this section the expression ‘quay’ means any quay, pier, wharf, landing stairs, shore or other place in the port of London.”

Re-enactment of section 434 of Act of 1920.

8. Section 434 (Power to provide dwellings for officers) of the Act of 1920 is hereby repealed and the following section substituted therefor:—

“ Power to provide dwelling-houses and make loans. 434. The Port Authority may subject to such terms and conditions as they think fit—
(a) from time to time provide on any lands belonging to them and may take on lease or hire elsewhere dwelling-houses for persons employed by them and may (without prejudice to their power to impose other terms and conditions) permit the same to be occupied by such persons with or without payment of any rent;

- (b) permit a person formerly in their employment to continue to occupy a dwelling-house provided by them after his employment with the Port Authority has ceased;
- (c) make loans to persons employed by them to assist such persons to acquire housing accommodation and may guarantee loans made by building societies and other lenders for housing purposes to such persons;
- (d) continue a loan made by them to a person formerly in their employment after his employment with the Port Authority has ceased or a guarantee of a loan given by them in respect of such a person."

9. The enactments referred to in the first, second and third columns of the Third Schedule to this Act are hereby amended as specified in the fourth column of that schedule.

Amendments
to Port
of London
Acts, 1920
to 1962.

10. The enactments referred to in the first, second and third columns of the Fourth Schedule to this Act are hereby repealed to the extent specified in the fourth column of that schedule.

Repeals.

11. Section 459 (Saving for Crown) and section 462 (Exemption of vessels in His Majesty's service from rates) of the Act of 1920 shall apply to this Act as if those sections with any necessary modifications were re-enacted in this Act.

Saving for
Crown.

12. All costs, charges and expenses of and incident to the preparing for, obtaining and passing of this Act shall be paid by the Port Authority out of the port fund.

Costs of
Act.

SCHEDULES

Section 3

FIRST SCHEDULE

RATES AND RENTS INCREASED

Provisions of Act (1)	Short particulars of rates and rents (2)
Subsection (2) of section 3 of the Act of 1923, as amended by section 3 of the Act of 1957 and section 4 of the Act of 1961	Landing and rafting rates (import).
Subsection (2) of section 3 of the Act of 1923, as amended by section 14 of the Act of 1952, section 4 of the Act of 1957 and section 4 of the Act of 1961	Wharfage and portorage rates (export).
Subsection (2) of section 4 of the Act of 1923, as amended by subsection (1) of section 10 of the Act of 1950, section 16 of the Act of 1952 and section 4 of the Act of 1961	Dock tonnage rates and rents.
Special sections of the Canal Tolls and Charges No. 6 (River Lee, &c.) Order Confirmation Act, 1894, applicable only to the Surrey Canal Proviso (d) to section 59 and section 61 of the Act of 1920 as amended by section 15 of the Act of 1952	Tolls and wharfage charges in respect of the use of Surrey Canal.
Section 48 of the Act of 1920, as amended by section 9 of the Act of 1950 and section 15 of the Act of 1952	Tolls for vessels navigating westward of London Bridge and carrying merchandise.

Section 6

SECOND SCHEDULE

ENACTMENTS WHICH DO NOT APPLY TO HOVER VEHICLES, HYDROFOIL VESSELS AND SEAPLANES OR TO DISCHARGING OR OTHER SERVICES IN CONNECTION THEREWITH

Act (1)	Section (2)	Marginal note (3)	Extent to which the sections do not apply (4)
The Act of 1920	45	Duties of tonnage in Port of London	The whole section.
	48	Navigation tolls for vessels carrying merchandise	The whole section.

2ND SCH.
—cont.

Act (1)	Section (2)	Marginal note (3)	Extent to which the sections do not apply (4)
The Act of 1920 (continued)	49	Navigation tolls for vessels not carrying merchandise	The whole section.
	55	Notice of tolls to be given ..	The whole section.
	56	Collectors to put up their name on boards in front of toll houses	The whole section.
	57	Tables of tolls to be affixed at places where collected	The whole section.
	58	Power to make arrangements as to tolls	The whole section.
	59	Power to take rates on goods ..	Paragraph (D) to the proviso.
	60	Power to take rates on vessels	The whole section.
	61	Power to take tolls on vessels using Surrey Canal	The whole section.
	91	Certain questions referred to and may be determined by Railway Commissioners	The whole section.
	127	Shipowners may resort to any dock	The whole section.
Port of London and Midland Railway Act, 1922	13	Charges at landing stage ..	Paragraph (A) of subsection (1).
The Act of 1923	4	Tonnage rates on vessels ..	Paragraphs (2) and (3).
Port of London (Various Powers) Act, 1932	17	Charges at Tilbury Cargo Jetty	The whole section.
The Act of 1950	11	Charges for use of moorings ..	The whole section.

Section 9

THIRD SCHEDULE

AMENDMENTS TO PORT OF LONDON ACTS, 1920 TO 1962

Act (1)	Section or schedule (2)	Marginal note (3)	Amendment (4)
The Act of 1920	2	Interpretation	In the definition of " Rates "— (i) after the words "and dues" the words "for the time being" shall be inserted; (ii) for the word " ships " the word " vessels " shall be substituted; (iii) after the words " the Port Authority " the words " under any enactment " shall be inserted.
	19	Exemption of bunker coal	For the words " steamer's ", " steamer " and " steamers " the words " vessel's ", " vessel " and " vessels " respectively shall be inserted.
	38	Owner or Master of vessel may pay port rates	At the end of the section the words " including goods im- ported in hover vehicles, hydro- foil vessels and seaplanes " shall be inserted.
	63	Docks and works to be open on payment of rates	At the end of the section the words " Provided that this section shall not apply to the shipping, conveyance and un- shipping of goods or the embarking and landing of passengers on or from hover vehicles, hydrofoil vessels and seaplanes " shall be inserted.
	89	Collector of Customs may withhold a clearance to any vessel until rates are paid	For the words " any of the rates " the words " any rates or liable to the payment of any " shall be substituted.
	92	Port Authority to keep account of rates of vessels	After the word " vessel " where it is first used in the section the words " (other than of a hover vehicle, hydrofoil vessel or seaplane) " shall be inserted.

Act (1)	Section or schedule (2)	Marginal note (3)	Amendment (4)
The Act of 1920 (con- tinued)	138	Penalty on giving false draught of water	(i) The figure “(1)” shall be inserted before the words “If the master”. (ii) At the end of the section a new subsection shall be inserted as follows:— “ (2) For the purposes of this section ‘draught’ in relation to a hover vehicle or hydrofoil vessel means its draught when afloat and not supported on a cushion of air, on foils or by any other means and in relation to a seaplane means its draught when afloat.”
	155	Provisions for regulation, etc., of craft	In subsection (11) in the definition of “craft” after the words “ocean going ships” the words “hover vehicles, hydrofoil vessels and seaplanes” shall be inserted.
	194	Power to make byelaws for certain purposes	After paragraph (C) a new paragraph shall be inserted as follows:— “(CC) For prescribing the docks and works which may not be entered or used by hover vehicles, hydrofoil vessels or seaplanes.”
	267	Power of harbour-masters	After the words “within the Thames” where they are first used in the section the words “For regulating the channel or lane through which any hover vehicle or hydrofoil vessel shall enter into or go out of the Thames” shall be inserted.
	268	Penalty on not complying with directions of harbour-masters	For the words “this Act” the words “the enactments for the time being relating to the Port Authority” shall be substituted.
	279	Power to make byelaws for the river	After the words “For the regulation of vessels on the Thames” the words “For prescribing the part or parts of the Thames which shall not be entered or used by hover vehicles, hydrofoil vessels or seaplanes or by a specified class or description of hover vehicles or hydrofoil vessels.

3RD SCH.
—cont.

Act (1)	Section or schedule (2)	Marginal note (3)	Amendment (4)
The Act of 1920 (con- tinued)	Second Schedule	Constitution of Port Authority	<p>For prescribing the channels or lanes to be taken by hover vehicles and hydrofoil vessels or by a specified class or description of hover vehicles or hydrofoil vessels, entering, using or leaving the Thames" shall be inserted.</p> <p>At the end of paragraph (16) of Part IV (Provisions as to Elections of Elected Members) the words "and for the purposes of Part IV of this Schedule 'river craft' and 'craft' shall include 'hover vehicles' and 'hydrofoil vessels'" shall be inserted.</p>
The Act of 1935	4	Interpretation	<p>(i) After the definition of "the Act of 1932" the following definition shall be inserted:—</p> <p>"dangerous goods" does not include dangerous goods to which byelaws made by the Port Authority under the Explosives Act, 1875, or the Petroleum (Consolidation) Act, 1928, for the time being apply."</p> <p>(ii) After the definition of "the new works" the following definition shall be inserted:—</p> <p>"petroleum spirit" includes any other substance to which for the time being the Petroleum (Consolidation) Act, 1928, applies".</p>
The Act of 1950	28	Recovery of expenses under section 431 of Act of 1920	<p>In subsection (1)—</p> <p>(i) for the word "craft" wherever it appears in the subsection the word "vessel" shall be substituted;</p> <p>(ii) for the words "in accordance with the provisions of Part VI of the Act of 1920" the words "with the Port Authority" shall be substituted;</p> <p>(iii) the words "in accordance with the said Part VI" shall be omitted.</p>

3RD SCH.
—cont.

Act (1)	Section or schedule (2)	Marginal note (3)	Amendment (4)
The Act of 1962	7	Tolls leviable on vessels at piers and landing places	In subsection (2) after the words “ include a ” the words “ hover vehicle, hydrofoil vessel or ” shall be inserted.
	9	Re-enactment of section 371 of Act of 1920	In subsection (2) in the defini- tion of “ tug ” the word “ ordinarily ” shall be inserted after the word “ power ”.

Section 10

FOURTH SCHEDULE

REPEALS

Act (1)	Section (2)	Marginal note (3)	Extent of repeal (4)
The Act of 1920	52	Penalty on eluding pay- ment of toll	The words "payable under this Act".
	71	How rates may be de- manded and taken	The words "by this Act authorised".
	77	Power to detain a vessel for rates	The words "under this Act".
	82	Power to distrain or arrest goods	The words "by this Act authorised".
	83	As to recovery of Surrey Canal Rates	The words "by this Act authorised".
	87	Settlement of disputes con- cerning amount of rates or charges occasioned by distress	The words "by virtue of this Act".
	90	Prohibition of preferential dock charges	The words "or goods or for discharging the same" and the words "or as the case may be in respect of all goods of the same description under the same circumstances".
The Act of 1935	5	Meaning of "vessel" "shipped" "dock- master" &c.	The whole section.
	33	Meaning of "transhipment goods"	In paragraph (ii) the words "as defined in this Act".
The Act of 1950	3	Interpretation	The definitions of "Seaplane" and "Vessel".
The Act of 1962	2	Interpretation	The definitions of "seaplane" and "vessel".

Table of Statutes referred to in this Act

Short title	Session and chapter
Explosives Act, 1875	37 & 38 Vict. c. 17.
Canal Tolls and Charges No. 6 (River Lee, &c.) Order Confirmation Act, 1894	57 & 58 Vict. c. ccv.
Port of London Act, 1908	8 Edw. 7 c. 68.
Port of London (Consolidation) Act, 1920	10 & 11 Geo. 5 c. clxxiii.
Port of London and Midland Railway Act, 1922	12 & 13 Geo. 5 c. lxx.
Port of London (Dock Charges) Act, 1923	13 & 14 Geo. 5 c. xxxiv.
Petroleum (Consolidation) Act, 1928 ..	18 & 19 Geo. 5 c. 32.
Port of London (Various Powers) Act, 1932	22 & 23 Geo. 5 c. xxxviii.
Port of London Act, 1935	25 & 26 Geo. 5 c. cxvi.
Port of London Act, 1950	14 Geo. 6 c. xxiii.
Port of London Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. ix.
Port of London Act, 1957	5 & 6 Eliz. 2 c. v.
Port of London Act, 1961	9 & 10 Eliz. 2 c. xli.
Port of London Act, 1962	10 & 11 Eliz. 2 c. li.

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Port of London Act 1963

CHAPTER xxvii

ARRANGEMENT OF SECTIONS

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5. Power to compound for rates on hover vehicles, hydrofoil vessels and seaplanes.
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