

2003 No. 2556

**HARBOURS, DOCKS, PIERS AND FERRIES**

**The Port of London Authority Harbour Revision  
Order 2003**

*Made - - - - 1st October 2003*

*Coming into force - - 8th October 2003*

Whereas the Port of London Authority have applied for a harbour revision order under section 14 of the Harbours Act 1964(a):

And whereas the Secretary of State for Transport is satisfied as mentioned in subsection (2)(b) of the said section 14:

Now, therefore, the Secretary of State for Transport (being the appropriate Minister under subsection (7) of the said section 14(b)), in exercise of the powers conferred by that section and now vested in him(c) and of all other powers enabling him in that behalf, hereby makes the following Order—

**Citation and commencement**

1. This Order may be cited as the Port of London Authority Harbour Revision Order 2003 and shall come into force on 8th October 2003.

**Interpretation**

2. In this Order words and expressions defined in the 1968 Act have the same meaning as in that Act and “the 1968 Act” means the Port of London Act 1968(d).

**General directions**

3. In subsection (1) of section 111 (General directions to vessels in the Thames) of the 1968 Act there shall be inserted after paragraph (c):

“(cc) for requiring vessels which fall outside the scope of any formal risk assessment in respect of safety of navigation carried out by the Port Authority and currently valid, to submit to a specific risk assessment before entering the Thames or any specified part of the Thames;”.

**Licensing of vessels**

4.—(1) For sections 124 (Registration of craft) to 132 (Charges in relation to craft and boats for hire) of the 1968 Act there shall be substituted the following—

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(a) 1964 c. 40: section 14 was amended by the Transport Act 1981 (c. 56), section 18 and Schedule 6, paragraphs 2, 3, 4(1) and 14 and by the Transport and Works Act 1992 (c. 42), Schedule 3, paragraph 1.

(b) For the definition of “the Minister” (mentioned in section 14(17)) see section 57(1).

(c) S.I. 1997/2971.

(d) 1968 c. xxxii.

*“(c) Licensing of vessels*

**Unlicensed vessels not to be navigated**

**124.**—(1) Subject to subsection (2) of this section, a vessel shall not be navigated, worked or moored within the vessel licensing area unless—

- (a) there is in force in relation to it a relevant licence issued by the Port Authority in accordance with byelaws made by the Port Authority; and
- (b) the name of the vessel and such other particulars as may be prescribed in byelaws made by the Port Authority are displayed on the vessel in the manner prescribed by those byelaws.

(2) Subsection (1) of this section shall not apply to—

- (a) a vessel which is navigated, worked or moored only occasionally in the vessel licensing area;
- (b) a pleasure vessel;
- (c) a hovercraft or seaplane;
- (d) any vessel (other than a ship registered under the Merchant Shipping Act 1995 or any vessel usually used for navigation) which is used primarily as a place of habitation, or as a place for accommodating or receiving persons for the purposes of shelter, recreation, entertainment or refreshment, or as club premises or offices, while it is moored;
- (e) any vessel which—
  - (i) has a navigability licence issued by a member of the European Community other than the United Kingdom, in accordance with Council Directive 76/135/EEC, and
  - (ii) is navigating in an area which is an inland waterway or maritime shipping lane for the purpose of the Directive;
- (f) a vessel licensed by a local authority or any other navigation authority;
- (g) a vessel to which Part I of the Merchant Shipping (Port State Control) Regulations 1995(a) applies;
- (h) a vessel to which survey requirements apply under the Merchant Shipping (Survey and Certification) Regulations 1995 or under any other rules or regulations made, or having effect as if made, under the Merchant Shipping Act 1995(b);
- (i) a vessel operated by a member of the United Kingdom Search and Rescue Organisation and declared to the Maritime and Coastguard Agency as a dedicated resource; and
- (j) such other vessels as may be from time to time exempted by byelaws made by the Port Authority.

(3) For the purpose of this section the Port Authority may issue a licence—

- (a) in relation to all or any part of the vessel licensing area; and
- (b) on such terms and conditions and subject to such restrictions as they think appropriate in the interests of safety.

(4) The owner of a vessel which is navigated, worked or moored in contravention of subsection (1) of this section, or in contravention of any term, condition or restriction imposed by a licence issued under subsection (3) of this section shall be guilty of an offence and liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum; and
- (b) on conviction on indictment to a fine.

(5) In this section—

“navigation authority” means any person who has a duty or power under any enactment to work, maintain, improve or control, or license vessels within, any canal or other inland navigation, navigable river, estuary, harbour or dock;

“relevant licence” means a licence applicable to the area in which the vessel in question is being navigated, worked or moored,

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(a) S.I. 1995/3128.

(b) 1995 c. 21.

and for the purpose of subsection 2(a) of this section a vessel is navigated, worked or moored only occasionally in the vessel licensing area if—

- (a) it is navigated, worked or moored within that area not more than three times in any period of 12 months; and
- (b) on each such occasion it is navigated, worked or moored within the vessel licensing area for no more than 48 hours.

#### **Power to refuse or revoke or suspend a licence**

**125.**—(1) Subject to section 126 (Appeals) of this Act, the Port Authority may refuse to licence or may revoke or suspend the licence of a vessel, in relation to the whole or to any part of the vessel licensing area, if they are satisfied that—

- (a) the vessel is not fit for its intended purpose;
- (b) the vessel cannot be safely navigated, worked or moored in the vessel licensing area, or any part of it; or
- (c) in the case of a boat for hire it is in the interests of safe navigation to prohibit boats for hire in a part of the vessel licensing area or to restrict the number of boats for hire in the vessel licensing area or in part of the vessel licensing area.

(2) In considering for the purposes of this section the fitness of a vessel the Port Authority may have regard, amongst other things, to its life-saving equipment, fire extinguishing appliances, navigational equipment arrangements, machinery for mechanical propulsion and other auxiliary machinery.

(3) The Port Authority may, for the purpose of their licensing functions and subject to the provisions of section 126 (Appeals) of this Act, require the owner of the vessel to give them such information or reports as they may reasonably require as to its fitness.

(4) Nothing in this section shall be taken as imposing an obligation on the Port Authority to undertake a structural survey of a vessel for the purpose of discharging their licensing functions.

#### **Appeals**

**126.**—(1) If the Port Authority under section 125 (Power to refuse or revoke or suspend a licence) of this Act—

- (a) refuse to licence a vessel; or
- (b) revoke or suspend the licence of a vessel; or
- (c) require the owner of the vessel to give them information or reports as to its fitness;

they shall give written notice to the owner of the vessel of their decision or requirement and the notice shall inform the owner of his right under subsection (3) of this section to appeal against the decision or requirement.

(2) On issuing a licence under subsection (3) of section 124 (Unlicensed vessels not to be navigated) of this Act the Port Authority shall give written notice to the owner of the vessel in question of his right under subsection (3) of this section to appeal against any conditions, restrictions or limitations attaching to the licence.

(3) The owner of a vessel who is aggrieved by any such decision, requirement, condition, restriction or limitation as is referred to in subsection (1) or (2) of this section may, within a time specified in the notice referred to in those subsections, being a date not earlier than twenty-eight days after the service of the notice on the owner, appeal to the Secretary of State, and Schedule 4 to this Act shall apply in relation to such an appeal.

#### **Inaccurate or lost licences**

**127.** If the Port Authority are satisfied that a licence for a vessel issued by them under section 124 (Unlicensed vessels not to be navigated) of this Act and in force is—

- (a) inaccurate, they shall issue to the owner of the vessel a corrected licence and shall amend their records accordingly;
- (b) lost or destroyed, they shall issue to the owner of the vessel a duplicate of the licence.

### **Registers to record mortgages, etc., and to be open to inspection**

**128.**—(1) The Port Authority shall on the written application by the mortgagee or assignee of a vessel licensed by the Port Authority under section 124 (Unlicensed vessels not to be navigated) of this Act register particulars of a subsisting mortgage of the vessel or of a subsisting assignment of the vessel by way of security or in trust for the benefit of creditors.

(2) The records relating to vessels kept by the Port Authority under this Part of this Act shall be open to inspection by any person at a reasonable time and upon payment of a reasonable fee.

### **Charges in relation to vessels**

**129.** The Port Authority may make reasonable charges in respect of the exercise of their functions under sections 124 to 128 of this Act.”

### **Byelaws**

5.—(1) Section 162 (Thames byelaws) of the 1968 Act shall be amended as follows—

(a) in subsection (1), after paragraph (i) there shall be inserted—

“(j) to regulate the licensing of vessels for the purpose of sections 124 to 129 of this Act;

(k) for regulating the equipment of vessels and requiring vessels to carry specified equipment in the interests of safety;

(l) in relation to any vessels other than pleasure vessels, to impose requirements as to the standards of competence and experience required by persons navigating or working vessels, and requirements as to the number, competence and experience of its crew;”;

(b) after subsection (2) there shall be inserted—

“(3) Byelaws made under subsection (1) of this section may impose different requirements in relation to different vessels or types of vessels, different parts of the Thames and different types of activity or movement.

(4) Byelaws made under sub-section (1)(l) of this section may authorise the imposition of reasonable charges by the Port Authority for assessing standards of competence and experience and for issuing any relevant certificates and endorsements required by such byelaws.”

(2) For section 164 (Watermen and lightermen byelaws) there shall be substituted the following—

#### **“164. Watermen and lightermen byelaws**

(1) Subject to subsection (2) of this section, and without prejudice to the generality of section 162 (Thames byelaws) of this Act, byelaws made under subsection 1(l) of section 162 for the purpose of imposing requirements as to the standards of competence and experience required by persons navigating or working vessels may include provision for defining and varying the qualification required for a waterman’s or lighterman’s licence and the conditions on which such licences are to be granted and renewed, and by virtue of subsection (3) of section 162 such byelaws may provide for different qualifications to be required and different licences granted in different circumstances.

(2) No such byelaw shall authorise the granting of a waterman’s or lighterman’s licence to a person who has not demonstrated to the Port Authority such a level of knowledge about, and experience of navigating in, the Thames as the Port Authority reasonably considers appropriate.”

### **Modification of charging regime**

6. Section 34 (Exemption from navigation tolls) of the 1968 Act shall be repealed.

### **Ancillary and consequential amendments and repeals**

7.—(1) Subsection (1) of section 2 (Interpretation) of the 1968 Act shall be amended as follows—

- (a) for the definition “boat for hire” there shall be substituted the following definition—  
““boat for hire” means a passenger vessel whether or not it is let for hire and any other vessel which is let for hire for carrying persons;”;
- (b) for the definition of “passenger boat”, there shall be substituted the following definition—  
““passenger vessel” means a vessel used for carrying passengers;”;
- (c) after the definition of “passenger boat” there shall be inserted the following definitions—  
““passengers” means any persons carried on a vessel other than its crew;  
“pleasure vessel” has the same meaning as in the Merchant Shipping (Survey and Certification) Regulations 1995;”;
- (d) the definition of “navigation tolls” shall be repealed;
- (e) after the definition of “vessel” there shall be inserted the following definition—  
““the vessel licensing area” means that part of the Thames above the former seaward limit;”;
- (f) for the definition of “waterman” there shall be substituted the following definition—  
““waterman” means a person having charge of a vessel (other than a pleasure vessel) underway or working on the Thames and includes a lighterman;”.

(2) In subsection (6)(a) of section 120 (Power to raise and remove vessels, sunk etc.) for the words “lighter, tug or boat for hire which has at any time been registered by them” there shall be substituted the words “vessel which has at any time been registered or licensed by them”.

(3) In Part II of Schedule 10 to the 1968 Act, the definition of “river craft” shall be amended by the substitution of “licensed” for “registered”.

(4) Section 165 (Craft and boat byelaws) shall be repealed.

### **Transitional provisions**

8.—(1) Notwithstanding the repeal by this Order of section 165 of the 1968 Act and the amendment by this Order of the definition of “waterman” and section 164 of the 1968 Act, but subject to paragraphs (2) and (3) below, the Craft and Boat Registration and Regulation Byelaws 2000 and the Port of London Watermen and Lightermen Byelaws 1992 shall continue to have effect and shall be deemed to have been made under, respectively, section 162, and sections 162 and 164, of the 1968 Act as amended by this Order.

(2) The Craft and Boat Registration and Regulation Byelaws 2000 shall be amended as follows—

- (a) in byelaw 2—
  - (i) for the definition of “Boat for Hire”, at the end, there shall be substituted—  
““Boat for Hire” means a passenger vessel whether or not it is let for hire and any other vessel which is let for hire for carrying persons;”;
  - (ii) for the definition of “Craft” there shall be substituted—  
““Craft” means any vessel other than a Boat for Hire;”;
  - (iii) the definitions of “Barge”, “Lighter” and “Other Like Craft for Carrying Goods” shall be deleted;
  - (iv) in paragraph (j) for the words “Lower Hope Point” there shall be substituted the words “the Former Seaward Limit”;
  - (v) for the definition of “passenger boat” there shall be substituted—  
““passenger vessel” means a vessel used for carrying passengers;”;
  - (vi) after paragraph (q) there shall be inserted—  
“(qq) “Passengers” means any persons carried on a vessel other than its crew;”;
- (b) for every reference to a “Lighter” there shall be substituted a reference to a “Craft” except in paragraph 10.2 b) ii) where there shall be substituted for the word “Lighter” the words “Craft, excluding Tugs”;

- (c) in paragraph (g) of byelaw 4 the words “in the case of a Boat for Hire” shall be deleted and after “operate” there shall be inserted the words “the Craft or”;
  - (d) in byelaw 7.1 for the words “for carrying passengers” there shall be substituted the words “for the purpose for which it is licensed”;
  - (e) in byelaw 12.1, the words “for reward” shall be deleted;
  - (f) after byelaw 12.3 there shall be inserted—
    - “12.4 This byelaw shall not apply to any vessel which is exempt from the requirement for licensing under section 124 (Unlicensed vessels not to be navigated) of the Act”;
  - (g) references to the registration (under the 1968 Act) of a craft or boat for hire shall have effect as references to the licensing of that vessel for the purpose of section 124 of the 1968 Act, and references to a certificate of registration shall have effect as references to a licence.
- (3) The amendments to the definition of “waterman” and “passenger boat” made by this Order shall not affect the meanings of those terms as used in the Port of London Watermen and Lightermen Byelaws 1992.
- (4) Any certificate of registration or licence issued by the Port Authority before the coming into force of this Order under section 124 (Registration of craft) or 126 (Registration of boats for hire) of the 1968 Act shall be deemed to be a licence issued under section 124 of the 1968 Act as re-enacted by this Order.

Signed by authority of the Secretary of State for Transport

*Phil Carey*  
Head of Ports Division in the  
Department for Transport

1st October 2003

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order confers additional powers on the Port of London Authority (“the PLA”) in the interests of securing safety of navigation on the river Thames. In particular it—

- extends the PLA’s power to make directions so as to allow it to require vessels not covered by a currently valid formal risk assessment to undergo a specific risk assessment;
- makes provision for a new licensing regime for vessels navigated, worked or moored within the whole or a part of the vessel licensing area specified in the Order;
- widens the PLA’s byelaw-making powers to include the regulation of equipment of vessels (including safety equipment) and requirements as to competence and experience of persons navigating vessels and their crew.

The Order also contains miscellaneous ancillary and consequential amendments to the Port of London Act 1968 and byelaws made under that Act including powers for the repeal of the exemption from navigation tolls for pleasure boats and vessels navigating westward of London Bridge to or from a point eastward of Strand-on-the-Green.

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Order 2003**

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