ELIZABETH II



1982 CHAPTER ix

An Act to amend the Port of London Act 1968; to provide for increases in the penalties provided for under that Act; to repeal certain provisions of the Port of London Act 1970; and for other or connected purposes.

[27th May 1982]

WHEREAS—

(1) By the Port of London Act 1908, the Port of London Authority were established for the purpose of administering, preserving and improving the port of London and for other purposes provided for in that Act: 1908 c. 68.

(2) By various subsequent Acts and Orders, further powers were conferred on the Port Authority:

(3) By the Port of London Act 1968, the provisions of the various enactments by which, or by reference to which, the constitution, powers, rights, authorities, privileges, duties and obligations of the Port Authority were then defined, were consolidated with amendments: 1968 c. xxxii.

(4) By the Port of London Act 1970, further powers were conferred on the Port Authority: 1970 c. lxxviii.

(5) By the Port of London Authority (Borrowing Powers) Revision Order 1971 and the Port of London Authority (Borrowing Powers, etc.) Revision Order 1980 further powers to borrow were conferred on the Port Authority: S.I. 1971/1227. S.I. 1980/1068.

(6) By the Port of London Authority (Constitution) Revision Order 1975, the Port Authority were reconstituted: S.I. 1975/1890.

(7) It is expedient that certain penalties provided for under the said Act of 1968 should be increased and that certain provisions of that Act and the said Act of 1970 should be amended or repealed:

(8) 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 1982.

S.I. 1971/1227. S.I. 1980/1068.

(2) The Port of London Acts 1968 and 1970, the Port of London (Borrowing Powers) Revision Order 1971, the Port of London Authority (Constitution) Revision Order 1975, the Port of London Authority (Borrowing Powers, etc.) Revision Order 1980 and this Act may be cited together as the Port of London Acts and Orders 1968 to 1982.

Interpretation.

2. In this Act—

1968 c. xxxii.

" the Act of 1968 " means the Port of London Act 1968;

" the Port Authority " means the Port of London Authority.

Increase of penalties provided for by Act of 1968 and by certain byelaws.

3.—(1) The sections of the Act of 1968 respectively specified in column (1) of Part I of Schedule 1 to this Act (being sections creating the offences broadly described in column (2) of that Part of that Schedule) shall each have effect as if the maximum penalty which may be imposed on conviction of any offence specified for each section were a penalty not exceeding that specified in column (4) of that Schedule instead of the maximum penalty specified in column (3) of that Schedule.

(2) For the purpose of providing further for increases in penalties, the provisions of the Act of 1968 specified in Part II of Schedule 1 to this Act shall have effect subject to the amendments specified in that Part of that Schedule.

(3) In consequence of subsection (2) above, the byelaws specified in Part III of Schedule 1 to this Act shall have effect subject to the amendments specified in that Part of that Schedule.

Traffic offences on dock roads.

4. The following section shall be substituted for section 199 of the Act of 1968 (which provides for traffic offences on dock roads

and which contains references to other enactments that were obsolete or inappropriate before the passing of this Act):—

"Traffic offences on dock roads. 1967 c. 76.

199.—(1) In this section—

"the Act of 1967" means the Road Traffic Regulation Act 1967;

"the Act of 1972" means the Road Traffic Act 1972; 1972 c. 20.

"dock road" means any road, pier, wharf, quay, bridge or other work which, or any land which, is—

(i) vested in or the property of the Port Authority; and

(ii) situate within the customs wall or fence bounding any dock of the Port Authority; and

(iii) accessible to motor vehicles;

"motor vehicle" has the same meaning as in the Act of 1972.

(2) The Act of 1967 and the Act of 1972 shall have effect as if in the provisions thereof hereinafter mentioned the expressions "road" and "highway" included a dock road and any person who commits an offence under any of those provisions as extended by this section shall be liable to be dealt with in all respects as if the offence had been committed under those provisions on a road as defined by section 196 of the Act of 1972, and all the provisions of those Acts, so far as applicable, shall apply accordingly.

(3) The provisions referred to in subsection (2) of this section are—

The Act of 1967—

Section 52 (Charges for removing, storing and disposing of vehicles);

Section 54 (Traffic signs);

Section 55 (Powers and duties of highway authorities as to placing of traffic signs);

Section 58 (Emergency traffic signs);

Section 78 (Speed limits for vehicles of different classes);

Section 78A (Speeding offences generally);

The Act of 1972—

Section 1 (Causing death by reckless driving);

Section 2 (Reckless driving generally);

Section 3 (Careless, and inconsiderate, driving);

Section 5 (Driving, or being in charge, when under influence of drink or drugs);

Section 6 (Driving, or being in charge, with blood-alcohol concentration above the prescribed limit);

Section 8 (Breath tests);

Section 17 (Reckless cycling);

Section 18 (Careless, and inconsiderate, cycling);

Section 19 (Cycling when under influence of drink or drugs);

Section 21 (Restriction on carriage of persons on bicycles);

Section 22 (Drivers to comply with traffic directions);

Section 23 (Pedestrians to comply with directions to stop given by constables regulating vehicular traffic);

Section 24 (Leaving vehicles in dangerous positions);

Section 25 (Duty to stop, and furnish particulars, in case of accident);

Section 29 (Penalisation of tampering with motor vehicles);

Section 30 (Penalisation of holding or getting on to vehicle in order to be towed or carried);

Section 33B	(Restrictions on carrying children in the front of motor vehicles);
Section 44	(Obligatory test certificates for vehicles other than goods vehicles to which s. 45 applies);
Section 53	(Testing of condition of vehicles on roads);
Section 84	(Drivers of motor vehicles to have driving licences);
Section 99	(Offence of obtaining a licence, or driving, while disqualified);
Section 100	(Arrest without warrant of persons driving while disqualified);
Section 143	(Users of motor vehicles to be insured or secured against third-party risks);
Section 159	(Power of police to stop vehicles);
Section 161	(Power of constables to require production of driving licences and in certain cases statement of date of birth);
Section 162	(Power of constables to obtain names and addresses of drivers, and others);
Section 166	(Duty of driver, in case of accident involving injury to another, to produce evidence of insurance or security or to report accident);
Schedule 4, Part I, column 4	(Punishment of offences under section 9 (3) of the Act of 1972):

Provided that, if no duty is chargeable under the Vehicles (Excise) Act 1971, in respect of a motor vehicle— **1971 c. 10.**

(*a*) by virtue of the provisions of subsection (1) of section 7 of that Act; or

(*b*) by reason only that the vehicle is used exclusively on roads which are not public roads within the meaning of that Act;

the said sections 44, 84, 143, 161 and 166 of the Act of 1972 shall not apply in respect of that vehicle while it is being driven, or to any person while driving it, on a dock road.

(4) Notwithstanding that no maximum speed limit or a maximum speed limit in excess of 30 miles per hour has for the time being been fixed by or under section 78 of the Act of 1967 in relation to a motor vehicle of any class or description, that section, except subsection (2) thereof, shall for the purposes of this section have effect, so far as applicable, as if a maximum speed limit of 30 miles per hour had been fixed thereby or thereunder in relation to a motor vehicle of that class or description.

(5) Regulations or orders made under section 20 of the Act of 1967 or section 32, 33A, 40 or 66 of the Act of 1972, and from time to time in force, shall extend and apply to dock roads in the same manner as they apply to roads as defined by section 104 of the Act of 1967 or section 196 of the Act of 1972, as the case may be:

Provided that, if no duty is chargeable under the Vehicles (Excise) Act 1971, in respect of a motor vehicle—

1971 c. 10.

(*a*) by virtue of the provisions of subsection (1) of section 7 of that Act; or

(*b*) by reason only that the vehicle is used exclusively on roads which are not public roads within the meaning of that Act;

the said regulations shall not apply in respect of that vehicle while it is being driven, or to any person while driving it, on a dock road.

(6) For the purposes of the Act of 1967 and the Act of 1972, as extended and applied by this section, the expression " chief officer of police " where used in those Acts includes the chief constable of the Port Authority and the expression " highway authority " means the Port Authority in relation to any dock road for the maintenance of which the Port Authority are responsible.".

Amendment of section 133 of Act of 1968.

5. Section 133 of the Act of 1968 (which contains provisions prohibiting the use of certain lights which are detrimental to navigation) shall be amended by substituting in subsection (1), for the words ", in their opinion, calculated ", the word " likely ".

Transitional provisions.

6. None of the provisions of this Act applies to an offence committed before the passing of this Act.

Repeals.

7. The enactments specified in Schedule 2 to this Act (which include enactments which were obsolete, spent or unnecessary before the passing of this Act) are hereby repealed to the extent mentioned in column (3) of that Schedule.

SCHEDULES

Section 3(1).

SCHEDULE 1

INCREASE OF PENALTIES

1968 c. xxxii.

PART I

PORT OF LONDON ACT 1968

SUBSTITUTED PENALTIES

Section (1)	Description of offence (2)	Old maximum penalty (3)	New maximum penalty (4)
Section 38 (2)	Refusal of master to comply with request for supply of information or production of document.	£50	£200
Section 39 (6)	Removal or attempted removal by master of detained vessel without permission.	£100	£500
Section 43 (2)	Failure to give reasonable facilities for weighing, etc., goods and failure to give information for port rates purposes.	£50	£200
Section 44 (1)	Giving false information in relation to charges, etc.	£100	£500
Section 44 (2)	Evasion or attempted evasion of charges.	£100	£500
Section 70 (2)	Construction of works without licence.	£400 and a daily fine of £20	£1,000 and a daily fine of £50
Section 73 (3)	Dredging, etc., without licence.	£100	£500
Section 75 (7)	Carrying out works on lands above mean high water level.	£50	£200
Section 109 (1)	Liability of owner or master for vessel adrift.	£50	£200
Section 117 (1)	Default by master in complying with directions.	£50	£1,000
Section 119 (3)(*b*)	Obstruction of police officer entering vessel.	£20	£50

SCH. 1 —*cont.*

Section (1)	Description of offence (2)	Old maximum penalty (3)	New maximum penalty (4)
Section 123 (2)	Failure to comply with notice to repair landing-place or embankment.	£100 and a daily fine of £10	£500 and a daily fine of £50
Section 125 (3)	Working or navigation of unregistered craft.	£20	£50
Section 127 (4)	Letting for hire or using unlicensed boat for carrying passengers.	£20	£50
Section 133 (2)	Failure to comply with notice to remove lights detrimental to navigation or unlawful placing or user of such lights.	£50 and a daily fine of £5	£200 and a daily fine of £20
Section 135	Interference with moorings of vessel.	£50	£200
Section 136 (2)	Failure of master to give correct information as to draught of vessel.	£100	£500
Section 138 (1)	Failure of owner to give information as to identity of master of vessel.	£20	£50
Section 141 (2)	Failure of master to give account of import of cargo.	£5	£20
Section 150 (1)	Failure to give notice to harbourmaster concerning dangerous goods.	£100	£1,000
Section 153 (1)	Wilful under-declaration of weight of goods brought into port premises.	£50	£200
Section 160	Impersonation of a port constable.	6 months' imprisonment or £100 or both	6 months' imprisonment or £1,000 or both

SCH. 1 —*cont.*

Section (1)	Description of offence (2)	Old maximum penalty (3)	New maximum penalty (4)
Section 200 (1)	Putting or permitting any article or solid matter to fall into the Thames and docks.	£100 and a daily fine of £20	£500 and a daily fine of £50
Section 200 (2)	Putting and allowing to remain for forty-eight hours any article or thing beside the Thames.	£100 and a daily fine of £20	£500 and a daily fine of £50
Section 201 (ii)	Obstruction of, or failure to comply with orders of, an officer of the Port Authority.	£50	£200
Section 202	Unlawful presence on movable bridge.	£20	£50
Section 203	Unlawful extinguishment of lights.	£20	£50

Section 3(2).

PART II

1968 c. xxxii.

PORT OF LONDON ACT 1968

AMENDMENTS FOR PENALTIES

1. Subsection (1) of section 2 (Interpretation) shall be amended by adding, after the definition of " specified premises ", the following definition:—

" ' the statutory maximum ' means the prescribed sum as defined in section 32 (9) of the Magistrates' Courts Act 1980; ".

1980 c. 43.

2. Subsection (2) of section 77 (Provision against danger to navigation) shall be amended by substituting for the words " one hundred pounds " the words " the statutory maximum ".

3. Subsection (2) of section 80 (Permanent lights on tidal works) shall be amended by substituting for the words " one hundred pounds " the words " the statutory maximum ".

4. Section 108 (General rules for navigation) shall be amended by substituting for the words " to a fine not exceeding one hundred pounds " the words " to a fine not exceeding the statutory maximum and on conviction on indictment to a fine ".

SCH. 1 —*cont.*

5. For subsection (3) of section 110 (Overcrowding of vessels), there shall be substituted the following subsection:—

"(3) A master who contravenes this section shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand pounds.".

6. For subsection (2) of section 119 (Regulation of crowds), there shall be substituted the following subsection:—

"(2) If the master of a vessel disobeys a constable engaged in keeping order on such an occasion he shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds.".

7. Subsection (3) of section 149 (As to entry of dangerous goods) shall be amended by substituting for the words "one hundred pounds" the words "the statutory maximum".

8. Subsection (1) of section 151 (Contravention of petroleum spirit byelaws) shall be amended by substituting for the words "to a fine not exceeding one hundred pounds and to a daily fine not exceeding fifty pounds." the words "to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.".

9. The following section shall be substituted for section 167 (Fines for breach of byelaws):—

"Fines for breach of byelaws.

167. Byelaws made under this Act may provide for imposing on persons offending against them—

(*a*) in the case of byelaws made under section 162 (Thames byelaws), a fine not exceeding one thousand pounds and a daily fine not exceeding one hundred pounds;

(*b*) in the case of byelaws made under section 163 (Fishing byelaws), a fine not exceeding fifty pounds and a daily fine not exceeding five pounds;

(*c*) in the case of byelaws made under section 166 (Dangerous goods byelaws), the statutory maximum and, on conviction on indictment, a fine; and

(*d*) in the case of any other byelaws, a fine not exceeding two hundred pounds and a daily fine not exceeding twenty pounds.".

PART III

Section 3(3).

BYELAWS

AMENDMENTS FOR PENALTIES

1. Byelaws 12, 14 and 16 of the Port of London Craft and Boat Registration Byelaws 1965 shall be amended, by substituting for the maximum penalties respectively specified in each of those byelaws, a maximum penalty of £50.

SCH. 1 —*cont.*

2. Byelaws 4, 5 and 7 of the Port of London Watermen and Lightermen Byelaws 1965 shall be amended, by substituting for the maximum penalties respectively specified in each of those byelaws, a maximum penalty of £200.

3. Byelaw 5 (Offences) of the Port of London River Byelaws 1978 shall be amended by substituting for paragraph (1) of that byelaw the following paragraph:—

"(1) A person who offends against these byelaws shall be liable on summary conviction—

(*a*) in the case of an offence against byelaw 53 or 56, to a fine not exceeding £200 and a daily fine of £20; and

(*b*) in the case of an offence against any other byelaw, to a fine not exceeding £1,000 and a daily fine of £100.".

SCHEDULE 2

Section 7.

REPEALS

Chapter (1)	Short title (2)	Extent of repeal (3)
1968 c. xxxii.	Port of London Act 1968.	Section 19 (3) and (4). In section 67, in subsection (1), the word "sum" and in subsection (3), the word "payable". In section 122, in subsections (1), (2) (*a*) and (3) (*a*), the words "or the Surrey Canal". In section 123 (1), in each place where they occur, the words "or the Surrey Canal". In section 135, the words "cuts, breaks or destroys". In section 149 (3), the words "on summary conviction". In section 157, in subsection (1), the words "and may detain" to the end of the subsection and subsection (2). Sections 171 to 174. In section 201, in paragraph (*a*), the word "assaults" and the words from "incites" to the end of the paragraph, sub-paragraph (i) and in sub-paragraph (ii) the words "(ii) in any other case". In Schedule 2, in paragraph 4 of Part II, the expression "(*a*)" and the word "and" in proviso (*a*) and proviso (*b*). Schedule 5. In Schedule 7, in columns (1), (2) and (3), items 1 to 4 and 13 to 18.
1970 c. lxxviii.	Port of London Act 1970.	In the Schedule, the references and amendments to sections 122 and 123 of the Act of 1968.

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Port of London Act 1982

CHAPTER ix

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