STATUTORY INSTRUMENTS

2026 No. 1088

HARBOURS, DOCKS, PIERS AND FERRIES

The Port of Tyne Harbour Revision Order 2026

Made - - - -	*13th October 2026*
Laid before Parliament	*15th October 2026*
Coming into force - -	*5th November 2026*

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The Port of Tyne Authority has applied for a harbour revision order in accordance with section 14(2)(a) of the Harbours Act 1964(**a**) ("the Act").

The Secretary of State, as the appropriate Minister for the purposes of that section, has by an Order(**b**) under section 42A of the Act(**c**) delegated the functions of the appropriate Minister under section 14(**d**) to the Marine Management Organisation(**e**).

The Marine Management Organisation, being satisfied as mentioned in section 14(2)(b), and in exercise of the powers conferred by sections 14(1), (2A) and (3) of the Act, makes the following Order.

PART 1
PRELIMINARY

Citation, commencement and extent

1.—(1) This Order may be cited as the Port of Tyne Harbour Revision Order 2026 and comes into force on 5th November 2026.

(2) This Order extends to England and Wales.

(**a**) 1964 c. 40. Section 14 was amended by the Transport Act 1981 (c. 56), section 18 and Schedule 6, paragraphs 2 to 4(1) and 14 and section 40 and Schedule 12 (Part II), by the Transport and Works Act 1992 (c. 42), section 63(1) and Schedule 3, paragraph 1, by S.I. 2006/1177, regulation 2 and the Schedule (Part I), by the Planning Act 2008 (c. 29), section 36 and Schedule 2, paragraphs 8 and 9, by S.I. 2009/1941, article 2 and Schedule 1, paragraph 12 and by the Criminal Justice Act 1982 (c. 48), sections 37 and 46. Section 54 (orders and regulations) was amended by the Transport Act 1981 (c. 56), sections 18 and 40 and Schedules 6 and 12 (Part II) and by the Marine and Coastal Access Act 2009 (c. 23), section 315 and Schedule 21, paragraphs 1 and 3(2).

(**b**) S.I. 2010/674.

(**c**) Section 42A was inserted, in relation to England and Wales, by section 315 of, and paragraphs 1 and 3(1) of Schedule 21 to, the Marine and Coastal Access Act 2009 (c. 23).

(**d**) For the definition of "the Minister", see section 57(1) of the Harbours Act 1964 (c. 40).

(**e**) The Marine Management Organisation was established by section 1 of the Marine and Coastal Access Act 2009 (c. 23). The head office address of the Marine Management Organisation is located at Tyneside House, Skinnerburn Road, Newcastle Business Park, Newcastle upon Tyne NE4 7AR.

Interpretation

2.—(1) In this Order—

"the 1847 Act" means the Harbours, Docks and Piers Clauses Act 1847(**a**);

"the 1862 Act" means the Tyne General Ferry Act 1862(**b**);

"the 1886 Act" means the Tyne Improvement Act 1886(**c**);

"the 1897 Act" means the Tyne Improvement Act 1897(**d**);

"the 1925 Act" means the Tyne Improvement Act 1925(**e**);

"the 1934 Act" means the Tyne Improvement Act 1934(**f**);

"the 1957 Act" means the Tyne Improvement Act 1957(**g**);

"the 1964 Act" means the Harbours Act 1964(**h**);

"the 1989 Act" means the Port of Tyne Act 1989(**i**);

"the 1995 Act" means the Merchant Shipping Act 1995(**j**);

"the 1974 Order" means the Port of Tyne Authority (Constitution) Revision Order 1974(**k**);

"the 1967 Scheme" means the Port of Tyne Reorganisation Scheme 1967(**l**);

"aid to navigation" includes lights, buoys, beacons and signals including sound and electronic signals and any structure required to house the same;

"ashore" means all those parts of the port not within the wet port area;

"the Authority" means the Port of Tyne Authority incorporated under article 4 of the 1967 Scheme (incorporation of Port of Tyne Authority);

"charges" means the charges, rates, tolls and dues which the Authority is authorised to demand, take and recover in relation to the port undertaking;

"commercial refuelling activities" includes recharging, providing or emptying (in whole or part) a vessel with fuel or alternative power in exchange for financial payment or other valuable consideration;

"electronic communications network" has the meaning given by section 32 of the Communications Act 2003(**m**);

"enactment" means any enactment whether public general or local and includes any order, byelaw, general direction, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

(**a**) 1847 c. 27.
(**b**) 1862 c. lxxvi (25 & 26 Vict).
(**c**) 1886 c. xxxiv (49 Vict).
(**d**) 1897 c. ccix (60 & 61 Vict).
(**e**) 1925 c. xxxiii (15 & 16 Geo 5).
(**f**) 1934 c. lxxviii (24 & 25 Geo 5).
(**g**) 1957 c. xxi (5 & 6 Eliz 2).
(**h**) 1964 c. 40.
(**i**) 1989 c. 1.
(**j**) 1995 c. 21.
(**k**) S.I. 1974/923.
(**l**) See S.I. 1968/942.
(**m**) 2003 c. 21.

"existing chair" means the person appointed in accordance with paragraph (1)(a) of article 3 of the 1974 Order or who is otherwise holding that office at the date this Order comes into force;

"existing vice-chair" means the person appointed in accordance with paragraph 3 of the Schedule to the 1974 Order or who is otherwise holding that office at the date this Order comes into force;

"general direction" means a direction given under article 29 (power to give general directions as to the use of the port, etc.);

"the harbour master" means any person appointed as such by the Authority, and includes the duly authorised deputies and assistants of the harbour master and any other person authorised by the Authority to act, either generally or for a specific purpose, in the capacity of harbour master;

"hovercraft" means a vehicle which is designed to be supported when in motion wholly or partly by air expelled from the vehicle to form a cushion of which the boundaries include the ground, water or other surface beneath the vehicle;

"the level of high water" means the level of mean high water spring tides;

"the level of low water" means the level of mean low water spring tides;

"master", in relation to a vessel, means any person having or taking command, charge or management of the vessel;

"operator" has the meaning given by paragraph 2 of Schedule 3A to the Communications Act 2003 (the electronic communications code);

"port" means the Port of Tyne the limits of which include the port premises and are described in Schedule 3 (limits of port);

"the Port Advisory Group" means the body or bodies established in accordance with article 38 (advisory bodies);

"port facilities" includes, but is not limited to, shipping, fisheries, marine, energy, fuel and alternative power, recreational, leisure, tourism and retail facilities (including buildings);

"port functions" means the powers and duties at and in connection with the port undertaking, including those contained within the 1964 Act and the 1995 Act;

"the port limits map" means the map (shown on four sheets) prepared in duplicate, signed on behalf of the Marine Management Organisation and marked "Signed port limits map referred to in the Port of Tyne Harbour Revision Order 2026", one copy of which is deposited at the office of the Marine Management Organisation(**a**) and the other at the port office(**b**);

"the Port of Tyne Acts and Scheme 1886 to 1989" means the Acts and the Scheme listed in Schedule 5 (Acts and Scheme) (to the extent that those Acts and that Scheme relate to the port);

"port operations" include—

(a) the marking, lighting or dredging of the port or any part of the port;

(b) the berthing, dry docking, mooring or storage of a vessel;

(c) the laying and maintenance of moorings or other similar apparatus in the port;

(**a**) The Marine Management Organisation, Tyneside House, Skinnerburn Road, Newcastle Business Park, Newcastle upon Tyne NE4 7AR.

(**b**) Maritime House, Tyne Dock, South Shields NE34 9PT.

(d) the warehousing, sorting, weighing or handling of goods;

(e) the movement of goods and vehicles (including parking, designated and prohibited areas, speed limits and removal from the port);

(f) the towing or moving of a vessel;

(g) the loading or unloading of goods, or embarking or disembarking of passengers;

(h) energy generation or storage;

(i) the operation of the swing bridge;

(j) the control of use of the port by members of the public and other third parties (including movement, conduct, authorised activities and designated and prohibited areas) but not so as to cause an interference with any public right of way;

"port premises" means land adjacent to the wet port area vested in, occupied or administered (for the time being) by the Authority as part of the port undertaking and occupied wholly or mainly for the purpose of activities there carried on, which may include docks, quays, piers, wharves, berths, locks, breakwaters, landing places, yards, roads, sheds, car parks, other buildings and all other works and conveniences, land and premises which at the date this Order comes into force includes the areas shaded green on the port premises map;

"the port premises map" means the map (shown on one sheet) prepared in duplicate, signed on behalf of the Marine Management Organisation and marked "Signed port premises map referred to in the Port of Tyne Harbour Revision Order 2026", one copy of which is deposited at the office of the Marine Management Organisation and the other at the port office;

"port revenue" means all moneys receivable by the Authority for and in relation to the port undertaking other than borrowed moneys and moneys which ought to be carried to capital account;

"the port undertaking" means the undertaking carried on by the Authority at and in connection with the port authorised by this Order and the Port of Tyne Acts and Scheme 1886 to 1989;

"special direction" means a direction given under article 32 (special directions);

"statutory undertaker" means—

(a) any person who is a statutory undertaker for any of the purposes of the Town and Country Planning Act 1990(**a**);

(b) a coast protection authority within the meaning of section 1 of the Coast Protection Act 1949(**b**) (coast protection authorities);

(c) any operator of an electronic communications network;

"subsidiary" has the meaning given by section 1159(1) of the Companies Act 2006(**c**);

"swing bridge" means the swing bridge across the River Tyne providing a link for Bridge Street between the north and south banks of the River Tyne;

"tidal work" means so much of any works within the port that are on, under or over tidal waters or land below the level of high water;

"Trinity House" means the Corporation of Trinity House of Deptford Strond(**d**);

(**a**) 1990 c. 8.
(**b**) 1949 c. 74; section 1 was amended by the Local Government Act 1972 (c. 70), Schedule 30.
(**c**) 2006 c. 46.
(**d**) The Corporation of Trinity House, Tower Hill, London EC3N 4DH.

"vehicle" includes any vehicle propelled on rails, any machinery on wheels or caterpillar tracks, trailers, caravans, bicycles, and mobile homes and includes a hovercraft or any other amphibious vehicle;

"vessel" includes a ship(**a**), boat, houseboat, raft or craft of any description, however propelled or moved, and includes non-displacement craft, watercraft, a hydrofoil vessel, or an amphibious vehicle and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily);

"watercraft" means any type of craft which—

(a) is capable of moving under its own mechanical power;

(b) is used, navigated or situated wholly or partially in or on water; and

(c) is capable of being used to carry one or more persons,

but does not include a ship or fishing vessel within the meanings given in section 313(1) of the 1995 Act;

"wet port area" means those parts of the port which are covered by water at the level of low water.

(2) All situations, points, directions, distances, lengths, dimensions, areas and other measurements stated in this Order are to be construed as if the words "or thereabouts" were inserted after each such situation, point, direction, distance, length, dimension, area or other measurement.

(3) In this Order, latitude and longitude are stated by reference to the World Geodetic System (WGS84), revised in 1984 and further revised in 2004.

Incorporation of provisions of Harbours, Docks and Piers Clauses Act 1847

3.—(1) The 1847 Act, except sections 6 to 20, 22 to 26, 28 to 32, 35, 37, 38, 41, 42, 49, 50, 54, 55, 59 to 62, 66, 67, 69 to 73, 75, 77, 84 to 92 and 97 to 102, is incorporated with this Order, so far as applicable to the purposes and not inconsistent with the provisions of this Order.

(2) The incorporation of the 1847 Act under paragraph (1) is subject to the modifications stated in paragraphs (3) to (8).

(3) In section 3 (interpretation), for the definition of the word "vessel" substitute the definition of that word in article 2(1) of this Order.

(4) In section 53 (penalty on shipmasters not complying with directions of the harbour master)—

(a) for "level 2" substitute "level 4";

(b) the reference to "notice" of a direction served by the harbour master is not to be construed as requiring the notice to be in writing and may include the communication of the notice orally or otherwise.

(5) In section 63 (penalty on vessels lying near the entrance of harbour or dock without permission), for "liable to" to the end of the section substitute "guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale".

(6) In section 74 (owner of vessel answerable for damage to works), omit from "provided always" to the end of the section.

(7) In section 83 (byelaws may be made for all or any of the purposes herein named), omit from "and such byelaws" to the end of the section.

(8) In construing the provisions of the 1847 Act—

(a) "the special Act" means this Order;

(**a**) As defined in section 57 (interpretation) of the Harbours Act 1964 (c. 40).

(b) "the undertakers" means the Authority;

(c) "the harbour, dock, or pier" means the port.

(9) The 1847 Act ceases to be incorporated with the 1886 Act, the 1897 Act, the Tyne Improvement Act 1907(**a**), the 1925 Act, the Tyne Improvement Act 1929(**b**) and the 1934 Act.

(10) Insofar as the 1847 Act is incorporated with the 1957 Act or the 1967 Scheme, any such incorporation ceases to have effect and instead is replaced by the provisions of paragraphs (1) to (8), subject to the following modifications—

(a) in paragraphs (1) and (8)(a) for "this Order" substitute—

(i) in respect of the 1957 Act, "this Act", and

(ii) in respect of the 1967 Scheme, "this Scheme";

(b) in paragraph (3) for "this Order" substitute "the Port of Tyne Harbour Revision Order 2026";

(c) in paragraph (8)(c) after "port" insert "as defined in article 2(1) of the Port of Tyne Harbour Revision Order 2026".

Incorporation of section 60 of the Commissioners Clauses Act 1847

4.—(1) Section 60 of the Commissioners Clauses Act 1847(**c**) (commissioners not to be personally liable and to be indemnified for acts done) only, is incorporated with this Order, subject to the modifications stated in paragraphs (2) and (3).

(2) Section 60 applies to officers of the Authority as it applies to members.

(3) In construing section 60, the expression "the special Act" means this Order.

PART 2

CONSTITUTION OF THE AUTHORITY

Constitution of the Authority

5.—(1) Subject to articles 6 (transitional arrangements), 7 (terms of office of subsequent members), 8 (declaration to be made by members) and 9 (casual vacancies), the Authority consists of—

(a) a chair and three other members appointed by the Secretary of State;

(b) five other members appointed by the Authority;

(c) the Chief Executive; and

(d) two other full-time officers of the Authority appointed by the chair after consultation with the Chief Executive.

(2) Each member appointed under paragraphs (1)(a) and (b) must be a person who appears to the Authority or the Secretary of State to have special knowledge, experience or ability appropriate to the efficient, effective and economic discharge by the Authority of its port functions including special knowledge, experience or ability in one or more of the following matters—

(a) commerce;

(b) maritime activities;

(**a**) 1907 c. xxvi (7 Edw 7).
(**b**) 1929 c. xlix (19 & 20 Geo 5).
(**c**) 1847 c. 16.

(c) health and safety;

(d) management;

(e) public relations and community issues;

(f) knowledge and understanding of the port and its surrounding area;

(g) industrial relations;

(h) shipping, fishing or cargo handling;

(i) accountancy or financial management;

(j) boating and other water related leisure activities;

(k) environmental matters affecting ports;

(l) any other skills and abilities considered by the Authority to be relevant to the discharge by the Authority of its port functions.

(3) The Authority and the Secretary of State must also secure, so far as reasonably practicable, that, together, the persons appointed by them under paragraphs (1)(a) and (b) have special knowledge, experience and ability in a broad and complementary range of matters relevant to the efficient, effective and economic discharge by the Authority of its port functions.

(4) In making an appointment under paragraphs (1)(a) and (b) or article 9 (casual vacancies), the Authority and the Secretary of State must act in accordance with any relevant guidance issued by the Secretary of State.

(5) In making an appointment under paragraph (1)(a) or article 9(1) (casual vacancies), the Secretary of State must consult with the Authority prior to making any such appointment.

Transitional provisions

6.—(1) Subject to article 10 (removal of members) and paragraphs 4, 5 and 8 of Schedule 2 (incidental provisions relating to the Authority)—

(a) the existing chair continues in office until the end of their current term;

(b) the existing vice-chair continues in office until the end of their current term;

(c) the other members of the Authority appointed under article 3(1)(a) of the 1974 Order continue to be members of the Authority until the end of their current terms;

(d) the officers appointed as members of the Authority under article 3(1)(c) of the 1974 Order continue in office as members of the Authority.

(2) The first four vacancies arising in the offices of members appointed by the Secretary of State under article 3(1)(a) of the 1974 Order, except the chair, must be filled by the Authority in accordance with article 5(1)(b) of this Order.

(3) In Schedule 2, except in paragraphs 1 to 3, references to—

(a) "the chair" are to be construed as including a reference to the existing chair;

(b) "the vice-chair" are to be construed as including a reference to the existing vice-chair.

Terms of office of subsequent members

7.—(1) A person appointed under article 5(1)(a) or (b) holds office for a period of three years following their appointment.

(2) An officer appointed under article 5(1)(d)—

(a) holds office until the Authority makes a resolution to remove that person from office;

(b) is eligible for reappointment for as long as they continue to be an officer of the Authority.

(3) This article is subject to articles 8 (declaration to be made by members), 9 (casual vacancies) and 10 (removal of members), and paragraphs 4 and 8 of Schedule 2 (incidental provisions relating to the Authority).

Declaration to be made by members

8. No person can act as a member until they have made the declaration set out in Schedule 1 (form of declaration), or a declaration to that effect.

Casual vacancies

9.—(1) The Secretary of State may fill a casual vacancy in the office of chair by appointing as chair a person who is already a member appointed under article 5(1)(a) or (b) and, if the Secretary of State does so, the appointment is to be deemed to create a casual vacancy in the office of the member who is appointed as the chair.

(2) A casual vacancy arising in the office of a member appointed under article 5(1)(a), other than the chair, must, unless it is not reasonably practicable to do so, be filled by the appointment of a member by the Secretary of State in accordance with the requirements of article 5(2) to (5).

(3) A casual vacancy arising in the office of a member appointed under article 5(1)(b) must, unless it is not reasonably practicable to do so, be filled by the appointment of a member by the Authority in accordance with the requirements of article 5(2) to (4).

(4) A person appointed to fill a casual vacancy under this article, subject to articles 8 (declaration to be made by members) and 10 (removal of members), and paragraph 8 of Schedule 2 (incidental provisions relating to the Authority), holds office for the remainder of the term of the member in whose place that person has been appointed.

Removal of members

10.—(1) The Authority may declare the office of a member, except the chair and the Chief Executive, to be vacant if the Authority is satisfied that the member—

(a) has without the permission of the Authority been absent from the meetings of the Authority for the longer of a period—

(i) during which three consecutive meetings have been held, or

(ii) of four consecutive months;

(b) has become bankrupt or made an arrangement with creditors;

(c) is incapacitated by physical or mental illness from discharging the functions of a member; or

(d) is otherwise unable, unwilling or unfit to discharge the functions of a member.

(2) A person whose office as a member has been declared vacant in accordance with paragraph (1) is not eligible for reappointment as a member in the future, unless that person receives prior written authority from the Authority authorising that person to apply to be reappointed as a member.

(3) The Authority may declare the office of a member appointed under article 5(1)(d) of this Order or article 3(1)(c) of the 1974 Order to be vacant, and their term as a member is deemed to end.

(4) Upon a declaration being made under paragraph (1) or (3), the relevant member of the Authority ceases to hold office as a member.

(5) The term of office of a member appointed under article 5(1)(d) of this Order or article 3(1)(c) of the 1974 Order is deemed to end if they cease to be an officer of the Authority.

Indemnity insurance for members

11. The Authority may enter into, and pay premiums for, a contract of insurance to indemnify the members of the Authority jointly or severally against personal liability arising from any act or omission of the members of the Authority jointly or of a single member; not being an act or omission which the member or members in question knew to be a breach of their duty or, concerning which, the member or members were reckless as to whether it was such a breach.

Incidental provisions relating to the Authority

12. Schedule 2 (incidental provisions relating to the Authority) has effect.

PART 3
PORT JURISDICTION AND GENERAL FUNCTIONS

Port jurisdiction

13.—(1) The Authority exercises jurisdiction as a harbour authority(**a**), and the powers of the harbour master are exercisable, within the port, the limits of which are described in Schedule 3 (limits of port).

(2) In the event of any discrepancy between the descriptions of the port referred to in Schedule 3 (limits of port) and the boundaries shown on the port limits map and the port premises map, or any illustrative plan required under paragraph (4)(b), the descriptions in question prevail over the said maps or plan.

(3) The port premises shown on the port premises map are deemed to be operational land within the meaning and for the purposes of the Town and Country Planning Act 1990(**b**).

(4) The Authority must keep and make available for inspection at the port office and on the port website(**c**)—

(a) the port limits map; and

(b) the port premises map and, in the event of any alterations to the extent of the port premises, an illustrative plan reflecting the extent of those alterations(**d**).

(5) Any illustrative plan required under paragraph (4)(b) must be made available within the period of 30 days beginning with the day on which the alterations are made.

(6) For and incidental to the performance of its port functions, the Authority may employ and appoint harbour masters.

(7) The Authority, within the port, is a local lighthouse authority within the meaning of section 193 of the 1995 Act (general and local lighthouse authorities) and section 201 of that Act (powers of harbour authorities).

General functions

14.—(1) The Authority may, subject to the provisions of this Order, take all such steps as it considers necessary or desirable for the maintenance, operation, management and improvement of the port and the port facilities provided within the port or in connection with the port

(**a**) As defined in section 57 (interpretation) of the Harbours Act 1964 (c. 40).
(**b**) 1990 c. 8; "operational land" is defined in section 263, which is subject to section 264.
(**c**) www.portoftyne.co.uk.
(**d**) The maps or plan may be inspected during office hours at the port office located at Maritime House, Tyne Dock, South Shields NE34 9PT and are available via the port website at www.portoftyne.co.uk.

undertaking, and for the conservation of the port's flora, fauna and geological and physiographical features of special interest.

(2) For those purposes and without limiting the scope of paragraph (1), the Authority may—

(a) improve, maintain, regulate, manage, mark and light the port and provide port facilities;

(b) subject to holding the necessary rights in or over land—

(i) execute and place in and over the port such structures, works and equipment as are required, and

(ii) operate, maintain, renew, alter, extend, demolish and reconstruct structures, port facilities, works and equipment in the port (including those executed or placed in accordance with sub-paragraph (i));

(c) acquire land;

(d) invest any sums not immediately required for the purposes of the port undertaking and turn its resources to account so far as not required for those purposes;

(e) do all other things which in its opinion are expedient to facilitate the maintenance, operation, improvement or development of the port undertaking.

(3) The Authority must publish and maintain a business plan(**a**) in relation to its maintenance, conservation, operation, management and improvement of the port undertaking, which it must have regard to when performing its port functions.

(4) In the exercise of the powers of paragraph (2)(b), the Authority must not, without the consent of the statutory undertaker concerned—

(a) interfere with, damage or otherwise injuriously affect any apparatus belonging to or maintained by any statutory undertaker;

(b) do anything which obstructs or impedes any work relating to the inspection or repair of any such apparatus.

(5) This article is without limitation of the powers of the Authority under or by virtue of any other enactment.

PART 4
FINANCES

Application of finances

15. The Authority must apply the port revenue in the following way—

(a) firstly, in payment of the working and establishment expenses and cost of maintenance of the port;

(b) secondly, in payment of the interest on any moneys borrowed by the Authority for the port undertaking under any statutory borrowing power;

(c) thirdly, in payment of all other expenses properly chargeable to port revenue;

(d) fourthly, to any reserve fund maintained under article 16 (reserve fund).

(**a**) The business plan may be inspected during office hours at the port office at Maritime House, Tyne Dock, South Shields NE34 9PT and via the port website at www.portoftyne.co.uk.

Reserve fund

16.—(1) The Authority may have and maintain a reserve fund.

(2) The Authority may carry to any such reserve fund such part of the port revenue that is available in accordance with article 15(d).

(3) Any reserve fund established or maintained under this article may be applied by the Authority in its discretion—

(a) in or towards meeting any deficiency in port revenue for the purposes of article 15(a) to (c) in any year;

(b) to meet any extraordinary claim or demand in respect of the port undertaking;

(c) in or towards payment of the cost of renewing, improving, extending or replacing any part of the works forming part of the port undertaking or any vessels, plant or equipment of the Authority connected to the port undertaking;

(d) in the repayment of any moneys borrowed;

(e) for improving the operational area and the navigation of the port and the approaches to the port;

(f) for any other lawful purpose sanctioned by the Authority and connected with the port undertaking.

Borrowing

17.—(1) The Authority, or a subsidiary of the Authority, may borrow, by any methods it sees fit, such sums of money as it thinks necessary for the purposes of the port undertaking.

(2) A sum of money borrowed under paragraph (1) by the Authority, or any subsidiary of the Authority, may be borrowed upon the security of some or all of—

(a) its assets;

(b) its revenues;

(c) a combination of its assets and revenues.

(3) The Authority, or a subsidiary of the Authority, may effect such arrangements as it thinks fit to mitigate against any financial risk incurred in the exercise of its powers under paragraph (1).

Temporary borrowing

18. The Authority may borrow temporarily, by way of overdraft or otherwise, such sums of money as the Authority may require for the purposes of the port undertaking.

PART 5
CHARGES

Charges other than ship, passenger and goods dues

19.—(1) The Authority may demand, take and recover in respect of any chain ferry or dracone, floating dock, crane, rig, drilling rig, floating platform or any other vessel, not being a ship(**a**),

(**a**) As defined in section 57 (interpretation) of the Harbours Act 1964 (c. 40).

entering, using, within or leaving the port such reasonable charges, including in relation to goods and passengers carried, as it may determine.

(2) The Authority must keep a list showing the charges which may be demanded, taken and recovered under paragraph (1) at the port office and must—

(a) make the list available for inspection by any person during office hours;

(b) provide a copy of the list to any person on request.

(3) Paragraph (2) is subject to article 22 of this Order and does not apply to combined charges within the meaning of section 27A of the 1964 Act.

(4) If a charge under paragraph (1) is required to be published on the list referred to in paragraph (2), the Authority is only entitled to demand, take or recover a charge under paragraph (1) if, at the time it was incurred, it was published on that list.

(5) Section 31 of the 1964 Act (right of objection) applies to the charges authorised by this article as it applies to ship, passenger and goods dues demanded under section 26 of the 1964 Act, subject to the following modifications—

(a) in subsection (1), for "ship, passenger and goods dues" substitute "charges levied under article 19 of the Port of Tyne Harbour Revision Order 2026 (charges other than ship, passenger and goods dues);";

(b) in subsections (2)(b)(iii) and (iv), for "ships" substitute "chain ferries, vessels".

Charges for services or facilities

20. In addition to article 19 (charges other than ship, passenger and goods dues) and its power to demand ship, passenger and goods dues under section 26 of the 1964 Act, the Authority may demand, take and recover such reasonable charges for services and facilities provided by the Authority at the port or in connection with the port undertaking as it may determine.

Payment of charges

21.—(1) The charges which the Authority is authorised to demand, take and recover in respect of vessels and goods or otherwise under any enactment—

(a) are payable before the removal from the port of any vessel or goods in respect of which they are payable;

(b) may be demanded, taken and recovered—

(i) by such persons,

(ii) at such places,

(iii) at such times,

(iv) under such terms and conditions,

as the Authority may specify in its published list of charges.

(2) Charges payable to the Authority in respect of—

(a) a vessel, are payable by the owner or master;

(b) goods, are payable by the owner, consignee or shipper of the goods.

(3) Where charges payable to the Authority may be recovered from more than one person, the persons from whom they may be recovered are jointly and severally liable.

(4) Without limitation to the scope of paragraph (1), any terms and conditions regarding the payment of charges which the Authority may specify may include—

(a) the time when a charge is due for payment;

(b) requirements for such information to be given to the Authority by the owner or master of a vessel or the owner, consignee or shipper of goods, or a person using a service or facility of the Authority, as the Authority may require in connection with the assessment or collection of a charge.

(5) Where charges payable to the Authority have not been paid by the time they are due for payment, until such charges have been paid in full the Authority may refuse entry to, require removal from, or detain within, the port—

(a) the vessel or goods to which the charges relate; and

(b) any other vessels or goods that the—

(i) owner or master of the vessel, or

(ii) owner of the goods,

to which the charges relate is also the owner or master of.

Composition agreements, exemptions and rebates

22.—(1) The Authority may confer total or partial exemptions from, allow rebates to or make composition agreements with any person with respect to charges, and may vary or withdraw any such exemption, rebate or composition agreement.

(2) Nothing in section 30 of the 1964 Act (duty to make available for inspection and keep for sale lists of certain charges) requires the Authority to include in the list of ship, passenger and goods dues, as required by subsection (1) of that section, ship, passenger and goods dues—

(a) reduced by a total or partial exemption; or

(b) subject to a composition agreement or rebate.

(3) Nothing in article 19 of this Order requires the Authority to include in the list of charges, as required by paragraph (2) of that article, charges—

(a) reduced by a total or partial exemption; or

(b) subject to a composition agreement or rebate.

Deposit for charges

23.—(1) The Authority may, if it thinks fit, require a person who incurs or is about to incur a charge to deposit with it, or to guarantee, such sum of money as is, in the opinion of the Authority, reasonable having regard to the amount or probable amount of the charge.

(2) Where such a person fails to deposit or guarantee the sum of money required, the Authority may detain in the port the vessel or goods to which the charge relates, or refuse entry to, or require removal from the port of the vessel or goods, until the requirement has been complied with or the charge paid.

(3) Where such a person deposits the sum of money required, the Authority must return the surplus to that person within a reasonable time if—

(a) no charge was incurred;

(b) the deposited sum exceeds the actual charge incurred.

Liens for charges

24.—(1) A person who, by agreement with the Authority, collects charges on its behalf and who pays or gives security for the payment of charges on goods in that person's possession has a lien on those goods for the amount paid or security given on those goods.

(2) A wharfinger or carrier who is not personally liable for the payment of charges may pay or by agreement with the Authority give security for charges on goods in that person's custody, and in that event that person has a like lien on the goods for the amount of those charges as that person would have in respect of their charges for safe custody or carriage of the goods.

Refusal to pay charges for a landing place

25. The harbour master may prevent a vessel from entering the port or using a landing place, mooring or other facility provided by the Authority, if the master of the vessel refuses to pay the charges for such use.

Exemptions from ship, passenger and goods dues

26. Except as may be agreed between the Authority and the government department or person concerned, the Authority is not entitled to demand ship, passenger and goods dues from, or in respect of—

(a) a vessel—

(i) in the service of HM Revenue and Customs or the Secretary of State for Defence in the execution of their core duties and not carrying persons or goods for reward,

(ii) belonging to or used by a lifeboat service whilst employed in or in connection with the core functions of that service,

(iii) in the service of a police force or other emergency service in the execution of their core duties and not carrying persons or goods for reward;

(b) HM Revenue and Customs or any officer or other person employed in its service in execution of their core duties in respect of a vessel or goods under customs seizure, or in respect of goods or other articles belonging to, or in the care or service of, HM Revenue and Customs;

(c) an officer of HM Revenue and Customs or any other person employed in its service while in the execution of their core duties;

(d) a person employed by the Secretary of State for Defence while in the execution of their core duties;

(e) Officers of the Department for Transport in the execution of their core duties.

Recovery of charges

27.—(1) In addition to any other remedy given by this Order and by the 1847 Act as incorporated with this Order, the Authority may recover any charges payable to it as a debt.

(2) Where the master of a vessel in respect of which a charge is payable to the Authority refuses or neglects to pay the same or any part of it, paragraph (1) applies whether or not the Authority's collector, in circumstances where the powers under section 44 of the 1847 Act (recovery of tonnage rates by distraint of ship and tackle) are exercisable, has gone on board the vessel and demanded payment of the charge under those powers.

Harbour master may prevent removal or sailing of vessels

28. The harbour master may prevent the removal or sailing from the port of any vessel until evidence has been produced to the harbour master of the payment of any charges payable in respect of—

(a) the vessel;

(b) passengers of the vessel;

(c) goods on the vessel.

PART 6

GENERAL DIRECTIONS AND SPECIAL DIRECTIONS

Power to give general directions as to the use of the port, etc.

29.—(1) The Authority may, in accordance with the requirements of article 30 (procedure for giving, amending or revoking general directions), give a general direction for all or any of the following purposes—

(a) the ease, convenience or safety of navigation;

(b) the safety of persons;

(c) the protection of property, flora or fauna;

(d) the ease, convenience or safety of port operations ashore,

within the port.

(2) A direction under this article may apply—

(a) to all vessels or to a class of vessel;

(b) to all vehicles or to a class of vehicle;

(c) to persons designated in the direction;

(d) to the whole of the port or to a part;

(e) at all times or at certain times or at certain states of the tide,

and every direction must specify the extent of its application in relation to those matters.

(3) The Authority may amend or revoke a direction given under paragraph (1).

(4) The Authority must keep and make available for inspection at the port office and on the port website a public register of all in force general directions(**a**).

Procedure for giving, amending or revoking general directions

30.—(1) Subject to paragraph (7), if the Authority proposes to give, amend or revoke a general direction, it must—

(a) give notice in writing of the proposal and a plan of the area over which the proposal applies to the "designated consultees" them being—

(i) the Chamber of Shipping,

(ii) the Royal Yachting Association,

(iii) the Port Advisory Group, and

(**a**) The public register of all in force general directions may be inspected during office hours at the port office located at Maritime House, Tyne Dock, South Shields NE34 9PT and is available via the port website at www.portoftyne.co.uk.

(iv) such other persons as it considers appropriate for the purposes of the application of this provision;

(b) on the same date as the notice given in accordance with sub-paragraph (a), place a notice of the proposal on the port website and in prominent locations at the port and keep them on display for a minimum of six weeks;

(c) consult with the designated consultees upon the proposal and allow a period of not less than six weeks beginning with the date of the notices given in accordance with sub-paragraphs (a) and (b) for written representations to be made by the designated consultees and any other persons to the Authority regarding the proposal;

(d) have regard to all representations made during consultation;

(e) following consultation, give notice in writing to the designated consultees, and to those other persons that have provided a representation, confirming whether the Authority proposes to proceed with the proposal and, if so, specifying whether it is making any modifications to the proposal and its reasons for doing so; and

(f) if the Authority proposes to proceed with the proposal and a designated consultee has made representations against the proposal, invite that designated consultee to confirm in writing whether they maintain their representation against the proposal within 28 days beginning with the date of the notice given in accordance with sub-paragraph (e), or such longer period as the Authority may specify.

(2) Where the Authority has complied with paragraph (1), it may proceed to give, amend or revoke a general direction if—

(a) none of the designated consultees have made representations against the proposal;

(b) none of the designated consultees which made representations against the proposal have confirmed in writing that they are maintaining their representations against the proposal in accordance with paragraph (1)(f); or

(c) where a designated consultee has maintained representations against the proposal in accordance with paragraph (1)(f), the requirements of paragraph (3) have been complied with.

(3) Where a designated consultee has confirmed in writing to the Authority that they maintain their representations against the proposal—

(a) the issue must be referred to an independent person ("the adjudicator") appointed—

(i) by agreement between the Authority and each designated consultee maintaining representations against the proposal in accordance with paragraph (1)(f) ("the parties"), or

(ii) failing agreement, by the President of the London Maritime Arbitrators Association on the application of any of the parties;

(b) so far as is reasonably practicable within 12 weeks beginning with the date of the referral, the adjudicator must—

(i) provide a reasonable opportunity for the parties to make representations to, or be heard at a hearing by, the adjudicator, and

(ii) make a written report to the parties with findings and recommendations on the issue; and

(c) the Authority must decide whether to exercise the power to give, amend or revoke the general direction having regard to the adjudicator's report (but it is not bound to give effect to any recommendations) and, once it has decided, must give notice in writing to the designated consultees and to any other person that provided a representation of its decision and the reasons for that decision.

(4) Except as otherwise provided for in paragraph (3), the adjudicator may determine the procedure for the making of representations and the conduct of any hearing.

(5) The costs incurred by the adjudicator and the parties from a referral under paragraph (3) are to be paid by one or more of the parties as the adjudicator may direct.

(6) If the Authority wishes to exercise the power to give, amend or revoke a general direction in a form materially different from both the form notified to the designated consultees under paragraph (1)(e) and, where paragraph (3) applies, the form recommended by the adjudicator under paragraph (3)(b), it must proceed as if the proposal is a new proposal to which paragraph (1) applies.

(7) Paragraphs (1) to (6) do not apply where, in the interests of navigational safety, or safety of persons, the Authority proposes to give or amend a general direction—

(a) in an emergency; or

(b) relating to an intended activity or operation within the port, if—

(i) the intended activity or operation is expected to commence within 16 weeks of the Authority having been notified or otherwise becoming aware of the intended activity or operation,

(ii) the intended activity or operation is to last less than 28 days, and

(iii) the Authority considers that the giving or amending of a general direction in relation to the intended activity or operation is required, taking into account other activities or operations in the port which may be affected.

(8) Where the Authority proceeds to give or amend a general direction in accordance with paragraph (7), it must—

(a) as soon as is reasonably practicable give notice of the direction or amendment to those persons who would have been designated consultees had paragraph (1)(a) applied; and

(b) if the direction or amendment is intended to continue in force for more than 12 weeks, apply the procedure under paragraphs (1)(c) to (f) and paragraphs (2) to (6) to the direction or amendment with the following modifications—

(i) a reference to the 'proposal' in those paragraphs is to be read as a reference to the direction or amendment,

(ii) in paragraph (1)(c), for "sub-paragraphs (a) and (b)" substitute "paragraph (8)(a)", and

(iii) a reference to 'proceed with the proposal' or 'proceed to give' is to be read as a reference to the Authority determining that the direction or amendment should remain in force.

Publication of general directions

31.—(1) Subject to paragraph (4), the Authority must publish a notice of the giving, amendment or revocation of a general direction as soon as reasonably practicable on one occasion in a newspaper circulating in the area of the port and electronically on the port website for the period of 28 days from the date of publication of the notice in the newspaper.

(2) The notice must state a place at which copies of the general direction may be inspected.

(3) The Authority must display notices of general directions that apply to the port premises at prominent locations within the port.

(4) In an emergency, the Authority may give notice of the giving or amendment of a general direction in any manner which it considers to be appropriate.

Special directions

32.—(1) The harbour master may give a special direction in respect of a vessel anywhere in the port for any of the following purposes—

(a) requiring a person to comply with a requirement made in or under a general direction;

(b) regulating or requiring the movement, anchorage, berthing, mooring or unmooring of the vessel;

(c) regulating the loading, discharging, storing and safeguarding of its cargo, fuel, water or stores, and the dispatch of its business at the port premises;

(d) specifying the precautions to be taken in respect of apparatus, machinery and equipment;

(e) prohibiting, extinguishing or restricting the use of fires or lights;

(f) regulating the discharge or use of ballast;

(g) requiring the removal of the vessel from any part of the port if the vessel—

(i) is on fire,

(ii) is in such condition as to be liable to become immobilised or waterlogged, to sink or to constitute a danger to life (including wildlife) or property,

(iii) is making an unlawful use of the port or interfering with the reasonable use or enjoyment of the port by other vessels or persons or the dispatch of business in the port,

(iv) needs to be removed to enable maintenance or repair work to be carried out to the port;

(h) requiring the vessel to be removed to a place outside the port if such removal is considered by the harbour master to be necessary in order to avoid danger to life (including wildlife) or to property.

(2) A special direction relating to a vessel must specify a particular person to whom the direction is addressed, either by name or by a description sufficient to enable the person in question to be identified.

(3) A special direction may be given in any manner considered by the harbour master to be appropriate.

(4) The harbour master may amend or revoke a special direction.

(5) Special directions and directions given under section 52 of the 1847 Act by the harbour master prevail over general directions given, or byelaws made, by the Authority in the event of a conflict.

Failure to comply with directions

33.—(1) A person who fails to comply with a general direction or a special direction is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) In any proceedings for an offence under paragraph (1), it is a defence for the person charged to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

Enforcement of special directions

34.—(1) Without limiting any other remedy available to the Authority, if a special direction is not complied with within a reasonable time, the harbour master may put persons on board the

vessel subject to the special direction to carry out the special direction or may otherwise cause the vessel to be handled in accordance with the special direction.

(2) If there is no one on board a vessel to comply with a special direction and, after reasonable inquiry has been made, the master cannot be found, the harbour master may proceed as if the special direction had been given and not complied with.

(3) Expenses incurred by the Authority in the exercise of the powers conferred by paragraph (1) are recoverable by the Authority as if they were a charge of the Authority in respect of the vessel.

Master's responsibility in relation to directions

35. The giving of a general direction, special direction or direction under section 52 of the 1847 Act does not diminish or in any other way affect the responsibility of the master of the vessel in relation to which the direction is given, in relation to the vessel, its cargo, persons on board the vessel, or any other vessel, cargo, person or property.

Boarding of vessels and vehicles

36.—(1) A duly authorised officer of the Authority may, on producing their authority if asked, enter and inspect a vessel or vehicle in the port for the purposes of any enactment relating to the port undertaking, including enforcement.

(2) Such advance notice as is reasonably practicable in the circumstances must be served on the owner or master of the vessel or the owner of the vehicle before a duly authorised officer of the Authority enters and inspects a vessel or vehicle under paragraph (1) except—

(a) in an emergency; or

(b) where the giving of advance notice would obstruct the purpose of exercising the power.

(3) If the owner or master of the vessel or the owner of the vehicle cannot be identified after reasonable enquiries have been made, notice may be served by affixing it to the vessel or vehicle.

Saving for existing directions, byelaws etc.

37. Any direction, byelaw, regulation, licence, lease, consent or other agreement made, issued, entered into or granted by the Authority in relation to the port undertaking and in force immediately before this Order comes into force continues to have effect, notwithstanding the amendments set out in articles 66 to 73 and the revocations and repeals set out in article 74 and Schedule 4.

PART 7

MISCELLANEOUS AND GENERAL

Advisory bodies

38.—(1) The Authority must establish one or more advisory bodies which the Authority must, except in an emergency, consult on all matters which the Authority considers substantially affect the management, maintenance, improvement, conservation, protection or regulation of the port and its navigation.

(2) The Authority must make arrangements for every advisory body established under this article to meet at least twice a year.

(3) The Authority must take into consideration within a reasonable period any matter, recommendation or representation which may be referred or made to it by an advisory body

established under this article whether or not that advisory body has been consulted by the Authority on the matter, recommendation or representation referred or made.

(4) Any advisory body established under this article must consist of such number of persons appointed by the Authority as the Authority considers appropriate.

(5) Appointments to any advisory body established under this article must be made by the Authority in accordance with a scheme prepared by it for that purpose(**a**), and the scheme must provide for the appointment of persons who, in the opinion of the Authority, are representative of persons having an interest in the functioning of the port.

(6) Any advisory body established under this article may determine its own quorum and procedure and must appoint a chair from amongst its members.

(7) An individual appointed as a member of any advisory body established under this article holds office for the period of three years and, at the end of each three year period, is eligible for reappointment for a further three year period.

(8) A member of any advisory body established under this article may resign their office at any time by notice in writing given to the Authority.

Development of land etc.

39.—(1) The Authority may, subject to holding the necessary rights in or over land and provided that it is conducive to the improvement, maintenance or management of the port undertaking in an efficient and economical manner—

(a) use or develop for any purpose, and deal with, any land within or in the vicinity of the port;

(b) form, invest in and promote, or join with another person in forming, investing in and promoting, a company for using or developing for any purpose, and dealing with, any land within or in the vicinity of the port.

(2) Except as is otherwise provided by any enactment, the powers of a company referred to in paragraph (1)(b) may include powers to do anything necessary or expedient for the purposes of the objects mentioned in that paragraph or for purposes incidental to those purposes, notwithstanding that the Authority would not itself have the power to do that thing.

Powers to grant tenancies and to dispose of land

40.—(1) The Authority may, for the purposes of or in connection with the carrying on of the port undertaking, lease or grant the use or occupation of, or any right or interest in or over, any lands, works, buildings, machinery, equipment or other property forming part of the port for such period, at such rents and other considerations and on such terms and conditions as it thinks fit.

(2) A lease or grant made or given under paragraph (1) may include provisions delegating to the lessee or grantee any of the port functions of the Authority, other than the functions set out in sub-paragraphs (a) to (f) of paragraph 9B of Schedule 2 to the 1964 Act.

(3) The Authority may, for such consideration and on such terms and conditions as it thinks fit, dispose of, or grant the use or occupation for any purpose of, any lands, works, buildings, machinery, equipment or other property vested in it if it considers that—

(a) the property is surplus to that which is required for the purposes of the port undertaking; or

(**a**) The scheme may be inspected during office hours at the port office located at Maritime House, Tyne Dock, South Shields NE34 9PT and is available via the port website at www.portoftyne.co.uk.

(b) it would be conducive to the improvement, maintenance, operation or management of the port undertaking in an efficient and economical manner for the property to be held by a person other than the Authority.

Power to appropriate lands and works for particular uses, etc.

41.—(1) Notwithstanding any statutory provision of local application, the Authority may for the purpose of or in connection with the carrying on of the port undertaking set apart and appropriate any part of the port vested in, occupied or administered by the Authority as part of the port undertaking for the exclusive, partial or preferential use and accommodation of any particular trade, person, vessel or class of vessels, or goods, subject to the payment of such charges and subject to such terms, conditions and regulations as the Authority may think fit.

(2) No person or vessel is permitted to make any use of any part of the port so set apart or appropriated without the consent of the harbour master or other duly authorised officer of the Authority and—

(a) the harbour master or other duly authorised officer of the Authority may order any person or vessel making use of that part of the port without such consent to leave or be removed; and

(b) the provisions of section 58 of the 1847 Act (harbour master may remove vessels within docks, &c.), as incorporated with this Order, extend and apply in relation to such vessels subject to—

(i) the words "harbour, dock, or pier, or within the prescribed limits, if any" being construed as an area set apart or appropriated by the Authority under paragraph (1),

(ii) the words "directions of the harbour master" being construed as including an order given under sub-paragraph (a).

Other commercial activities

42.—(1) The Authority may, in addition to any other powers conferred on the Authority and provided that it is conducive to the improvement, maintenance, operation or management of the port undertaking in an efficient and economical manner—

(a) carry on at any place a trade or business of any kind including a trade or business carried on in conjunction with another person;

(b) form, invest in and promote, or join with another person in forming, investing in and promoting, a company for either or both of the following—

(i) subject to article 43 (power to delegate functions), carrying on any part of the port undertaking, or

(ii) carrying on at any place a trade or business of any kind.

(2) Except as is otherwise provided by any enactment, the powers of a company referred to in paragraph (1)(b) may include powers to do anything necessary or expedient for the purposes of the objects mentioned in that paragraph or for purposes incidental to those purposes, notwithstanding that the Authority would not itself have the power to do that thing.

Power to delegate functions

43. The Authority may delegate the performance of any of its port functions, other than the functions set out in sub-paragraphs (a) to (f) of paragraph 9B of Schedule 2 to the 1964 Act, to any company referred to in article 42(1)(b).

Power to lay moorings

44.—(1) The Authority may provide, place, lay down, maintain, retain, renew, use, have and remove such moorings in the port as it considers necessary or desirable for the convenience of vessels—

(a) on land owned or leased by it; or

(b) with the consent in writing of the owner and any lessee, on any other land in the port.

(2) The Authority may make reasonable charges in respect of any vessel using any moorings provided under this article.

(3) In this article and articles 45 (licensing of moorings) and 46 (offences as to moorings etc.), "mooring" includes any buoy, pile, post, chain, pillar, pontoon or like apparatus or convenience used or capable of being used for the mooring of vessels.

Licensing of moorings

45.—(1) The Authority may grant a licence to any person to place, lay down, maintain, retain, renew and use moorings for vessels in the port.

(2) A licence—

(a) may be granted for such a period and on such terms and conditions as the Authority thinks fit;

(b) may relate to one mooring, or to several moorings.

(3) The Authority may make reasonable charges for the grant of a licence under this article.

(4) In respect of moorings already lawfully laid down in the port at the date this Order comes into force, a licence under paragraph (1) must be applied for by the owner or user of the mooring within 12 weeks of that date.

Offences as to moorings etc.

46.—(1) A person commits an offence if they—

(a) intentionally obstruct any person acting under the authority of the Authority in setting out moorings in the port;

(b) intentionally and without lawful authority pull up or remove any mooring or any part of any mooring in the port;

(c) place, lay down, maintain or renew in the port any mooring not provided under article 44 (power to lay moorings) or licensed under article 45 (licensing of moorings);

(d) without reasonable excuse have in the port any mooring not provided under article 44 (power to lay moorings) or licensed under article 45 (licensing of moorings); or

(e) without reasonable excuse cause or permit a vessel to be moored within the port at a mooring, except a mooring provided under article 44 or licensed under article 45, which the person or vessel concerned is entitled to use.

(2) Any person who commits an offence under paragraph (1) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(3) If any person commits an offence under paragraph (1)(c) or (d), the Authority may remove the mooring in question and recover from that person the expenses incurred in doing so as a debt.

(4) Subject to paragraph (7), if any person commits an offence under paragraph (1)(e), the Authority may—

(a) remove the vessel, including any tackle with the vessel;

(b) sell or otherwise dispose of the vessel and tackle; and

(c) recover out of the proceeds of sale—

(i) any unpaid charge payable under article 44,

(ii) any unpaid licence fee payable under article 45, and

(iii) the expenses of removal and disposal under this paragraph.

(5) If the proceeds of sale under paragraph (4)(b) are sufficient to allow the Authority to recover all amounts permitted by paragraph (4)(c), the Authority must hold any surplus proceeds of sale on trust for the owner of the vessel.

(6) If the proceeds of sale under paragraph (4)(b) are insufficient to allow the Authority to recover all amounts permitted by paragraph (4)(c), or there is no sale of the vessel, the Authority may recover the amounts referred to in paragraph (4)(c) net of any proceeds of sale from the owner of the vessel as a debt.

(7) The Authority must not exercise its power to remove a vessel under paragraph (4) unless—

(a) it has served on the owner of the vessel seven clear days' notice in writing of its intention to do so; or

(b) it is an emergency.

(8) Where paragraph (7)(b) applies, the Authority must notify the owner of the vessel that it has removed the vessel as soon as reasonably practicable afterwards.

Bunkering

47.—(1) The Authority may grant to a person with or without conditions a licence to carry out commercial refuelling activities in the port.

(2) Nothing in any licence granted under paragraph (1) entitles a person to carry out commercial refuelling activities from or on land not owned or leased by that person or by the Authority without the consent of the owner of the land.

(3) Any licence granted under paragraph (1) is valid for a period of one year commencing with the date on which it is granted.

(4) The Authority may charge for a licence granted under paragraph (1) such reasonable fee as the Authority may prescribe.

(5) Any person who without reasonable excuse carries out or permits a commercial refuelling activity in the port, except in accordance with a licence issued by the Authority under this article, is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Aids to navigation

48.—(1) In addition to its powers under section 201 of the 1995 Act, but subject to holding any necessary rights in or over land, the Authority may erect, place, alter, discontinue or remove any aid to navigation in any place adjacent to the port.

(2) The Authority must not exercise the powers of paragraph (1) without the approval of Trinity House.

Power to dredge

49.—(1) The Authority may, as appears to it to be necessary or desirable for the purposes of the port undertaking, deepen, widen, dredge, scour, cleanse, alter and improve the port below the level of high water.

(2) Subject to paragraph (3), all materials dredged up or removed by the Authority in exercise of the powers of this article are deemed to be the property of the Authority and may be used, sold, deposited or otherwise disposed of as the Authority may think fit.

(3) Materials dredged up or removed by the Authority in the exercise of the powers of this article must not be laid down or deposited in contravention of the provisions of any enactment relating to the disposal of waste.

Repair of landing places, etc.

50.—(1) The Authority may serve a notice on the owner, lessee or occupier of a relevant feature requiring them to remedy its condition to the Authority's reasonable satisfaction within a reasonable time, not being less than 21 days, specified in the notice where, in the opinion of the Authority, the relevant feature is, or is likely to become, by reason of its insecure condition or want of repair—

(a) dangerous to persons or vessels using the port; or

(b) a hindrance to the navigation of the port.

(2) A notice under paragraph (1) must specify—

(a) sufficient detail to identify the relevant feature;

(b) the reason why the Authority considers that the relevant feature requires its condition to be remedied in accordance with paragraph (1);

(c) that the owner, lessee or occupier is required to remedy the condition of the relevant feature, which may include specific works; and

(d) the time within which the requirements of the notice must be complied with.

(3) If a person served with a notice under paragraph (1) fails without reasonable excuse to comply with the requirements of the notice within the time stated in the notice, or such other time as the Secretary of State on an appeal may substitute—

(a) that person is liable on summary conviction to a fine not exceeding level 3 on the standard scale; and

(b) the Authority may carry out the work required by the notice and may recover the reasonable expenses of doing so from the person on whom the notice was served.

(4) A notice under paragraph (1) must have annexed to it a copy of this article.

(5) A person served with a notice under paragraph (1) may appeal against the notice to the Secretary of State within a period of 21 days beginning with the date on which the notice was served.

(6) An appeal under paragraph (5) must be made by notice in writing to the Secretary of State stating the grounds of the appeal and include a statement of appeal in support of those grounds.

(7) A person who submits an appeal under paragraph (5) must serve on the Authority copies of the notice of the appeal and the statement of appeal within 7 days of submission, and the Authority may, within 21 days of receipt of the notice, submit observations regarding the appeal to the Secretary of State and must supply copies of the same to the appellant.

(8) On an appeal under paragraph (5), the Secretary of State must either quash the notice served under paragraph (1), modify its requirements or dismiss the appeal.

(9) In this article—

(a) "owner", "lessee" and "occupier" means the person who was the "owner", "lessee" or "occupier" of the relevant feature at the date the notice is served, or if the "owner", "lessee" or "occupier" of the relevant feature is not readily identifiable, the "owner", "lessee" or "occupier" of the land on which the relevant feature is situated at the date the notice is served;

(b) "relevant feature" means any landing place, jetty, wall, pontoon, pile, embankment, bridge, structure, groyne, aid to navigation or other work in the port or on land immediately adjoining the land below the level of high water in the port, other than one under the control or management of the Authority.

Restriction of works and dredging

51.—(1) Subject to paragraph (4), no person other than the Authority may on, under, in or over tidal waters or land below the level of high water in the port—

(a) construct, maintain, alter, renew or extend any works, except in accordance with a works licence granted under article 53 (licensing of works);

(b) dredge, except in accordance with a dredging licence granted under article 54 (licensing of dredging).

(2) The Authority may serve a notice on any person who contravenes this article to remove, abate, or rectify, within a reasonable time specified in the notice, any work, operation or omission to which the contravention relates and to restore the site to its former condition.

(3) If a person served with a notice under paragraph (2) fails to comply with the requirements of the notice, the Authority may carry out the works so required and may recover the costs incurred from that person.

(4) Nothing in this article applies to any operations or works—

(a) specifically authorised by any enactment;

(b) of a statutory undertaker;

(c) authorised by a moorings licence granted under article 45 (licensing of moorings).

(5) Any person who without reasonable excuse contravenes this article is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Control of certain operations and works of statutory undertakers

52.—(1) This article applies to any operations or works in the port of a statutory undertaker on, under, in or over tidal waters or land below the level of high water, not being operations or works which are specifically authorised by an enactment.

(2) Subject to paragraph (3), a statutory undertaker must not carry out any operations or works to which this article applies unless it has given notice of its intention to do so to the Authority and has supplied the Authority with such particulars as it may reasonably require.

(3) Where, in an emergency, it is impracticable to give notice as required by paragraph (2), the statutory undertaker must inform the Authority of the operations or works as soon as reasonably practicable.

(4) Any operations or works to which this article applies must be carried out subject to any directions which may be given by the Authority to the statutory undertaker, being directions for the avoidance of danger and the prevention, so far as possible, of interference with navigation in the carrying out of such operations or works.

(5) Any person who, without reasonable excuse, contravenes this article is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Licensing of works

53.—(1) The Authority may upon such terms and conditions as it thinks fit grant to any person a licence to construct, maintain, alter, renew or extend any works in the port on, under, in or over tidal waters or land below the level of high water, notwithstanding that the works as constructed, maintained, altered, renewed, or extended interfere with the public right of navigation or any other public right.

(2) The Authority may include provisions within any works licence detailing the terms and conditions under which the licence may be transferred.

(3) An application for a works licence must be made in writing to the Authority and must—

(a) be accompanied by plans, sections and particulars of the works to which the application relates;

(b) specify whether the applicant holds such rights in or over land as are necessary to enable the applicant to enjoy the benefits of the licence and, if not, the action taken to enable the applicant to obtain such rights if the licence is granted.

(4) The Authority may require modifications in the plans, sections and particulars submitted under paragraph (3) before granting a licence under this article.

(5) The Authority may require an applicant for a works licence to pay a reasonable fee in respect of the Authority's administrative expenses of dealing with the application.

(6) As a condition of the granting of a licence, the Authority may require the holder of the licence, being an applicant to whom a licence has been granted or the applicant's successor, where works are to be carried out in accordance with the licence, to pay such reasonable fees in respect of the Authority's administrative expenses and overheads in supervising or inspecting where necessary the carrying out or maintenance of the works.

(7) Where the Authority refuses to grant a works licence under this article, it must give reasons in writing for its refusal.

(8) Where the Authority grants a works licence upon terms and conditions or requires any modification in the plans, sections and particulars, it must give reasons in writing for the terms and conditions imposed or the modifications required.

(9) Except as otherwise agreed with the applicant, if within 16 weeks from the receipt of the application under paragraph (3) the Authority does not grant a works licence, the application is deemed to have been refused.

(10) When carrying out operations pursuant to a works licence, the holder of the licence must not without the consent of the statutory undertaker concerned—

(a) interfere with, damage or otherwise injuriously affect any apparatus belonging to or maintained by any statutory undertaker; or

(b) do anything which obstructs or impedes any work relating to the inspection or repair of any such apparatus.

Licensing of dredging

54.—(1) The Authority may, upon such terms and conditions as it thinks fit, grant to any person a licence to dredge in any part of the port.

(2) An application for a dredging licence must be made in writing to the Authority and must be accompanied by plans, sections and particulars defining the nature, extent and manner of the operations to be carried out in the exercise of the powers granted by the licence.

(3) The Authority may require modifications in the plans, sections and particulars submitted under paragraph (2) before granting a licence under this article.

(4) Paragraphs (5) to (10) of article 53 (licensing of works) apply in relation to a dredging licence as they apply in relation to a works licence.

(5) Any materials, other than wreck within the meaning of Part 9 of the 1995 Act (salvage and wreck), taken up or collected by means of dredging pursuant to a dredging licence—

(a) are deemed the property of the holder of the licence; and

(b) the holder of the licence may use, sell or otherwise dispose of, remove or deposit the materials as they think fit provided that any such material must not be laid down or deposited in any place within the port below the level of high water except in accordance with the terms and conditions of a dredging licence granted under this article.

Appeals in respect of works or dredging licences

55.—(1) An applicant for a works licence under article 53 or a dredging licence under article 54 may appeal to the Secretary of State within 28 days from the date on which the Authority notifies the applicant of its decision or the date of deemed refusal under article 53(9) in relation to—

(a) a refusal of the Authority to grant a licence;

(b) any terms and conditions subject to which the licence is granted;

(c) any modifications required by the Authority in the plans, sections and particulars submitted by the applicant.

(2) An appeal under paragraph (1) must be made by notice in writing to the Secretary of State stating the grounds of the appeal and include a statement of appeal in support of those grounds.

(3) A person who submits an appeal under paragraph (1) must serve on the Authority copies of the notice of the appeal and the statement of appeal within 7 days of submission, and the Authority may, within 28 days of the receipt of the notice, submit any observations regarding the appeal to the Secretary of State and must supply copies of the same to the appellant.

(4) The Secretary of State may confirm, vary or revoke the decision appealed against and may make such consequential amendments as the Secretary of State may specify.

(5) The Secretary of State may direct the Authority to give effect to the decision, and the Authority must forthwith comply with any direction given.

Obstruction of works

56. Any person who intentionally obstructs any person acting under the authority of the Authority in setting out the lines of, or in the construction of any works authorised by any enactment, or who interferes with, moves or removes any pole, stake, station point or benchmark established for the purposes of such setting out, is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Parking places and related facilities

57. The Authority may provide facilities within the port for the parking of vehicles and for that purpose may erect barricades or fencing with related offices, waiting rooms and other conveniences and may make reasonable charges for the use of such facilities.

Power with respect to disposal of wrecks

58.—(1) In its application to the Authority, section 252 of the 1995 Act (powers of harbour and conservancy authorities in relation to wrecks) has effect in relation to the port and the

approaches to the port in relation to a vessel sunk, stranded or abandoned before, on or after, the coming into force of this Order.

(2) Subject to paragraph (3), and to any enactment in force limiting a person's liability, the Authority may recover from the owner of any vessel sunk, stranded or abandoned before, on or after the coming into force of this Order in relation to which it has exercised its powers under section 252 of the 1995 Act any expenses reasonably incurred by it under that section in relation to that vessel which are not reimbursed out of any proceeds of sale within the meaning of that section.

(3) Except in a case which is in the opinion of the Authority an emergency, paragraph (2) applies in relation to any vessel only if, before exercising the powers conferred on it by section 252 of the 1995 Act in relation to that vessel, other than the power of lighting and buoying, the Authority has served on the owner of the vessel not less than 48 hours' notice of its intention to do so.

(4) If, before the expiry of a notice served under paragraph (3), the Authority receives a counter-notice in writing from the owner of the vessel stating they will dispose of the vessel themselves, the owner is at liberty to do so.

(5) If a counter-notice is received in accordance with paragraph (4), the Authority must not exercise the powers in section 252 of the 1995 Act in relation to that vessel until the expiration of seven days from the receipt of the counter-notice and of any further continuous period thereafter during which the owner of the vessel proceeds with the disposal with all reasonable diligence and in compliance with any reasonable directions which may be given to the owner by the Authority or the harbour master.

(6) A notice under paragraph (3) must be served by—

(a) delivering it to the owner;

(b) sending it to the owner by first class post at their registered office, last known place of business or home address in the United Kingdom; or

(c) displaying the notice at the port office and electronically on the port website for the period of its duration, if the owner or any such registered office, place of business or home address is not known to the Authority, or is not in the United Kingdom.

(7) In this article, "owner" means the person who was the owner of the vessel at the time of the sinking, stranding or abandonment.

(8) The powers conferred on the Authority by this article are in addition to any other powers exercisable by it for or with respect to the removal of wrecks within the port and its approaches.

Power to deal with unserviceable vessels

59.—(1) In addition to the powers conferred on the harbour master by section 57 of the 1847 Act (unserviceable vessels to be altogether removed from harbour) and on the Authority by section 252 the 1995 Act (powers of harbour and conservancy authorities in relation to wrecks), the Authority may sell, break up or otherwise dispose of any vessel which is unserviceable and has been laid by or neglected in the port or immediately adjoining the port.

(2) The Authority may retain out of the proceeds of sale of such vessel any expenses incurred by it in respect of the vessel, or in marking, buoying, lighting or otherwise controlling the vessel, or warning other persons or vessels of its presence, and any reasonable expenses incurred by the harbour master under section 57 of the 1847 Act, and must pay any surplus to the person entitled to that surplus.

(3) If the proceeds of the sale are insufficient to reimburse the Authority for the expenses listed in paragraph (2), or there is no sale, the Authority may recover, as a debt, from the owner—

(a) the deficiency; or

(b) where there is no sale, the whole of the expenses.

(4) Except in the case of emergency, the Authority must, before exercising its powers under this article, give 14 days' notice in writing of its intention to do so.

(5) A notice under paragraph (4) must be served in the same manner set out in paragraph (6) of article 58 (power with respect to disposal of wrecks).

Removal of obstructions other than vessels

60.—(1) The Authority may remove anything, other than a vessel, causing or likely to become, an obstruction to or interference with navigation in any part of the port or any approach to the port.

(2) The Authority may take such steps as appear to it to be appropriate to prevent or minimise such obstruction or interference for the purposes of paragraph (1).

(3) If anything removed by the Authority under paragraph (1) is marked as to be readily identifiable as the property of any person, the Authority must, within 28 days of its coming into the Authority's custody, give notice in writing to that person stating that possession may be retaken at a place stated in the notice within the period specified in the notice, being not less than 14 days after the notice is served, provided—

(a) proof of ownership is produced to the reasonable satisfaction of the Authority; and

(b) payment has been made in respect of any reasonable expenses incurred by the Authority under this article.

(4) Anything removed under paragraph (1) is deemed to vest in the Authority if—

(a) possession of it is not retaken by the owner by the end of that period specified in the notice under paragraph (3); or

(b) paragraph (5) applies.

(5) Notwithstanding the provisions of paragraph (3) the Authority may, at such time and in such manner as it thinks fit, dispose of anything removed under paragraph (1)—

(a) which is not marked as to be readily identifiable as the property of any person; or

(b) which is of a perishable nature or the custody of which involves unreasonable expense or inconvenience.

(6) If anything disposed of by the Authority under this article is sold, the Authority must place a notice at the port office and on the port website for a period of 28 days giving details of the thing sold, and may retain out of the proceeds of sale any reasonable expenses incurred by it under this article (including in relation to storage), and any surplus from the proceeds—

(a) must be paid to any person who within 24 months from the time when the thing came into the custody of the Authority proves to the reasonable satisfaction of the Authority that they were the owner at that time; or

(b) if no person proves their ownership in accordance with sub-paragraph (a), at the end of the 24 month period, is deemed to vest in the Authority.

(7) If the proceeds of sale of anything removed under this article are insufficient to reimburse the Authority for the expenses set out in paragraph (6), or there is no sale because the thing is unsaleable, the Authority may recover, as a debt, from the person who was the owner at the time when the thing removed came into the custody of the Authority, or who was the owner at the time of its abandonment or loss—

(a) the deficiency; or

(b) where there is no sale, the whole of the expenses.

Tidal works

61.—(1) In the case of injury to, or destruction or decay of, a tidal work or any part of it which presents a danger to navigation, the Authority must as soon as reasonably practicable notify Trinity House and the UK Hydrographic Office(**a**).

(2) A tidal work consisting of a wharf, or any part of it, forming part of the port undertaking is deemed to be within the area of North Tyneside Council or South Tyneside Council (as appropriate) to the extent that it is not already within a local planning authority area.

(3) In paragraph (2), "wharf" does not include pontoons.

Power of the Authority to prosecute or defend legal proceedings

62. In addition to any other powers conferred on the Authority, where the Authority considers it conducive to the improvement, maintenance, operation, management or protection of the port undertaking, it may—

(a) prosecute, defend or appear in any legal proceedings and, in the case of civil proceedings, may institute them;

(b) make representations in respect of the port undertaking at any public inquiry held under any enactment.

Notices

63.—(1) Except where this Order expressly provides otherwise—

(a) a notice or other document required or authorised to be served for the purposes of this Order must be in writing and must be served by first class post;

(b) any direction may be given in any manner considered by the Authority or the harbour master to be appropriate.

(2) Where the person on whom a notice or other document is to be served for the purposes of this Order is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.

(3) Where a person on whom a notice or other document is to be served has agreed in writing that service may be by email, or other electronic means, the Authority may provide notices by that means until such time as the person informs it in writing that they are no longer willing to receive notices or documents by email or by such other electronic means.

(4) For the purposes of section 7 of the Interpretation Act 1978(**b**) (references to service by post) as it applies for the purposes of this article, the proper address of a person in relation to the service on them of a notice or document under paragraph (1) is, if they have given an address for service, that address, and otherwise—

(a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body;

(b) in any other case, their last known address at the time of service.

(5) Where for the purposes of this Order a notice or other document is required or authorised to be served on a person whose name and address cannot be ascertained after reasonable inquiry—

(a) in the case of a notice or document to be served on a person as having an interest in, or as the occupier of, any land, it may be served by—

(**a**) Admiralty Way, Taunton, Somerset TA1 2DN.
(**b**) 1978 c. 30.

(i) addressing it to them by name or by the description of "owner", or as the case may be "occupier", of the land (describing it), and

(ii) either leaving it in the hands of a person who is, or appears to be, resident or employed on the land, or leaving it conspicuously affixed to some building or object on or near the land;

(b) in the case of a notice or document relating to a vessel (including a wreck), it may be served by—

(i) exhibiting it in a conspicuous position on or near the vessel, unless it would not be reasonably practicable to exhibit the notice or document in this manner, or if the notice or document would not be likely to be seen if it were so exhibited, or

(ii) handing it to a member of the crew on or near the vessel; and

(c) in the case of any other notice or document or a notice or document that is not capable of being served in accordance with sub-paragraph (b), it may be served by displaying it at the port office and electronically on the port website for the period of its duration.

Saving for Trinity House

64. Nothing in this Order prejudices or derogates from the rights, duties or privileges of Trinity House.

Crown Rights

65.—(1) Nothing in this Order—

(a) prejudicially affects any estate, right, power, privilege, authority or exemption of the Crown;

(b) authorises the Authority or any licensee to take, use, enter upon or in any manner interfere with any land or interests in land or any rights of whatsoever description (including any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary) belonging to—

(i) His Majesty in right of the Crown and under the management of the Crown Estate Commissioners, without the prior consent in writing of the Crown Estate Commissioners,

(ii) a government department or held in trust for His Majesty for the purposes of a government department without the consent in writing of that government department.

(2) A consent under paragraph (1)(b) may be given unconditionally or subject to such conditions and upon such terms as may be considered necessary or appropriate.

Amendment of the 1862 Act

66.—(1) The 1862 Act is amended as follows.

(2) In section 4 (limits of Act), omit from ", under the Tyne Improvement Acts" to "respectively,".

(3) In section 32 (company to remove or alter gears and platforms, upon request of Commissioners), omit ", under the Authority of this Act,".

Amendment of the 1886 Act

67.—(1) The 1886 Act is amended as follows.

(2) In section 9 (amendment of provisions of Tyne Improvement Acts 1865 and 1877 respecting swing bridge)—

(a) for "The provisions of the Tyne Improvement Act 1865 and of the Tyne Improvement Act 1877 which relate" substitute "This provision applies in relation";

(b) omit "shall be varied and amended";

(c) in paragraph (ii), omit—

(i) "The minimum sum which",

(ii) "as",

(iii) "either way",

(iv) "shall be five shillings";

(d) in paragraph (iii)—

(i) omit "special",

(ii) for "hours" substitute "weeks",

(iii) for "bridge-master" substitute "harbour master".

(3) In construing the provisions of the 1886 Act, the words "harbour master" and "vessel" have the same meanings as in article 2(1) of this Order.

Amendment of the 1897 Act

68.—(1) The 1897 Act is amended as follows.

(2) In section 46 (admission of public to piers), omit from "Provided that this section" to the end of the section.

Amendment of the 1925 Act

69.—(1) The 1925 Act is amended as follows.

(2) In section 17 (power to license foyboatmen)—

(a) in subsection (2), omit from "not exceeding" to the end of the subsection;

(b) in subsection (3), for "liable to a penalty not exceeding forty shillings" substitute "guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.".

(3) In construing the provisions of the 1925 Act—

(a) the words "port" and "vessel" have the same meanings as in article 2(1) of this Order;

(b) "harbour premises" has the same meaning as "port premises" as defined in article 2(1) of this Order.

Amendment of the 1934 Act

70.—(1) The 1934 Act is amended as follows.

(2) In section 74 (provisions as to foyboatmen), for "liable on conviction in respect of each offence to a fine not exceeding forty shillings" substitute "guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale".

Amendment of the 1957 Act

71.—(1) The 1957 Act is amended as follows.

(2) In section 7 (certain works to form part of undertaking), omit "authorised by the Tyne Improvement Acts 1850 to 1957".

(3) In section 12 (power to deviate)—

(a) for ":" substitute ".";

(b) omit from "Provided that no deviation" to the end of the section.

Amendment of the 1967 Scheme

72.—(1) The 1967 Scheme is amended as follows.

(2) In article 2(1) (interpretation)—

(a) for the definition of "the Port" substitute—

""the Port" has the same meaning as "the port" defined in article 2(1) of the Port of Tyne Harbour Revision Order 2026;";

(b) for the definition of "vessel" substitute the definition of "vessel" in article 2(1) of this Order;

(c) for the definition of "the dock estate" substitute—

""port premises" has the same meaning as defined in article 2(1) of the Port of Tyne Harbour Revision Order 2026;";

(d) omit the definition of "dangerous goods".

(3) In article 43(1), for "to a fine not exceeding level 1 on the standard scale" substitute "on summary conviction to a fine not exceeding level 3 on the standard scale".

(4) In article 75 (general byelaws)—

(a) for "premises of the Authority" substitute "port premises" in each place it occurs;

(b) after sub-paragraph (q), insert—

"(qa) Prohibiting the entry or regulating the entry, carriage, handling or storage of dangerous goods within the meaning given under regulation 3 of the Dangerous Goods in Harbour Areas Regulations 2016(**a**) (meaning of "dangerous goods").".

(5) For article 78 (confirmation of byelaws and fines thereunder), substitute—

"(1) The provisions contained in subsections (3) to (8) of section 236 (procedure etc., for byelaws) of the Local Government Act 1972(**b**) and section 238 of that Act (evidence of byelaws) apply to all byelaws made after the coming into force of the Port of Tyne Harbour Revision Order 2026 by the Authority under this Scheme or section 83 of the Harbour Clauses Act 1847 (byelaws may be made for all or any of the purposes herein named).

(2) In its application to byelaws made under this Scheme or section 83 of the Harbour Clauses Act 1847, section 236 of the Local Government Act 1972 Act has effect, subject to paragraph (3), as if after the word "confirm" in section 236(7), in the first place where that word occurs, there were inserted the words "with or without modification".

(**a**) S.I. 2016/721.
(**b**) 1972 c. 70.

(3) Where the confirming authority proposes to make a modification which appears to the confirming authority to be substantial, then the confirming authority must—

(a) inform the Authority and require it to take any steps the confirming authority thinks necessary for informing persons likely to be concerned with that modification;

(b) not confirm the byelaws until there has elapsed such period as the confirming authority thinks reasonable for the Authority and other persons who have been informed of the proposed modifications to consider and comment on it.

(4) The confirming authority for the purposes of this article and of section 236 of the Local Government Act 1972, in its application to byelaws made under this Scheme or section 83 of the Harbour Clauses Act 1847, is the Secretary of State.

(5) Byelaws made under articles 75 (general byelaws) or 76 (byelaws as to lights and signals etc.) of this Scheme may provide for imposing upon a person offending against them, or against any condition, requirement or direction imposed, made or given thereunder, a fine not exceeding level 4 on the standard scale on summary conviction.".

(6) Subject to paragraph (2)(c) of this article, in each place it occurs, for "dock estate" substitute "port premises".

Amendment of the 1989 Act

73.—(1) The 1989 Act is amended as follows.

(2) In section 2 (interpretation) in the appropriate place in alphabetical order insert the definition of "vessel" in article 2(1) of this Order.

Revocation / repeal

74. The enactments mentioned in the first and second columns of Schedule 4 are revoked or repealed (as appropriate) to the extent specified in the third column of that Schedule.

Signed by authority of the Marine Management Organisation

Elysia McCaffrey
Chief Executive Officer
13th October 2026 An authorised employee of the Marine Management Organisation

SCHEDULES

SCHEDULE 1

Article 8

FORM OF DECLARATION

PORT OF TYNE AUTHORITY

PORT OF TYNE ACTS, SCHEME AND ORDER 1886 TO 2026

I, [FULL NAME] do solemnly declare:
(1) that I will faithfully and impartially, according to the best of my skill and judgement, execute all the powers and authorities vested in me as a member by virtue of the Port of Tyne Acts, Scheme and Order 1886 to 2026;
(2) that I will comply with the requirements as to disclosure of such interests, laid down by paragraph 14 of Schedule 2 to the Port of Tyne Harbour Revision Order 2026, and in particular that:
(a) I have disclosed to the Chief Executive details of every financial and other interest falling within the scope of said paragraph 14;
(b) I will in future notify the Chief Executive as soon as reasonably practicable of any alteration in those interests, or any new interest such as mentioned in said paragraph 14, which I may acquire.
Made and signed at the Port of Tyne on the
……..day of……..
signature:……
Witnessed
……..
signature:……..
as a member.

Note: Where the declaration is to be made by the Chief Executive, the references to the Chief Executive above are to be read as references to the chair.

SCHEDULE 2

Article 12

INCIDENTAL PROVISIONS RELATING TO THE AUTHORITY

Appointment of chair and vice-chair of the Authority

1. Subject to article 6(1)(a), a chair of the Authority must be appointed by the Secretary of State in accordance with article 5(1)(a).

2. Subject to article 6(1)(b), a vice-chair of the Authority must be appointed by those members of the Authority who are appointed under articles 5(1)(a) or (b) or 9 (casual vacancies) from amongst their number, but the chair cannot be appointed as vice-chair.

3. Subject to paragraph 5, every vice-chair appointed under paragraph 2, unless they resign their office as vice-chair or cease to be a member, holds office for a period of three years.

4. If the Secretary of State is satisfied that the chair should cease to hold their office, the Secretary of State may terminate that person's office.

5. If those members of the Authority who are appointed under articles 5(1)(a) or (b) or 9 (casual vacancies) are satisfied that the vice-chair should cease to hold their office as vice-chair, they may terminate that person's office as such.

6.—(1) On a casual vacancy occurring in the office of chair of the Authority, the vacancy must be filled in accordance with article 9 (casual vacancies) as soon as reasonably practicable after the vacancy occurs.

(2) On a casual vacancy occurring in the office of vice-chair of the Authority, the vacancy must be filled by those members of the Authority who are appointed under articles 5(1)(a) or (b) or 9 (casual vacancies) at a meeting held as soon as reasonably practicable after the vacancy occurs.

(3) A member appointed under this paragraph to fill a casual vacancy in the office of vice-chair holds that office during the remainder of the term for which the vice-chair whom they replace was appointed, unless that person resigns that office or ceases to be a member.

Meetings of the Authority

7.—(1) The first meeting of the Authority must be convened by the Chief Executive within two months from the date this Order comes into force, and the Chief Executive must make arrangements for notice of that meeting to be sent by post or email to each of the other members.

(2) The Authority must meet at least six times a year.

Vacation of office by members

8.—(1) A member, other than the Chief Executive, may resign their office at any time by notice in writing given to the chair of the Authority or, if that member is the chair, the vice-chair of the Authority.

(2) The term of office of a member appointed under article 5(1)(d) who resigns under sub-paragraph (1) is deemed to end.

Reappointment of members

9.—(1) Subject to article 10 (removal of members) and the provisions of this Schedule, a vacating appointed member is eligible for reappointment as a member.

(2) A vacating appointed member is not eligible for reappointment as a member where, immediately before the date in question, that person has held office for two consecutive terms unless they—

(a) are the chair of the Authority; or

(b) have been reappointed following public advertisement of the role and a competitive appointment process.

(3) A vacating appointed member, other than the chair, is not eligible for reappointment as a member where, immediately before the date in question, that person has held office as a member for three consecutive terms.

(4) Subject to paragraph 10(1), a vacating appointed member who is the chair immediately before the end of their third consecutive term as a member, is eligible for reappointment as a member for a fourth consecutive term.

(5) For the purposes of this paragraph "term" does not include the remainder of a term during which the member was appointed to fill a casual vacancy under article 9 (casual vacancies) or paragraph 6 of this Schedule.

(6) In this paragraph, "vacating appointed member" means a member appointed under article 5(1)(a) or (b) who has reached the end of their term as a member.

Reappointment of chair

10.—(1) A chair of the Authority is not eligible for reappointment as the chair where, immediately before the date in question, that person has served as chair for three consecutive terms.

(2) For the purposes of this paragraph, "term" does not include the remainder of a term during which the member was appointed to fill a casual vacancy in the office of chair under article 9 (casual vacancies) or paragraph 6 of this Schedule.

Committees

11. The Authority may, consistently with its duties and subject to such conditions as it thinks fit, delegate any of its port functions, other than the functions set out in sub-paragraphs (a) to (f) of paragraph 9B of Schedule 2 to the 1964 Act, to a committee of the Authority.

Proceedings of the members and committees

12. The acts and proceedings of the Authority, or of any committee of the Authority, are not invalidated by any vacancy in their number or by any defects in the declaration, appointment, or the qualification for appointment, of any person as a member, or as chair or vice-chair, of the Authority or committee.

13. The quorum required for a meeting—

(a) of the Authority, is five;

(b) of any committee of the Authority, is to be decided by the Authority in respect of each committee.

14.—(1) A member must declare any interest, direct or indirect, held—

(a) in any contract or proposed contract to which the Authority is or would be a party or where a member is a director of a company or member of a body with which the contract or proposed contract is made or proposed to be made;

(b) in any other matter with which the members are concerned.

(2) If a member is present at a meeting of the Authority or of any committee of the Authority at which a contract or other matter in which that person has an interest is to be considered that person must—

(a) as soon as is practicable after the commencement of that meeting disclose their interest;

(b) not vote on any question with respect to that contract or matter; and

(c) withdraw from the meeting—

(i) at any time if the members present by resolution require that person to do so, and

(ii) while a decision on that contract or matter is being made.

(3) This paragraph does not apply to any interest—

(a) which a member has in respect of the payment to the Authority of ship, passenger and goods dues;

(b) which arises in respect of the provision of services or facilities as part of the port undertaking affecting the trading community in general;

(c) which a member has as an employee of a public utility undertaking or as a shareholder, not being a director of a company, unless that person possesses more than five per cent of the issued share capital of that company; or

(d) which the members present at the meeting by resolution declare to be too remote.

15. The person holding office as vice-chair has and may exercise all the functions of the chair in the absence or incapacity of the chair.

16. If at any meeting of the Authority neither the chair nor the vice-chair are present the members present at the meeting must choose one of their number to be the chair of the meeting.

17.—(1) Every decision at a meeting of the Authority or of a committee of the Authority must be decided by a majority vote of the members present and voting.

(2) If at any meeting of the Authority or of a committee of the Authority there is an equality of votes on any decision the chair of the meeting is to have a second vote which the chair may exercise for or against the status quo.

Authentication of deeds and other documents

18.—(1) Except where expressly required otherwise under any enactment, the application of the common seal of the Authority is only required in respect of a document executed as a deed and must be authenticated by the signature of the chair of the Authority or some other member authorised by the Authority to authenticate the application of the common seal, and of the Chief Executive or some person authorised by the Authority to act in the Chief Executive's place for that purpose.

(2) The Authority may authorise a person to act instead of the Chief Executive or the chair under this paragraph whether or not the Chief Executive or the chair is absent or incapable of acting.

(3) Any other document given or issued by the Authority is, unless the contrary intention is expressed, sufficiently authorised if signed by the Chief Executive, the chair of the Authority, or a duly authorised officer of the Authority.

(4) The Authority may execute documents, including deeds, electronically.

Remuneration of members

19. The Authority may pay each of the members such salary, allowances and expenses as the Authority determines.

General

20. Subject to the provisions of this Schedule, the procedure and business of the Authority and of any committee of the Authority is to be regulated in such manner as the Authority may determine.

21. The Authority must appoint a Chief Executive and may appoint such other persons as it thinks necessary or desirable for and incidental to the performance of its port functions and pay to them such remuneration as the Authority thinks fit.

SCHEDULE 3

Article 13

LIMITS OF PORT

The Port of Tyne

The limits of the port comprise—

(a) the area below the level of high water—

(i) bounded on the seaward side of the port by imaginary lines commencing at—

(aa) the North Pier Head at point A (55°00′51.97″N, 001°24′10.04″W), then proceeding in a straight line in a north-north westerly direction to a radius of 1 mile at point B (55°01′51.09″N, 001°24′27.24″W), then following the line of the arc of the 1 mile radius centred at point A (55°00′51.97″N, 001°24′10.04″W) in an overall south easterly direction to the radius intersection at point C (55°01′04.76″N, 001°22′28.17″W); and

(bb) the South Pier Head at point E (55°00′40.81″N, 001°24′03.73″W), then proceeding in a straight line in a southerly direction to a radius of 1 mile at point D (54°59′40.61″N, 001°24′04.62″W), then following the line of the arc of the 1 mile radius centred at point E (55°00′40.81″N, 001°24′03.73″W), in an overall north easterly direction to the radius intersection at point C (55°01′04.76″N, 001°22′28.17″W),

together **the seaward limits**; and

(ii) bounded on the landward side of the port by an imaginary line drawn between point N (54°58′57.09″N, 001°46′48.71″W) on the southern bank of the River Tyne on the level of high water and point O (54°59′00.13″N, 001°46′45.10″W) on the northern bank of the River Tyne on the level of high water (**the landward limit**); and

(b) all creeks, pills, rivers, inlets and tributaries to the River Tyne below the level of high water between the seaward limits and the landward limit except any area upstream of the following imaginary straight lines drawn between—

(i) point F (54°58′45.40″N, 001°27′33.73″W) on the northern bank of the River Don on the level of high water and point G (54°58′45.20″N, 001°27′33.74″W) on the southern bank of the River Don on the level of high water;

(ii) point H (54°58′36.70″N, 001°28′41.18″W) on the eastern bank of the River Don on the level of high water and point I (54°58′36.76″N, 001°28′41.85″W) on the western bank of the River Don on the level of high water;

(iii) point J (54°57′03.95″N, 001°38′00.07″W) on the eastern bank of the River Team on the level of high water and point K (54°57′03.92″N, 001°38′00.58″W) on the western bank of the River Team on the level of high water;

(iv) point L (54°57′21.44″N, 001°41′24.26″W) on the southern bank of the River Derwent on the level of high water and point M (54°57′22.60″N, 001°41′24.58″W) on the northern bank of the River Derwent on the level of high water;

(v) point P (54°58′27.14″N, 001°42′41.64″W) on the southern bank of the Lemington Gut on the level of high water and point Q (54°58′27.72″N, 001°42′42.03″W) on the northern bank of the Lemington Gut on the level of high water;

(vi) point R (54°58′32.85″N, 001°35′27.97″W) on the western bank on the northern side of the A193 Byker Bridge on the level of high water and point S (54°58′32.95″N, 001°35′27.58″W) on the on the eastern bank on the northern side of the A193 Byker Bridge on the level of high water;

(vii) point T (54°59′36.83″N, 001°30′27.02″W) on the western bank of the Willington Gut on the level of high water and point U (54°59′36.92″N, 001°30′26.52″W) on the eastern bank of the Willington Gut on the level of high water,

shown for illustrative purposes shaded pink on the port limits map; and

(c) the extent of those parts of the port premises not within the area described in sub-paragraphs (a) or (b).

SCHEDULE 4

Article 74

REVOCATION / REPEAL

Number	Short Title	Extent of Revocation/Repeal
13 & 14 Vict. Cap. lxiii.	The River Tyne Improvement Act 1850.	Whole Act.
14 & 15 Vict. Cap. lxxiii.	The North Shields Quay Act 1851.	Whole Act.
15 Vict. Cap. cx.	The Tyne Improvement Act 1852.	Whole Act.
18 & 19 Vict. Cap. xcix.	The Newcastle-upon-Tyne Improvement Act 1855.	Whole Act.
18 & 19 Vict. Cap. cxliii.	Gateshead Quay Act 1855.	Whole Act.
22 & 23 Vict. c. xii.	Gateshead Quay (Second) Act 1859.	Whole Act.
24 & 25 Vict. c. xci.	The Tyne Improvement Act 1861.	Whole Act.
28 & 29 Vict. Cap. cclxxiv.	The Tyne Improvement Act 1865.	Whole Act.
30 & 31 Vict. Cap. cxxxv.	The Tyne Improvement Act 1867.	Whole Act.
35 & 36 Vict. c. cxxxi.	The Tyne Improvement Act 1872.	Whole Act.
40 & 41 Vict. Ch. xciii.	The Tyne Improvement Act 1877.	Whole Act.
49 Vict. Ch. xxxiv.	Tyne Improvement Act 1886.	Whole Act apart from section 9(ii) and (iii).
53 & 54 Vict. c. xxviii.	Tyne Improvement Act 1890.	Whole Act.
60 & 61 Vict. Ch. ccix.	Tyne Improvement Act 1897.	Whole Act apart from section 46.
2 Edw. 7. c. xxxiii.	The Tyne Improvement Act 1902.	Whole Act.
4 Edw. 7. Ch. ccxx.	Newcastle-upon-Tyne Corporation Act 1904.	So much of section 31 as relates to Work No. 1, section 42 and section 74(6) and (13).
7 Edw. 7. c. xxvi.	The Tyne Improvement Act 1907.	Whole Act apart from section 20.
8 Edw. 7. c. lxxxv.	The Tyne Improvement Act 1908.	Whole Act.

Number	Short Title	Extent of Revocation/Repeal
10 Edw. 7 & 1 Geo. 5 c. xxv.	Tynemouth Corporation Act 1910.	Whole Act.
14 & 15 Geo. 5. c. xxix.	Tynemouth Corporation Act 1924.	Sections 34 and 35.
15 & 16 Geo. 5. Ch. xxxiii.	Tyne Improvement Act 1925.	Whole Act apart from sections 16, 17, 20 and 35.
19 & 20 Geo. 5. Ch. xlix.	Tyne Improvement Act 1929.	Whole Act apart from section 7.
24 & 25 Geo. 5. Ch. lxxviii.	Tyne Improvement Act 1934.	Whole Act apart from section 74.
14 Geo. 6. Ch. xvii.	Tyne Improvement Act 1950.	Whole Act.
15 & 16 Geo. 6. & 1 Eliz. 2. Ch. vii.	Tyne Improvement Act 1952.	Whole Act.
15 & 16 Geo. 6. & 1 Eliz. 2. Ch. xl.	Newcastle upon Tyne Corporation Act 1952.	Whole Act.
2 & 3 Eliz. 2. c. xx.	Tyne Improvement Act 1954.	Whole Act.
5 & 6 Eliz. 2. Ch. xxi.	Tyne Improvement Act 1957.	Whole Act apart from sections 1(1), 2 to 5, 7, and 9 to 12.
S.I. 1968 No. 942.	Port of Tyne Reorganisation Scheme 1967 Confirmation Order 1968.	Whole of the Port of Tyne Reorganisation Scheme 1967 apart from articles 1, 2, 3(1), 4, 7 to 13, 21 to 23, 36, 37, 42 to 44, 49, 54, 64, 65, 69 to 76, 78 to 93 and paragraphs 10, 19 and 20 of Schedule 1.
1974 c. xxxvi.	Port of Tyne (North Shields Fish Harbour) Act 1974.	Whole Act apart from sections 1 and 15.
S.I. 1974 No. 923.	Port of Tyne Authority (Constitution) Revision Order 1974.	Whole Order.
1989 c. i.	Port of Tyne Act 1989.	Whole Act apart from sections 1(1), 3, 5 to 7, 9, 13, 14 and, insofar as required for the interpretation of those sections, article 2.
1990 c. xxxi.	Port of Tyne Act 1990.	Whole Act.
S.I. 1998 No. 3277.	Port of Tyne Harbour Revision Order 1998.	Whole Order.

Number	Short Title	Extent of Revocation/Repeal
S.I. 2001 No. 416.	Port of Tyne Harbour Revision Order 2001.	Whole Order.
S.I. 2008 No. 1817.	Port of Tyne Harbour Revision Order 2008.	Whole Order.
S.I. 2016 No. 877.	Port of Tyne Harbour Revision Order 2016.	Whole Order.

SCHEDULE 5

Article 2

ACTS AND SCHEME

Number	Short Title	Extent of Application
49 Vict. Ch. xxxiv.	Tyne Improvement Act 1886.	Section 9(ii) and (iii) only.
60 & 61 Vict. Ch. ccix.	Tyne Improvement Act 1897.	Section 46 only.
7 Edw. 7. c. xxvi.	The Tyne Improvement Act 1907.	Section 20 only.
1 & 2 Geo. 5. Ch. cxix.	Newcastle-upon-Tyne Corporation Act 1911.	Section 50 only.
14 & 15 Geo. 5. c. xxix.	Tynemouth Corporation Act 1924.	Sections 75(3) and (4) only.
15 & 16 Geo. 5. Ch. xxxiii.	Tyne Improvement Act 1925.	Sections 16, 17, 20 and 35 only.
19 & 20 Geo. 5. Ch. xlix.	Tyne Improvement Act 1929.	Section 7 only.
24 & 25 Geo. 5. Ch. lxxviii.	Tyne Improvement Act 1934.	Section 74 only.
5 & 6 Eliz. 2. Ch. xxi.	Tyne Improvement Act 1957.	Sections 1(1), 2 to 5, 7 and 9 to 12 only.
S.I. 1968 No. 942.	Port of Tyne Reorganisation Scheme 1967 Confirmation Order 1968.	Articles 1, 2, 3(1), 4, 7 to 13, 21 to 23, 36, 37, 42 to 44, 49, 54, 64, 65, 69 to 76, 78 to 93 and paragraphs 10, 19 and 20 of Schedule 1 only of the Port of Tyne Reorganisation Scheme 1967.
1970 c. lxvi.	Port of Tyne Act 1970.	Whole Act.

Number	Short Title	Extent of Application
1974 c. xxxvi.	Port of Tyne (North Shields Fish Harbour) Act 1974.	Sections 1 and 15 only.
1989 c. i.	Port of Tyne Act 1989.	Sections 1(1), 2, 3, 5, 6, 7, 9, 13 and 14 only.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made on the application of the Port of Tyne Authority, modernises and consolidates the statutory harbour powers which apply in relation to the Port of Tyne ('the port') and provides for—

(1) The updated constitution of the Authority under the provisions of Part 2 (constitution of the Authority) in articles 5 to 12.

(2) The jurisdiction (article 13) and general functions (article 14) of the Authority as the statutory harbour authority for the port and clarity on the limits of the port (Schedule 3).

(3) Powers relating to finances including application (article 15), reserve fund (article 16), and borrowing powers (articles 17 and 18) to vest in the Authority.

(4) A modern suite of charging powers (articles 19 to 28), including exemptions from ship, passenger and goods dues (article 26), recovery of charges (article 27), and prevention of the removal or sailing of vessels by the harbour master (article 28).

(5) Powers of general direction and special direction to the Authority and the harbour master (defined in article 2(1)) for the regulation and management of the port (articles 29 to 32).

(6) This Order creates an offence of failing to comply with special directions or general directions, the penalty for which is a fine on summary conviction not exceeding level 4 on the standard scale (article 33). A defence of due diligence is available to a person charged under article 33(1).

(7) Provisions for the enforcement of special directions (article 34) and clarifying the master's responsibility in relation to directions (article 35).

(8) The power for a duly authorised officer of the Authority to enter and inspect a vessel or vehicle for the purposes of any enactment relating to the port, including enforcement (article 36).

(9) Savings for existing directions and byelaws etc. (article 37).

(10) The establishment of an advisory body or bodies consisting of port stakeholders with whom the Authority is required to consult on material matters (article 38).

(11) Powers relating to development of land (article 39), power to grant tenancies and dispose of land (article 40), power to appropriate lands and works for particular uses, etc. (article 41), other commercial activities (article 42), and the power to delegate functions (article 43).

(12) Powers relating to moorings (article 44), bunkering (article 47), aids to navigation (article 48), dredging (article 49), and the repair of landing places (article 50).

(13) Restrictions of works and dredging (article 51) and control of certain operations of works of statutory undertakers (article 52).

(14) Powers relating to the licensing of works (article 53), licensing of dredging (article 54), appeals of such licences (article 55), and obstruction of works (article 56).

(15) Powers relating to parking places and related facilities (article 57).

(16) Powers relating to disposal of wrecks (article 58), unserviceable vessels (article 59), and removal of obstructions other than vessels (article 60).

(17) Provisions relating to tidal works (article 61), power of the Authority to prosecute or defend legal proceedings (article 62), and notices (article 63).

(18) Savings for Trinity House (article 64) and Crown Rights (article 65).

(19) The Order revokes and repeals (as appropriate) the Acts and Orders set out in article 74 and Schedule 4 (revocation / repeal) and amends the Acts and Scheme set out in articles 66 to 73.

An impact assessment has not been prepared for this Order as there is no, or no significant, impact predicted on businesses, charities, voluntary bodies or the public sector.

An Explanatory Memorandum together with a copy of the port limits map and port premises map is available alongside the instrument on the UK legislation website at www.legislation.gov.uk

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