



Port of Tilbury (London) Ltd.

Marine Notice to Port Users – No. 05 of 2012

Powers of the Harbour Master

This notice confirms that, duly appointed by the Port of Tilbury (London) Ltd as the Statutory Harbour Authority, the Harbour Master has 'powers of direction' to regulate the time and manner of ships entry to, departure from and movement within the designated harbour area.

These 'powers' are for the purpose of giving 'directions to all vessels', or to a 'specific class of vessels' within the designated harbour area. These powers are contained in the **Port of London Act 1968 Section 113**, annexed to this 'Notice'. These powers were transferred to Port of Tilbury London Limited by **Schedule 3 of the Confirmation Order of 1992**, pursuant to which many of the 'powers' of the Port of London Authority in relation to Tilbury Docks were transferred to the Port of Tilbury London Ltd..

Additional 'powers' for the purpose of giving 'specific directions' to specific vessels for specific movements are confirmed within **Sections 52 (LII) and 53 (LIII) of the Harbours, Docks and Piers Clauses Act 1847**, also annexed to this 'Notice'.

The Harbour Master also has 'powers' to;

Regulate or prohibit the entry into the harbour area of any vessel, freight container, portable tank, receptacle, or vehicle carrying dangerous goods in accordance with '**The Dangerous Substances in Harbour Areas 1987**;

To give 'directions' prohibiting the entry, or requiring the removal from the harbour of any vessel in accordance with **Section 2 of the Dangerous Vessels Act 1985** and;

To board to investigate or detain a vessel, if *he* has reason to believe that an offence of discharging oil or oil & water mixture into the harbour has occurred under **Sections 131, 144 & 259(6) of the Merchant Shipping Act 1995**.

These 'directions' may include the use of Tugs and other forms of assistance.

Port of Tilbury London Ltd
Leslie Ford House,
Tilbury RM18-7EH

Captain Richard Exley RD*
Harbour Master

It should be noted that all Telephone calls, VHF R/T traffic and CCTV images are recorded at the Marine Office, Lock side & Police Station..

Annex 1;

Schedule 3 of the Confirmation Order of 1992 transferred limited powers of the Port Authority (the PLA) to the Port of Tilbury London Ltd for the designated area of the port with the 'power' to give 'Directions to vessels at the docks' in accordance with section 113 of the Port of London Act 1968, together with other powers for the enforcement of By-Laws.

113. Directions to vessels at the docks

- (1) The Port Authority may give directions applicable to all vessels, or to a specified class of vessels, at the docks, for the purpose of ensuring the safety of vessels at the docks, preventing injury to persons at, or to property at, or forming part of, the docks or of securing the efficient conduct of the business carried on at the docks, and, without prejudice to the generality of the foregoing, such directions may relate to-
- (a) the movement, berthing or mooring of a vessel;
 - (b) the dispatch of its business at the dock;
 - (c) the disposition or use of its appurtenances or equipment;
 - (d) the use of its motive power;
 - (e) the embarking or landing of passengers;
 - (f) the loading or discharging of cargo, fuel, water or ship's stores;
 - (g) the use of ballast.
- (2) A dock manager or dock master may give a direction requiring the removal from a dock of a vessel if
- (a) it is on fire;
 - (b) it is in a condition where it is liable to become immobilised or waterlogged, or to sink;
 - (c) it is making an unlawful or improper use of the dock;
 - (d) it is interfering with the use of the dock by other vessels, or is otherwise interfering with the proper use of the dock or the dispatch of business therein;
 - (e) the removal is necessary to enable maintenance or repair work to be carried out to the dock or to an adjacent part of the port premises.
- (3) A dock manager or dock master may give a direction to a vessel at the docks for the following purposes-
- (a) any of the purposes referred to in subsection (1) of this section;
 - (b) requiring the vessel to comply with a general direction made under this section.
- (4) In this section reference to a vessel at a dock includes reference to a vessel entering or about to enter a dock and to a vessel leaving or having just left a dock.

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Harbour Master

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Annex 2;

The Port of Tilbury London Ltd as a Statutory Harbour has powers granted in accordance with the Harbours, Docks and Piers Clauses Act 1847. This Act defines the appointment and role of the Harbour Master, Dock or Pier Master, to include the Assistants and details their statutory powers to regulate the entry and mooring of vessels within the port.

In particular, the following sections 52 (LII) and 53 (LIII) are relevant;

LII. The Harbour Master may give directions for all or any of the following Purposes; (that is to say,)

For regulating the Time at which and the Manner in which any Vessel shall enter into, or go out of, or lie in or at the Harbour, Dock or Pier, and within the prescribed Limits, if any, and its Position, mooring or unmooring, placing and removing, whilst therein:

For regulating the Position in which any Vessel shall take or discharge its Cargo or any Part thereof, or shall take in or land its Passengers, or shall take in or deliver Ballast within or on the Harbour, Dock or Pier:

For regulating the Manner in which any Vessel entering the Harbour or Dock or coming to the Pier shall be dismantled, as well for the safety of such Vessel as for preventing Injury to other Vessels and to the Harbour, Dock or Pier, and the Moorings thereof:

For removing unserviceable Vessels, and other Obstructions from the Harbour, Dock or Pier, and keeping the same clear.

For regulating the Quantity of Ballast or dead Weight in the Hold which each Vessel in or at the Harbour, Dock or Pier shall have during the Delivery of her Cargo, or after having discharged the same.

Provided always, that nothing in this or the special Act contained shall authorise the Harbour Master to do or cause to be done any Act in any way repugnant to or inconsistent with any Law relating to the Customs, or any regulations of the Commissioners of Her Majesty's Customs.

LIII. The Master of every Vessel within the Harbour or Dock, or at or near the Pier, or within the prescribed Limits, if any, shall regulate such Vessel according to the Directions of the Harbour Master, made in conformity with this and the special Act; and any Master of a Vessel who, after Notice of any such Direction by the Harbour Master served upon him, shall not forthwith regulate such Vessel according to such Direction, shall be liable to a Penalty.

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