
STATUTORY INSTRUMENTS

2008 No. 1261

The London Gateway Port Harbour Empowerment Order 2008

PART 2

JURISDICTION AND ESTABLISHMENT OF THE HARBOUR AUTHORITY

Jurisdiction of the Harbour Authority

8.—(1) Without prejudice to the functions of the PLA exercisable within its limits, the Company shall be the harbour authority for London Gateway Port.

(2) Without prejudice to any provision of the 1847 Act as incorporated in this Order by article 3 (incorporation of the Harbours, Docks and Piers Clauses Act 1847), the area within which the Harbour Authority and the Dockmaster may exercise their functions under this Order shall be the area of jurisdiction.

(3) The jurisdiction of the Harbour Authority over vessels within the area of jurisdiction shall not extend to—

- (a) any vessel unless it is at anchor or otherwise moored or is causing an obstruction within the area of jurisdiction; or
- (b) signalling or any other activity connected with the movement of the vessel.

(4) Where any person referred to in paragraph (5)(a) considers that there is an actual or anticipated conflict between—

- (a) the exercise of any function of any person mentioned in paragraph (5)(a); and
- (b) the exercise of any function of any person mentioned in paragraph (5)(b),

then that person may give notice to the relevant person in paragraph (5)(b).

(5) The persons referred to in paragraph (4) are—

- (a) the PLA and the Harbour Master; and
- (b) the Harbour Authority and the Dockmaster.

(6) The notice referred to in paragraph (4) shall set out any requirements concerning the exercise of the relevant function by the relevant person mentioned in paragraph (5)(b).

(7) The requirements referred to in paragraph (6) may—

- (a) make general provision in relation to the exercise of functions over time; or
- (b) make specific provision about the exercise of a particular function or functions on a particular occasion.

(8) If—

- (a) a notice sets out requirements falling within paragraph (7)(a) it must be made in writing; and
- (b) a notice sets out requirements falling within paragraph (7)(b) it may be made in writing or in any other manner considered appropriate by the person giving the notice.

(9) On receipt of a notice given under paragraph (4), the recipient of the notice shall cease to exercise the function specified by the notice or shall only exercise it in the manner permitted by the notice or shall otherwise take the action specified in the notice in relation to the exercise of that function.

(10) Save where expressly provided elsewhere in this Order, no person mentioned in paragraph (5)(b) is obliged to seek any permission or otherwise notify any person mentioned in paragraph (5)(a) prior to exercising any function.

(11) Subject to the requirements of any notice given under paragraph (4), the functions of the Harbour Authority and the Dockmaster shall be exercised in accordance with Schedule 8.

Commencement Information

I1 Art. 8 in force at 16.5.2008, see [art. 1](#)

Agreements entered into by the Company, etc.

9. Any agreement or undertaking entered into by the Company before the coming into force of this Order in connection with the proposed exercise of its functions as Harbour Authority shall be binding upon the Harbour Authority notwithstanding that it was entered into by the Company before it was established as a Harbour Authority by article 8 (jurisdiction of the Harbour Authority).

Commencement Information

I2 Art. 9 in force at 16.5.2008, see [art. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The London Gateway Port Harbour Empowerment Order 2008, PART 2.