

POWERS OF ABP AS HARBOUR AUTHORITY FOR THE HUMBER

1. Key Legislation

- 1.1 The River Humber Conservancy Act 1852 was the first of a series of Humber Conservancy Acts. The 1852 Act created a body known as the “*River Humber Conservancy Commissioners*”. It also provided powers to these Commissioners to maintain and improve the channel and navigation of the River Humber.
- 1.2 The Humber Conservancy Act 1868 provided for the Commissioners to be incorporated, under the name of the Humber Conservancy Commissioners. The Act provided further powers to the Commissioners and granted them a 999 year lease over those parts of the foreshore and bed of the River Humber that were under the management of the Board of Trade.
- 1.3 The Humber Conservancy Act 1871 increased the borrowing powers of the Commissioners and provided them with powers to purchase and hold land by agreement. It also extended the geographical limits of the 999 year lease to the Rivers Ouse and Trent.
- 1.4 The Humber Conservancy Act 1876 increased the membership of the Humber Conservancy Commissioners to 12, and provided for 7 of their number to be elected by ship-owners of the ports of Kingston-upon-Hull, Grimsby and Goole rather than being appointed. The Act repealed parts of the 1852 and 1868 Acts in relation to powers to remove obstructions to navigation, to remove sunken vessels and to erect jetties, replacing them with new provisions. The Act also made further provision on borrowing.
- 1.5 The Ouse (Lower) Improvement Act 1884 provided protection to the Humber Conservancy Commissioners in respect of works on the River Ouse.
- 1.6 The Humber Conservancy Order 1890 was confirmed pursuant to the Pier and Harbour Orders (No 3) Confirmation Act 1890. This Order provided for the construction of training walls or embankments and for reclamation of the foreshore and bed of the River Humber lying between the banks of the river and the walls or embankments.
- 1.7 The Humber Conservancy Act 1899 provided powers to the Commissioners to remove wrecks and other obstructions. It also allowed the Commissioners to grant licences for the execution of works on any landing stages, slipways, piers, jetties or any protective or other works on the foreshores or bed of the River Humber. However, no licence could be granted without the consent of the Board of Trade, nor could it be granted beyond the river lines (these were defined as being the pink or brown lines in the plans referred to in section 16 of the 1871 Act). The Act also allowed the Commissioners to make byelaws for a variety of purposes and to impose penalties as necessary for offences under the byelaws. The Act also provided for further borrowing powers.
- 1.8 The Humber Conservancy Act 1905 stated that no works could be executed below the river lines, or without a licence from the Commissioners above the river lines. It also required a licence for the removal of sand or other materials from the bed of the Humber. The Act provided further powers including powers to dredge. The Act also allowed the Board of Trade to appoint a conservator to assist with inspection and maintenance of the river and made further provision in relation to revenue and borrowing. The 1905 Act also provided for the appointment of a “commission of inquiry” by the Board of Trade into the constitution and operation of the Commissioners, and what changes, if any, might be necessary to the Commissioners.

- 1.9 The Humber Conservancy Act 1907 implemented the conclusions of the commission which was set up by the 1905 Act, dissolving the existing Humber Conservancy Commissioners and the pilotage commissioners and replacing both bodies with a Humber Conservancy Board, comprising 37 commissioners to be appointed or elected as outlined in the Act. The Act incorporated the Board and transferred all powers, liabilities and property from the preceding bodies to the Board as well as certain powers from Hull Trinity House. The Act also provided the Board with additional powers and made the Board the local lighthouse and pilotage authority of the River Humber. The Act further abolished some dues and created new ones, made provisions in relation to borrowing and financial matters generally, and repealed some provisions of each of the previous Humber Conservancy Acts.
- 1.10 The Humber Conservancy Act 1951 made provisions for the increase of shipping and registration dues, allowed the Board or other parties to make representations to the Minister to revise dues and provided powers for the Board to dispose of land.
- 1.11 The Humber Harbour Reorganisation Scheme 1966 Confirmation Order 1967 (SI 1968/237) confirmed a reorganisation scheme for Humber Harbour made by the National Ports Council, in exercise of their powers under s18 of the Harbours Act 1964. The Scheme dissolved the Humber Conservancy Board and ordered the transfer of all powers, duties, liabilities, property, staff, pension rights etc from the Humber Conservancy Board to the British Transport Docks Board. The Scheme further made provision for a Humber Local Board of 17 members to advise and assist the Docks Board in the exercise and discharge of their functions in relation to the River Humber and its ports. Schedule 1 of the Scheme applied various provisions of the Humber Conservancy Acts 1852 to 1907 and the Humber Conservancy Order 1890 to the Docks Board, with Schedule 3 repealing the Humber Conservancy Act 1951 in full and the remaining parts of the 1890 Order and other Humber Conservancy Acts.
- 1.12 The British Transport Docks Act 1972 made provision for a harbourmaster for the Humber and for publication of general and special directions.
- 1.13 By virtue of section 5(1) of the Transport Act 1981, the British Transport Docks Board was reconstituted as “Associated British Ports” (ABP).
- 1.14 The Transport Act 1981 altered SI 1968/237 in relation to the operation of the Humber Local Board by, for example, providing that the members of the Board would be appointed by ABP.
- 1.15 The Associated British Ports Act 1987 made provision for byelaws to be made in relation to the Humber. These were introduced as the Humber Navigation Byelaws 1990.

2. Geographical Limits of ABP Powers and short history of changes

- 2.1 There are 3 different seaward limits to ABP’s powers, which apply for different purposes of its undertaking. In a nutshell, the limits of the Humber Conservancy Acts including the 999 year lease apply for all purposes other than those to which the limits defined in s.4 British Transport Docks Board Act 1972 relate (appointment of Harbour Master and power to give and enforce directions) and those defined in section 12 and Schedule 1 of the Associated British Ports Act 1987 which apply only for the purposes of harbour byelaws. These are explained in more detail (below),
- 2.2 The Humber Conservancy Acts of 1852 and 1868 applied to the River Humber and its estuary, described as being from the confluence of the River Humber and the Rivers Ouse and Trent “*to the sea*”. The 1852 and 1868 Acts did not include the Rivers Ouse and Trent themselves.

- 2.3 The Humber Conservancy Act 1868 granted a 999 year lease of the foreshores and river bed of the River Humber under the management of the Board of Trade to the then Humber Conservancy Commissioners. The lease (and thus the Act) covers “*all those foreshores and beds of the Humber and the estuary thereof from the confluence into the same of the Ouse and Trent to the sea (that is to say) to an imaginary line drawn straight from Donna Nook to the mooring point of the Chequered Bouy at the mouth of the Humber and straight thence to the eastern extremity of the line forming the northern boundary of that portion of the foreshore outside Spurn Head*”. Thus “*to the sea*” in later Conservancy Acts can be taken to extend to the seaward limit described in the lease. The Humber Conservancy Act 1871 extended the 999 year lease to the Rivers Ouse and Trent. Section 16 (*Power for Board of Trade to make provisional orders*) provided for powers of provisional orders to be made by the Board of Trade on *application from the Commissioners for improvements or works, but does not authorise an application for any provisional order to execute, construct, or maintain any works in the Humber or on the foreshore or bed thereof beyond the lines coloured pink or brown on plans referred to in the section. (The Humber Conservancy Act 1899, section 16 (Conservancy plans of river) referred to the ‘river lines’ of the Humber as being the pink or brown lines in the plans referred to in section 16 of the 1871 Act.)*
- 2.4 Section 3 (*Interpretation*) of The Humber Conservancy Act 1905 defined the Humber Conservancy Acts as referring to:
- “the River Humber and the estuary thereof from the confluence into the same of the Rivers Ouse and Trent to the sea and all navigable havens and creeks of the River Humber or of the estuary thereof wherein the tide flows and reflows but shall not include any part of the old harbour or haven at Hull.”*
- The 1905 Act also redefined the river lines. Section 13 (*Deposit of plans defining river lines*) refers to the 1871/1899 Act plans as amended as follows in section 13(3): “*The expression “the river lines” in the Humber Conservancy Acts shall mean the line coloured pink on the Humber Conservancy plans where there is no line coloured green and the line coloured green where there is a line coloured green*”. (This does not amend the lines in the part of the Humber which flows past the Cleethorpes Urban District.)
- 2.5 The latest definition in the Humber Conservancy Acts was in Section 3 (*Interpretation*) of the Humber Conservancy Act 1907 and was followed in the Humber Conservancy Act 1951:
- “the River Trent below the south side of the stone bridge at Gainsborough and the River Humber and the Estuary thereof from the confluence of the Rivers Ouse and Trent to the sea and all navigable havens and creeks of the River Trent below the south side of the said stone bridge and of the River Humber or of the estuary thereof wherein the tide flows and reflows but shall not include any part of the old harbour or haven at Hull”.*
- Section 86 (*Extension of Humber Conservancy Acts to part of River Trent*) of the 1907 Act extended the Humber Conservancy Acts to include “*the River Trent between Trent Falls and the south side of the stone bridge at Gainsborough*”.
- 2.6 Interestingly, the Humber Conservancy Act 1951 adopted the definition in section 3 of the earlier Act without, apparently, picking up the extension. However, Schedule 1 (*Provisions of Humber Conservancy Acts 1852 to 1951 applied to Docks Board*) of The Humber Harbour Reorganisation Scheme 1966 Confirmation Order 1967 (SI 1968/237) applies a number of Humber Conservancy Act provisions to the British Transport Docks Board. These include s13 (*Deposit of plans defining river lines*) of the 1905 Act as well as s3 (*Interpretation*) and s86 (*Extension of Humber Conservancy Acts to part of River Trent*) of the 1907 Act.

- 2.7 The Associated British Ports Act 1987, section 12 (*Humber byelaws*) defines "the Humber" to mean for the purposes of Harbour bye-laws:

"(a) so much of the river Ouse as is within the limits of improvement as defined by section 3 of the Ouse (Lower) Improvement Act 1884;

(b) the river Trent below the south side of the stone bridge at Gainsborough;

(c) the river Humber and the estuary thereof from the confluence of the rivers Ouse and Trent to the seaward limits described in the Schedule to this Act; and Associated British Ports Act 1987 c. xxvii 7

(d) all navigable havens and creeks of the river Trent below the south side of the said stone bridge and of the river Humber or of the estuary thereof wherein the tide flows and reflows;

including, where the purposes for which byelaws may be made so require, any land adjoining the Humber but not including any part of the old harbour or haven at Hull (being so much of the river Hull as is within the jurisdiction of the council as navigation authority), the marina as defined in section 4 (Interpretation of Part II) of the Kingston upon Hull Act 1984 or any enclosed dock"

- 2.8 The Schedule to the Associated British Ports Act 1987 states the seaward limits of the River Humber for the purposes of section 12, as follows:

"(a) a straight line drawn from Easington Church (latitude 53° 39-00' North longitude 0° 07-00' East) in a direction 136° true until it intersects the line mentioned below;

(b) a straight line drawn from the site of the former Donna Nook Beacon (latitude 53° 28-38' North, longitude 0° 09-33' East) in a direction 029° true".

The 1987 Act repeals the provisions of the 1899 and 1907 Conservancy Acts that authorised the making of bye-laws and the corresponding section in the Ouse (Lower) Improvement Act 1884.

3. General Powers of ABP

- 3.1 Paragraph 2 of Schedule 3 (*Powers of Associated British Ports*) to the Transport Act 1981 confers powers on ABP to operate its harbours and to provide port facilities at them.

- 3.2 Schedule 3 also provides for various other general powers of ABP (paragraphs 3 to 31). These are expressed to be additional to any powers conferred by other enactments such as local legislation. Schedule 3 includes powers:

3.2.1 to carry and consign goods for other persons: paragraph 3

3.2.2 to carry on the activities of a ship's agent: paragraph 4

3.2.3 to store goods: paragraph 5

3.2.4 to develop land: paragraph 6

3.2.5 to construct and operate pipelines: paragraph 7

3.2.6 to provide incidental amenities: paragraph 8

3.2.7 to dispose of parts of its undertaking: paragraph 13

3.2.8 to acquire land: paragraph 18

3.2.9 to make reasonable charges for services provided: paragraph 20.

3.3 The above powers are, therefore, additional to those provided under section 38 of Part 3 of the Docks and Harbours Act 1966 (*Miscellaneous powers of harbour authorities*), which confers powers on harbour authorities to acquire land by agreement and to carry out harbour operations. Harbour operations are defined as¹:

(a) the marking or lighting of a harbour or any part of it;

(b) the berthing or dry docking of a ship;

(c) the warehousing, sorting, weighing or handling of goods on harbour land or at a wharf:

(d) the movement of goods or passengers;

(e) in relation to a harbour –

(i) the towing or moving of a ship which is in or is about to enter or has recently left the harbour;

(ii) the loading or unloading of goods or embarking or disembarking of passengers in or from a ship which is in the harbour or the approaches to it;

(iii) the lighterage or handling of goods in the harbour; and

(f) in relation to a wharf –

(i) the towing or moving of a ship to or from the wharf;

(ii) the loading or unloading of goods, or the embarking or disembarking of passengers, at the wharf in or from a ship.

4. Powers of ABP in relation to maintenance

4.1 Section 22 (*Powers of Commissioners*) of the River Humber Conservancy Act 1852 allows ABP to exercise all such powers as they may have under the general law relating to navigable rivers for the maintenance and improvement of the River Humber, and for the abatement and removal of nuisances and obstructions. This is still in force under Schedule 1 of the Humber Harbour Reorganisation Scheme 1966 Confirmation Order 1967 (SI 1968/237).

4.2 These powers are subject to any relevant requirement imposed on the Harbour Authority under the Marine and Coastal Access Act 2009 to obtain a licence to carry out works from the Marine Management Organisation (MMO).

5. Powers of ABP in relation to wrecks

5.1 Section 252 (*Powers of harbour and conservancy authorities in relation to wrecks*) of the

¹ S.57(1) Harbours Act 1964 as applied by s.50(1) Docks and Harbours Act 1966.

Merchant Shipping Act 1995 provides the following powers where a vessel is sunk, stranded or abandoned in such a manner as, in the opinion of ABP, to be or be likely to become an obstacle or danger to navigation. The section 252 powers allow the harbour authority:

- (a) to take possession of, raise, remove or destroy the whole vessel or any part of it;
- (b) to mark its location by buoys and lights etc (see paragraph 6 below);
- (c) to sell the vessel or part of it or any recovered property; and
- (d) to recover expenses out of the proceeds of sale.

5.2 The Humber Conservancy Act 1899 confers powers on ABP to remove stranded or sunken vessels or obstructions, and for the joint provision of apparatus for raising wrecks with other bodies. These powers can be found in section 4 (*Removal of stranded or sunken vessels*); section 5 (*Removal of obstructions*); and section 6 (*Provision of wreck-raising apparatus jointly with other bodies*) of the 1899 Act. These provisions are still in force under Schedule 1 of SI 1968/237, save for s5(7).

6. Powers of ABP as to lights and buoys

6.1 ABP has powers to mark or light the harbour or any part of it and to charge dues under sections 201 (*Powers of Harbour Authorities*) and 210 (*Light dues leviable by local lighthouse authorities*) of the Merchant Shipping Act 1995.

6.2 Further, as referred to in paragraph 5.1 above, ABP has specific powers to mark the location of a wreck by means of buoys, lights or other physical devices and by the transmission of information about the location (section 252(3A) Merchant Shipping Act 1995). These powers are without prejudice to any of its other powers.

6.3 Section 43 (*Board to be local lighthouse authority and pilotage authority*) of the Humber Conservancy Act 1907 provides for ABP to be the local lighthouse authority for the Humber. This provision is still in force under Schedule 1 of SI 1968/237.

6.4 See also the section on byelaws.

6.5 Powers of ABP to licence works

Section 9 (*Licences for execution of works*) of the Humber Conservancy Act 1899 provides a power for ABP to grant licences for the execution of works, including any landing stages, slipways, piers, jetties or any protective or other works.

Additionally, section 6 (*No erections in Humber below river lines or without licence above river lines*) of the Humber Conservancy Act 1905 fully prohibits various works below the river lines of the Humber, and prohibits any works above the river lines occurring without a licence from ABP, to be granted under the conditions of s9 of the 1899 Act. The local legislative provisions defining the 'river lines' are covered elsewhere in this review. Section 8 (*Sand etc. not to be removed from bed or foreshore of River Humber without licence of Commissioners*) of the 1905 Act also provides that a licence is required to remove sand or other similar material from the foreshore or bed of the river. These provisions are still in force under Schedule 1 of SI 1968/237.

It is worth noting that the powers of ABP to licence third party works are separate from, and do not detract from, the requirements for those parties to obtain licences from the MMO, where appropriate, for the carrying out of licensable marine activities.

6.6 Powers of ABP to charge

ABP's general powers to charge harbour dues derive from section 26 (*Repeal of provisions limiting discretion of certain harbour authorities as to ship, passenger and goods dues charged by them*) of the Harbours Act 1964. In addition ABP has power to charge for services under Schedule 3 (*Powers of Associated British Ports*) to the Transport Act 1981 and for lighting dues under section 210 of the 1995 Act.

Section 5 (*Charges*) of the Humber Harbour Reorganisation Scheme 1966 Confirmation Order 1967 (SI 1968/237) provides that Schedule 9 (*Port Charges*) of the Transport Act 1962 shall have effect as if the harbour specified in paragraph 2 of the Schedule included the Humber and as if sections 69, 72 and 73 of the Humber Conservancy Act 1907 and sections 4 and 7 of the Humber Conservancy Act 1951 had not been repealed by this Scheme. Schedule 9 of the Transport Act 1962 makes provision in relation to port charges, including ship, passenger and merchandise dues.

The 1907 Act and 1951 Act sections provided as follows:

- (a) Section 69 (*Power to Board to levy shipping dues*) of the 1907 Act provided for the Humber Conservancy Board to levy shipping dues under certain conditions;
- (b) Section 72 (*As to collection of dues*) of the 1907 Act provided for the dues to be paid by the master or owner of each vessel to the collector/agent of the Board on entry to the River Humber or any other appropriate port or place therein.
- (c) Section 73 (*Application of Harbours Docks and Piers Clauses Act as to collection of dues*) of the 1907 Act provided for various provisions of the Harbours Docks and Piers Clauses Act 1847 to apply in relation to the collection of shipping dues.
- (d) Section 4 (*Incorporation of section 28 of Harbours Docks and Piers Clauses Act 1847*) of the 1951 Act incorporated s28 of the 1847 Act which deal with how the tonnage of vessels is to be ascertained.
- (e) Section 7 (*Amendment of section 72 of Act of 1907*) of the 1951 Act added a further subsection to s72 of the 1907 Act (subsection (4), which deals with arrangements for payment of dues).

Section 75 (*Registration dues on fishing vessels and river craft*) of the 1907 Act also provides for registration dues to be charged on fishing vessels and other river craft. This provision is still in force under Schedule 1 of SI 1968/237.

6.7 Powers of ABP to appropriate

ABP has a general power to appropriate parts of the dock or harbour for the preferential use of any particular trade, person vessel or class or vessels (section 50 (*Power to appropriate lands and works for particular trades, etc*) of the British Transport Docks Act 1966).

6.8 Powers of ABP to lease

ABP has a general power under paragraph 13 of Schedule 3 to the Transport Act 1981 to lease its land (power to dispose of property absolutely or for a term of years or to dispose of a right in or interest over property).

The above power is in addition to that conferred by section 49 (*Power to lease, etc., warehouses, etc.*) of the British Transport Docks Act 1966 by which ABP may lease any of its land within its harbour for any period.

6.9 Powers of ABP to give general directions

Part 2 of the British Transport Docks Act 1972 provided for the appointment of a Harbour Master and for the giving and enforcement of general and special directions within the limits defined in section 4 of that Act. (See also below in relation to the powers of the harbourmaster.)

Section 5 (*Harbour Directions*) of the Marine Navigation Act 2013 amends section 40 of the Harbours Act 1964 so as to provide for designated harbour authorities to give general directions in respect of ships entering or leaving the harbour, the movement of ships, mooring or unmooring, equipment (including nature and use) and the manning of ships. Designation is by Order of the Secretary of State.

Section 6 (*General directions to vessels in the Humber*) of the British Transport Docks Act 1972 provides for ABP, after consultation with specified bodies, to give general directions for the purpose of promoting or securing conditions which are conducive to the ease, convenience or safety of the navigation of the Humber. (General Directions for Navigation in the Humber were first issued as a Notice to Mariners, No. H.41/1974 and are now issued as Standing Notice to Mariners No. S. H. 1.)

Section 8 (*Directions to vessels at the docks*) of the Act also provides a power to ABP to give directions for various purposes to all vessels at the docks.

See also below in relation to the powers of the harbourmaster.

7. The Harbourmaster

- 7.1 ABP has the power to appoint a harbourmaster for the Humber under section 5 (*Appointment of harbour master*) of the British Transport Docks Act 1972. Section 5 also includes a power for ABP to remove the harbourmaster at their discretion.
- 7.2 The harbourmaster has the power to make special directions to vessels in the Humber in any reasonable manner considered appropriate under section 7 (*Special directions to vessels in the Humber*) and section 10 (*Manner of giving special directions*) of the British Transport Docks Act 1972.
- 7.3 The harbourmaster can remove from or prevent entering into the harbour any vessel if that vessel might involve grave and imminent danger to any person or person or property, or put the functioning of the harbour at risk, under section 1 (*Directions by harbour master concerning dangerous vessels etc*) of the Dangerous Vessels Act 1985.
- 7.4 The harbourmaster may prohibit the entry, require the removal or regulate the movement, handling and position of any vessel which in the harbourmaster's opinion carries a dangerous substance so as to create a risk to any person or property, under regulation 7 (*Harbour master's powers of prohibition, removal and regulation relating to dangerous substances*) of the Dangerous Substances in the Harbour Areas Regulations 1987.
- 7.5 Under section 144 (*Power to detain ships for section 131 offences*) of the Merchant Shipping Act 1995, where the harbourmaster has reason to believe that the master or owner of a ship has committed an offence under section 131 (*Discharge of oil from ships into certain United Kingdom waters*) of the 1995 Act, the harbourmaster has power to detain said ship subject to certain conditions.
- 7.6 Under section 259(6) (*Powers of inspectors in relation to premises and ships*) of the Merchant Shipping Act 1995 the harbourmaster has power to board and inspect vessels for the purpose of investigating oil pollution.

8. Byelaws

8.1 ABP may make byelaws under section 51 of the British Transport Docks Act 1964 (*Application of section 83 of the Act of 1847*) for the following reasons:–

- 8.1.1 regulating the use of the harbour, dock, or pier;
- 8.1.2 regulating the exercise of the powers vested in the harbour master;
- 8.1.3 regulating the admission of vessels into or near the harbour, dock or pier, and their removal out of and from the same, and for the good order and government of vessels within the harbour or dock, or at or near the pier;
- 8.1.4 regulating the shipping, unshipping, landing, warehousing, stowing, depositing and removing of all goods within the limits of the harbour, dock, or pier, and ABP's premises;
- 8.1.5 regulating (with the consent of the Commissioners of her Majesty's Customs and Excise) the hours during which the gates or entrances or outlets to the harbour, dock, or pier shall be open;
- 8.1.6 regulating the duties and conduct of all persons, as well as the servants of the undertakers as others, not being officers of the Customs and Excise, who shall be employed in the harbour, dock, or pier, and the premises of the undertakers;
- 8.1.7 regulating the use of fires and lights within the harbour, dock, or pier, and the premises belonging thereto, and within any vessel being within the harbour or dock, or at or near the pier, or within the prescribed limits (if any) ;
- 8.1.8 preventing damage or injury to any vessel or goods within the harbour or dock, or at or near the pier, or on the premises of the undertakers;
- 8.1.9 regulating the use of the cranes, weighing machines, weights and measures belonging to the undertakers, and the duties and conduct of all weighers and meters employed by them;
- 8.1.10 regulating the duties and conduct of the porters and carriers employed on the premises of the undertakers and fixing the rates to be paid to them for carrying any goods, articles, or things from or to the same.

8.2 ABP may make byelaws under section 52 (*Power to Board to make byelaws*) and section 53 (*Application of Board's byelaws*) of the British Transport Docks Act 1964 for the following purposes:–

- 8.2.1 The management, control and regulation of the harbour and of goods wares merchandise and vehicles.
- 8.2.2 The control and regulation of vessels within the limit of the harbour.
- 8.2.3 The conduct of persons using the harbour and the control of prohibition of smoking of such persons
- 8.2.4 Safety precautions to be observed by persons on vessels being within the limits of the harbour or persons using or being within the limits of the harbour.

8.3 ABP may make byelaws under section 12 (*Humber byelaws*) of the Associated British Ports Act 1987 within the limits defined in section 12 and Schedule 1 to that Act for the

following purposes:–

- 8.3.1 In respect of any matter relating to the conservancy, protection, regulation, maintenance and improvement of the Humber and the prevention of collisions therein;
- 8.3.2 For regulating the management, improvement, use and superintendence of the Humber and the berths, wharves, quays, piers, jetties, staithes, landing places, slipways, grids, locks, sluices, equipment, works and conveniences (including moorings) in the Humber with the exception of the excluded works;
- 8.3.3 For regulating the admission to, and movement, berthing and mooring within, and the departure of vessels from, the Humber, or the removal of vessels, and for the good order and government of vessels whilst within the Humber;
- 8.3.4 For regulating the shipping and unshipping, landing, stowing, depositing and removing of goods within the Humber and the embarkation, disembarkation or landing of passengers;
- 8.3.5 For regulating the navigation of vessels within the Humber and their speed;
- 8.3.6 For regulating or requiring the use of tugs and for regulating the towing of vessels in the Humber, including the regulation of the size, number and positioning of vessels towed;
- 8.3.7 For preventing damage or injury to or interference with any vessel, goods, vehicle, plant, machinery, property or persons within the Humber;
- 8.3.8 For preventing the removal of or interference with any navigational aid or appliance or any other thing provided by ABP in pursuance of any of its functions;
- 8.3.9 For regulating the conduct of all persons in the Humber, not being members of a police force or officers or servants of the Crown or the Hull and Goole Port Health Authority whilst in the exercise of their duties, and the safety precautions to be observed by persons on vessels;
- 8.3.10 For regulating the placing and maintenance of moorings;
- 8.3.11 For preventing and removing obstructions or impediments within the Humber;
- 8.3.12 For regulating the supply of ballast to vessels and for prohibiting or regulating the discharge or deposit of ballast, ashes, refuse, rubbish or other material (including any polluting liquid) into the Humber;
- 8.3.13 For regulating the use of yachts, sailing boats, rowing boats, pleasure craft and other small craft and the holding of regattas and other public events within the Humber;
- 8.3.14 For regulating the launching of vessels within the Humber;
- 8.3.15 For prohibiting persons on vessels from smoking therein in circumstances where danger may thereby be caused;
- 8.3.16 For regulating or preventing the use of fires and lights within the Humber and within any vessel within the Humber;
- 8.3.17 For regulating the exercise of the powers vested in the harbour master;

- 8.3.18 For prescribing the lights, signals and marks to be carried, exhibited or made by vessels while being used, navigated or moored within the Humber or while aground within the Humber;
- 8.3.19 For prescribing the lights, signals and marks to be exhibited or made by wreckmarking vessels or by other devices used for marking obstructions within the Humber;
- 8.3.20 For prescribing steering and sailing rules for the regulation of vessels used or navigated within or entering or leaving the Humber, including the steps to be taken for avoiding collisions;
- 8.3.21 For prescribing, for the purposes of assisting the navigation of vessels within the Humber, the lights, signals and marks to be exhibited or made at the entrance to any dock or at any wharf, pier or other work;
- 8.3.22 For making requirements as to the manner in which evidence of registration of vessels under any local enactment applying to the Humber and the names of vessels, and of the owners and managers thereof, are to be shown or displayed

9. Powers to Dredge

- 9.1 Section 9 (*Power to dredge*) of the Humber Conservancy Act 1905 provided a general power to dredge. Section 10 (*Power for Commissioners to provide apparatus*) provided a power to obtain apparatus for the purposes of dredging under s9. These provisions are still in force under Schedule 1 of SI 1968/237.
- 9.2 Some specific powers to dredge the Humber were provided for in relation to specific works under the British Transport Docks Acts 1964, 1966, 1967, 1971, 1973 and 1981; as well as the Associated British Ports Acts 1983 and 1990.
- 9.3 Dredging activities may be subject to the marine licensing requirements of the Marine and Coastal Access Act 2009, although section 75 of that Act (*Exemptions for certain dredging etc. activities*) exempts certain dredging or spoil disposal activities that are undertaken on behalf of the harbour authority and authorised by local legislation or Harbour Order.

10. Miscellaneous Powers

- 10.1 Section 22 (*Penalty on throwing rubbish etc. into river*) of the 1871 Act provides for a penalty to be incurred if coal, cinder, ashes, dirt or rubbish is thrown into the river without written consent from the Commissioners. This provision is still in force under Schedule 1 of SI 1968/237.
- 10.2 The 1876 Act, s35 (*Power to erect jetties*) allows ABP, subject to certain conditions, to erect jetties for the more effective conservancy of the River Humber, and to alter or remove the jetties if necessary. This provision is still in force under Schedule 1 of SI 1968/237.
- 10.3 Section 25 (*Penalties for improper Deposit of hard Materials in the River*) and section 26 (*No Mud to be cast into the river except as Admiralty direct*) of the 1852 Act place restrictions on the deposit of certain materials into the river. These were not applied to the British Transport Docks Board under Schedule 1 of SI 1968/237 but were also not repealed under Schedule 3.

Winckworth Sherwood

November 2014

N.B. This Note does not address the separate pilotage functions of ABP as a competent harbour authority under the Pilotage Act 1987 (as amended).