

PANORAMIC

PORTS & TERMINALS

United Kingdom

 LEXOLOGY

Ports & Terminals

Contributing Editor

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HFW

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United Kingdom



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GENERAL

Key ports

Which are the key ports in your jurisdiction and what sort of facilities do they comprise? What is the primary purpose of the ports?

The key ports of the United Kingdom are:

- Immingham;
- Grimsby;
- London Gateway;
- Port of London;
- Milford Haven;
- Tees and Hartlepool;
- Southampton;
- Liverpool;
- Forth;
- Bristol;
- Portsmouth;
- Belfast;
- Felixstowe; and
- Dover

Immingham, which is the United Kingdom's largest port by tonnage, handling approximately 46 million tonnes each year, including 20 million tonnes of oil and 10 million tonnes of coal, has specialist liquid bulk and coal-handling terminals and roll-on/roll-off (ro-ro) and lift-on/lift-off facilities. A new £100 million freight terminal is currently being developed at Immingham and is expected to open in 2026.

At Grimsby, more than 500,000 vehicles are handled each year, as both imports and exports, through its dedicated ro-ro berths.

The Port of London handles dry and liquid bulk, as well as cargo from ro-ro and container vessels.

London Gateway is a semi-automated deep-sea container port owned and operated by DP World.

Milford Haven handles liquid bulk including crude and refined oils, liquefied petroleum gas and liquefied natural gas.

Tees and Hartlepool port handles bulk cargo.

Southampton has a container terminal, a ro-ro terminal, a major cruise terminal, and dry bulk and liquid bulk facilities that are primarily used for crude oil.

Liverpool handles bulk cargo, and ro-ro and container vessels. It is also used as a transshipment port for cargo bound for Ireland and Scotland. A £400 million deep-water

terminal known as Liverpool2 opened at the port in November 2016. The terminal was developed in response to changing trading patterns and shipping industry trends towards the use of mega ocean-going container ships (such as post-Panamax ships).

Felixstowe is the United Kingdom's largest container port and also handles ro-ro traffic.

Dover is a ferry port and handles ro-ro cargo and ro-pax vessels.

UK ports with significant cargo capacity are Forth, Bristol, Portsmouth and Belfast.

Law stated - 10 July 2025

Reform and port models

Describe any port reform that has been undertaken over the past few decades and the principal port model or models in your jurisdiction.

Port ownership in the United Kingdom falls into three categories:

- privately owned ports;
- trust ports; and
- municipal ports owned by local government authorities.

In the past 30 years, there has been a move towards the private ownership model, particularly for the larger UK ports. Currently, of the 20 largest ports by tonnage, 15 are operated by the private sector. London Gateway Port, owned by DP World, has proved to be one of the fastest-growing ports in the world following its opening in 2013. Privatisation of smaller ports has been slower, and most smaller ports adhere to the trust ports and municipal ports models.

Prior to 1983, the ports industry was largely nationalised. In 1983, the state-owned ports operator, the British Transport Docks Board, was privatised under its new name, Associated British Ports, with its shares being offered to the public. Most of the larger state-owned ports were sold in and since 1983. Privately owned ports range from ports owned by international groups (eg, DP World and Hutchison Whampoa) to ports owned by private companies (eg, the Bristol Port Company).

Trust ports are generally run by self-governing independent statutory bodies whose constitutions are instituted by acts of Parliament. Such ports, including the Port of London Authority and Belfast Harbour Commissioners, are independent statutory corporations managed by a board of trustees. With exceptions such as the ports in Dover and Milford Haven, most trust ports are small harbours handling predominantly leisure and local fishing vessels. They operate on a quasi-commercial basis, but they do not pay dividends, as they have no shareholders. Any profits they make are retained by the undertaking. In the 1980s and early 1990s, the UK government advocated for the privatisation of trust ports, culminating in the Ports Act 1991. However, the privatisation of trust ports has been slow. The UK government published guidance concerning trust ports' governance – 'Modernising Trust Ports', although this was withdrawn on 5 March 2018 and replaced by the 'Ports Good Governance Guidance' – and trust ports are subject to several statutory duties, including duties of maintenance.

Finally, some ports continue to be owned and operated by local authorities. On the whole, these ports tend to be small and handle low tonnages, with the exceptions of the oil terminals in Orkney and Shetland, and the port of Portsmouth.

A major change since the United Kingdom's exit from the European Union has been the reintroduction of freeports. From 1984 to 2012, the United Kingdom had a total of seven freeports, but the legislation allowing them lapsed, and they lost that status. The reintroduction of freeports was announced in the March 2021 budget, and a total of eight freeports were announced after a tender process. The English ports awarded freeport status are East Midlands Airport, Felixstowe, Humber, Liverpool, Plymouth, Solent, Teesside and Thames. Plymouth, Solent and Teesside were the first to become operational in December 2022, followed by Liverpool, Felixstowe, Thames, and East Midlands in 2023. Scottish and Welsh freeports were announced later, with Inverness and Cromarty Firth, Forth Green, and Celtic (Milford Haven and Port Talbot) becoming operational in 2024, and Anglesey in January 2025. These freeports will benefit from various tax exemptions, including:

- Stamp Duty Land Tax relief for land purchased within the freeport for qualifying commercial activities;
- tax relief for the construction and renovation of non-residential buildings and structures;
- Enhanced Capital Allowances offering tax relief for investments in new plant and machinery assets;
- exemption from National Insurance contributions for employers on the salaries of new employees;
- reduction of business rates to zero on certain business premises; and
- tariff reductions on qualifying business operations.

The aim of the reintroduction of freeports is to increase the level of trade taking place in the United Kingdom and to encourage investment and job creation.

Law stated - 10 July 2025

State development policy

Is there an overall state policy for the development of ports in your jurisdiction?

In January 2012, the Department for Transport presented its 'National Policy Statement for Ports' (NPS) to Parliament. This document sets out the framework for decisions made relating to port development in England and Wales, and in particular, the UK government's conclusions on the need for new port infrastructure.

The NPS states that the UK government's ports policy is to encourage sustainable long-term port development to cater for economic developments in the long term. It enables developers operating in a free-market environment to make decisions with respect to the timing and the location of new port projects based on commercial considerations, while ensuring that all developments comply with applicable legal and environmental requirements, including

objectives set out in the relevant European directives. In summary, a market-driven policy encouraging competition is the primary basis of the policy, as it has been since the 1980s.

In March 2023, a review of the NPS was announced by the Department for Transport. The review took into account recent developments in environmental policy as well as the reintroduction of freeports to ensure that the NPS remains an up-to-date support in the UK government's net-zero and domestic economic growth objectives. In June 2025, the Department for Transport opened a consultation on revisions to the NPS and whether the draft presented was fit for purpose. The proposals made to the NPS are as a result of significant policy and economic changes that have led to structural amendments for port infrastructure since 2012, and the consultation is due to close on 29 July 2025.

Law stated - 10 July 2025

Green ports

What 'green port' principles are proposed or required for ports and terminals in your jurisdiction?

Ports and port development in the United Kingdom are currently subject to UK environmental legislation, which includes former EU law that has been assimilated into UK law.

In particular, projects could be subject to the requirement under the European Environmental Impact Assessment Directive (Council Directive 85/337/EEC, as amended by Directive 2011/92/EU) (the Environment Directive) to produce an environmental statement describing the environmental impact of the proposed developments. When the Environment Directive applies, it requires a significant amount of assessment and analysis to be undertaken prior to the project's commencement. An environmental statement includes an assessment of measures taken to reduce ships' greenhouse gas emissions, as well as any increase in emissions caused by inland transport generated as a result of the port development. The UK government requires environmental statements to take into account the projected changes in the United Kingdom's climate that will result from climate change. Similarly, formal assessments may be necessary under the United Kingdom's Conservation of Habitats and Species Regulations 2017.

Further, the Marine and Coastal Access Act 2009 (MCAA) provides a legal mechanism to help ensure clean, healthy, safe, productive and biologically diverse oceans and seas, by putting in place a new system for the management and protection of the marine and coastal environments. To this end, the Marine Management Organisation (MMO) was established under the MCAA, imposing a series of obligations that require certain projects to be environmentally sustainable and to minimise pollution. In the context of port developments, nationally significant projects may require licences from UK government authorities and parties considering projects should consult the MMO (for projects in England) or the Welsh government (for projects in Wales) to establish whether any licences are required. In particular, this might involve obtaining permits under the environmental permitting regime, which covers, among others, projects with waste disposal and management facilities.

Finally, the Environment Act 2021 affects the operation of ports and terminals in the United Kingdom. The Environment Act 2021 includes targets, plans and policies that are designed to, among others, reduce waste, improve air quality, protect the natural environment and regulate chemicals.

LEGISLATIVE FRAMEWORK AND REGULATION

Development framework

Is there a legislative framework for port development or operations in your jurisdiction?

Port development

The 'National Policy Statement for Ports' (NPS) sets out the broad framework applying to the ports development policy and details the legislation that applies to the development of ports. In particular, the Planning Act 2008, in combination with the Localism Act 2011, states that a party planning to undertake a nationally significant infrastructure project must submit its plans to the Planning Inspectorate, which will consider the proposals in light of the relevant legislation and the NPS. Following this review, the Planning Inspectorate will send the proposals to the Secretary of State for Transport with a recommendation as to whether permission should be granted or refused. In addition, in most cases, port developers must obtain a licence from the Marine Management Organisation pursuant to the Marine and Coastal Access Act 2009.

In April 2021, the Town and Country Planning (General Permitted Development etc) Order 2021 introduced revisions to existing rules on permitted development rights (PDRs). The amended PDRs increase the number of types of permitted developments, as well as who can undertake them. They now permit development 'in connection with the provision of services and facilities', including erection and alteration of operational buildings. This creates a wider scope for the development of ports. There are also exemptions from the requirement to consult the local planning authority prior to commencing development if the development is urgent (eg, if it is required for the efficient running of the dock).

Port operation

Each port is overseen by a competent harbour authority (CHA), which is appointed by statute. The relevant CHA is responsible for the management of its port. A CHA's constitution will depend on how the port is incorporated. For instance, private companies can be the CHA in the case of private ports, while in the case of a trust port, the CHA will usually be the port's board members. A CHA's powers and duties are prescribed by a wide range of general and specific legislation. Some regulations apply to each CHA, including:

- the guidance in the Ports & Marine Facilities Safety Code, which sets out the national standard for every aspect of port marine facility safety;
- the Guide to Good Practice on Port and Marine Facilities, which sits alongside the Ports & Marine Facilities Safety Code; and
- statutes, such as the Merchant Shipping Act and its related secondary legislation.

Other legislation either devolves powers to the CHA to exercise on a semi-discretionary basis (for example, the Pilotage Act 1987) or is specific to a certain port or ports. This specific legislation normally takes the form of Harbour Revision Orders or Harbour Empowerment Orders, for which CHAs can submit applications. These orders principally concern either

matters of port development or the alteration or reconstitution of the powers held by the relevant CHA.

Law stated - 10 July 2025

Regulatory authorities

Is there a regulatory authority for each port or for all ports in your jurisdiction?

On 6 April 2019, the Port Services Regulations 2019 (the Regulations) came into force in the United Kingdom, implementing mandatory and discretionary elements of the European Union Port Services Regulation (PSR). The Regulations provide for an enforcement authority, which is the overarching regulatory authority for applicable ports in the United Kingdom. For ports in England and reserved trust ports, the enforcement authority is the Secretary of State for Transport. For ports in Wales, except reserved trust ports, the Welsh Ministers constitute the enforcement authority. For ports in Scotland, the Scottish Ministers constitute the enforcement authority. For ports in Northern Ireland, the enforcement authority is the Department for Infrastructure. Sitting beneath the enforcement authority is the port body, such as a managing body of the port.

The Regulations applied to the maritime ports in the United Kingdom is listed in Annex II to Regulation (EU) No. 1315/2013; however, small ports (which are defined in the Regulations, but briefly are those which handle less than 0.1 per cent of total EU freight) were, subject to approval from the enforcement authority, relieved from certain measures of the PSR such as financial transparency if compliance would cause a disproportionate administrative burden.

Under the PSR and the Regulations, the managing body of a UK port maintains autonomy subject to certain additional obligations under the Regulations, such as levying charges, whereas the enforcement authority handles higher-level matters such as complaints, contraventions by the managing body and infringements by persons obligated under the PSR.

The Regulations have now been replaced by the Pilotage and Port Services (Amendment) (EU Exit) Regulations 2020, following the United Kingdom's exit from the European Union. The provisions remain largely the same as those contained in the Regulations, with some general changes including:

- a reduced scope limited to the United Kingdom only;
- removal of provisions that allowed EU member states to extend the scope of the Regulations to other ports or to pilotage;
- removal of provisions for reports to the European Commission;
- replacement of all references to 'member states' with 'relevant authority'; and
- adaptation of references to EU procurement and employment law to reflect UK law.

Following a consultation in 2022, the Department for Transport repealed the PSR as EU retained law and revoked the Regulations with effect from January 2024 pursuant to the Retained EU Law (Revocation and Reform) Act 2023, which grants ministers the power to revoke or amend retained EU law. These changes maintain the position that the PSR was aimed more at the largely public sector ports structure of the EU rather than the mostly privatised UK ports sector, and the UK government presented this as an opportunity to create a regulation better suited to the interests of the United Kingdom in light of its departure from the European Union. The Department for Transport also maintains that many of the areas covered under the PSR are adequately provided for by commercial practice within the context of UK domestic law in any event.

Law stated - 10 July 2025

Regulatory authorities

What are the key competences and powers of the port regulatory authority in your jurisdiction?

The key competences and powers will primarily be determined by the content of the legislation specific to each port's CHA. In addition, every port or harbour has general competences and powers, mainly related to the general duties to ensure the safety, maintenance and conservation of the port. In addition, there are several pieces of UK government-issued guidance applying to ports that, while lacking the full power of law, are authoritative guidance on issues such as corporate governance and port management. One such authoritative guide is the 'Ports Good Governance Guidance', which is based on the 'UK Corporate Governance Code' and replaces the second edition of the 'Modernising Trust Ports' publication and the 'Opportunities for Ports in Local Authority Ownership' publication. The 'Ports Good Governance Guidance' sets out principles of openness, accountability and fitness for the purpose of managing harbours in the broad public interest.

Law stated - 10 July 2025

Harbourmasters

How is a harbourmaster for a port in your jurisdiction appointed?

In the case of specific ports with a partly naval function known as dockyard harbours (ie, Portsmouth and Plymouth in England and Wales), harbourmasters (with the title King's Harbour Master) are appointed by a UK government minister pursuant to the Dockyard Ports Regulation Act 1865. Otherwise, CHAs have the power to appoint a harbourmaster, whose primary responsibilities are detailed in the Harbours, Docks and Piers Clauses Act 1847.

Law stated - 10 July 2025

Competition

Are ports in your jurisdiction subject to specific national competition rules?

The Pilotage and Port Services (Amendment) (EU Exit) Regulations 2020 now apply in the United Kingdom. They establish a framework for the provision of port services, and common rules on financial transparency, port services and infrastructure charges.

These rules also provide for greater regulation on the right of authorities to limit free-market access (eg, by the introduction of minimum requirements for service providers, limits on the number of service providers in ports, or public service obligations to safeguard the general interest). Overall, these rules aim to establish a more effective and fair application of competition rules in ports.

Ports in the United Kingdom are also subject to the general competition rules that apply to the UK market.

Ports should therefore review their procedures alongside all the relevant legislation to ensure that they do not contravene any competition rules.

Law stated - 10 July 2025

Tariffs

Are there regulations in relation to the tariffs that are imposed on ports and terminals users in your jurisdictions and how are tariffs collected?

Given that the powers of a CHA can vary from port to port, the local acts of Parliament applying to a specific port (if any) may empower a CHA to levy harbour dues. The Harbours Act 1964 also governs the imposition of harbour dues by CHAs, as does other legislation such as the Harbours, Docks and Piers Clauses Act 1847.

The tariffs that are imposed on ports and terminal users by port operators are subject to competition laws and rules, particularly in relation to abuse of a dominant market position.

The collection of tariffs will depend on the preferred practices of any given CHA or port operator.

Law stated - 10 July 2025

Tariffs

Are there restrictions relating to the currency applied to the tariffs or to any fees that are payable by a port operator to the government or port authority? Are any specific currency conditions imposed on port operators more generally?

There are no general provisions that set out the currency applied to any tariffs or fees that are payable by a port operator. However, with the majority of UK ports being privately owned, UK port operators will be subject to taxation in the United Kingdom, which will be payable to His Majesty's Revenue and Customs in pounds sterling.

Law stated - 10 July 2025

Public service obligations

Does the state have any public service obligations in relation to port access or services? Can it satisfy these obligations through a contract with a private party?

The state does not have any public service obligations in relation to port access or services. The UK government has set out its policy for the ports industry, which includes guidance in respect of the evaluation of applications for consent to develop port projects and may impact on any conditions attached to any such consent granted on a case-by-case basis.

Law stated - 10 July 2025

Joint ventures

Can a state entity enter into a joint venture with a port operator for the development or operation of a port in your jurisdiction? Is the state's stake in the venture subject to any percentage threshold?

There is no specific legislation in place that would hinder the UK government (or rather a state-owned entity) from entering into a joint venture with a port operator for the development or operation of a port in the United Kingdom. However, given the fully privatised system that is implemented in respect of most large ports in the United Kingdom, this is not common practice.

Law stated - 10 July 2025

Foreign participation

Are there restrictions on foreign participation in port projects?

There are currently no restrictions on foreign participation in port projects in the United Kingdom. However, the UK government may seek to intervene in any projects or matters that adversely affect national interests, including where there is a risk of sanctions and where there may be serious health, safety and environmental risks.

The National Security and Investment Act 2021 (the NSI Act) came into force on 4 January 2022. Certain aspects apply retroactively from 12 November 2020 onwards to prevent parties from rushing deals through to avoid the requirements of the NSI Act. The NSI Act imposes a hybrid mandatory and voluntary notification regime for certain acquisitions. It is mandatory for parties to notify the Secretary of State for Transport and gain approval for notifiable acquisitions in certain sectors, including the transport sector.

A notifiable acquisition is a direct or indirect acquisition of more than 25 per cent of the shares or voting rights in qualifying entities (ie, any entity other than an individual). A foreign entity will be a qualifying entity if it carries out any activities in the United Kingdom or supplies goods or services to the United Kingdom.

Parties will also need to consider whether they need to voluntarily notify the Secretary of State for Transport in situations where entities or assets being acquired are in other sectors that could give rise to national security concerns.

PUBLIC PROCUREMENT AND PPP

Legislation

Is the legislation governing procurement and PPP general or specific?

The UK government's public-private partnership (PPP) framework – Private Finance 2 (PF2), which replaced the Private Finance Initiative (PFI) – was introduced in 2012 and is subject to guidance issued by the UK Treasury. PF2 aimed to represent a more efficient approach to PPP that seeks to improve on previous procurement experience. It is not specific to any industry. In the context of procurement, the UK government has introduced the Public Contracts Regulations 2015, which could apply to aspects of PPP and PF2 transactions. The Public Contracts Regulations 2015 were enacted pursuant to EU directives concerning the free movement of goods and services.

In the autumn 2018 budget, the UK government announced that it will no longer use PF2 for new government projects. However, existing PFI and PF2 contracts will not end because of this announcement. A new Centre for Best Practices in the Department for Health and Social Care is now responsible for improving the management of the remaining legacy PFI and PF2 contracts.

The Procurement Act 2023 came into force on 24 February 2025. The Procurement Act 2023 created a single regime for public procurement in England, Wales and Northern Ireland (devolved Scottish authorities are not subject to the Procurement Act 2023, as the Scottish government has opted to maintain its own procurement regulations for these authorities). According to the UK government, the new regime will simplify the public procurement framework, improve transparency throughout the procurement lifecycle, open up public procurement to smaller businesses and strengthen the ability to exclude suppliers if there is evidence of Modern Slavery breaches. The Procurement Act 2023 covers contracts awarded by most central UK government departments and their arm's length bodies to the wider public sector, including local government and health authorities, and utilities companies operating in the water, energy and transport (including ports) sectors. A new Procurement Review Unit (PRU) has also been established with the responsibility for oversight of public procurement.

Law stated - 10 July 2025

Proposal consideration

May the government or relevant port authority consider proposals for port privatisation/PPP other than as part of a formal tender?

Port concessions and joint ventures with the government are not common in the United Kingdom. Generally, the 'National Policy Statement for Ports' (NPS) provides that, where there has been a material change in circumstances that necessitates the review of the NPS in whole or in part and it is in the national interest that a case should be decided quickly, the Secretary of State for Transport has a reserve power to intervene and make the decision, ensuring that proposals for nationally significant infrastructure can be considered

without delay. Generally, contracting authorities (ie, state, regional and local authorities, bodies governed by public law and associations formed by one or several of such authorities or bodies) are subject to UK public procurement regulations.

Law stated - 10 July 2025

Joint venture and concession criteria

What criteria are considered when awarding port concessions and port joint venture agreements?

The NPS provides the framework for decisions on proposals for new port developments and, for the benefit of planning decision-makers, sets out the approach that they should take to proposals, including the main issues that will need to be addressed to ensure that future development is fully sustainable. It also details the need for new port infrastructure and the positive and negative impacts it may bring.

The guidance included in the NPS encompasses:

- economic impacts;
- commercial impacts;
- competition;
- tourism;
- environmental impact assessment;
- habitats and species regulations assessments;
- criteria for good design of port infrastructure;
- pollution control and other environmental regulatory regimes;
- climate change mitigation and adaptation;
- common law nuisance and statutory nuisance;
- hazardous substances; and
- health and security considerations.

Other relevant criteria include:

- biodiversity and geological conservation;
- flood risks;
- traffic and transport impacts;
- waste management;
- water quality and resources;
- air quality and emissions; and
- socio-economic impacts.

Law stated - 10 July 2025

Model agreement

Is there a model PPP agreement that is used for port projects? To what extent can the public body deviate from its terms?

There is no model public-private partnership (PPP) agreement that is used for port projects.

Law stated - 10 July 2025

Approval

What government approvals are required for the implementation of a port PPP agreement in your jurisdiction? Must any specific law be passed in your jurisdiction for this?

The NPS sets out the broad framework that applies to the ports development policy and details the legislation that applies to the development of ports. In particular, the Planning Act 2008, in combination with the Localism Act 2011, states that a party planning to undertake a nationally significant infrastructure project must submit its plans to the Planning Inspectorate, which will consider the proposals in light of the relevant legislation and the NPS. Following this review, the Planning Inspectorate will send the proposals to the Secretary of State for Transport with a recommendation as to whether permission should be granted or refused. In addition, in most cases, port developers must obtain a licence from the Marine Management Organisation, pursuant to the Marine and Coastal Access Act 2009.

Law stated - 10 July 2025

Projects

On what basis are port projects in your jurisdiction typically implemented?

Port projects in the United Kingdom are implemented on a case-by-case basis and, in practice, most port projects are based on fully privatised port models.

Law stated - 10 July 2025

Term length

Is there a minimum or maximum term for port PPPs in your jurisdiction?
What is the average term?

No. As there have been no port PPPs in the United Kingdom, one cannot speak of an average concession term.

Law stated - 10 July 2025

Term length

On what basis can the term be extended?

As there have been no port PPPs in the United Kingdom, one cannot speak of an average concession term or any extensions to the term of concessions.

Law stated - 10 July 2025

Fee structures

What fee structures are used in your jurisdiction? Are they subject to indexation?

Given that most port developments in the United Kingdom have been based on fully privatised port models, there are no fee structures as such. However, the port projects will be subject to taxation.

Law stated - 10 July 2025

Exclusivity

Does the government provide guarantees in relation to port PPPs or grant the port operator exclusivity?

No.

Law stated - 10 July 2025

Other incentives

Does the government or the port authority provide any other incentives to investors in ports?

In October 2020, the UK government provided a £200 million fund for certain ports to build new border infrastructure on their current sites to handle new customs requests under the new Border Operating Model. This funding can be used for a range of infrastructure, from warehouses and central posts to traffic management systems. In addition, the reintroduction of freeports allows ports to benefit from wide-ranging tax exemptions as well as seed capital funding for development.

Law stated - 10 July 2025

PORT DEVELOPMENT AND CONSTRUCTION

Approval

What government approvals are required for a port operator to commence construction at the relevant port? How long does it typically take to obtain approvals?

Under the Planning Act 2008, an application must be submitted to the Planning Inspectorate for nationally significant infrastructure projects in order to be granted development consent. The Planning Inspectorate will then make a report and recommendation on the project to the Secretary of State for Transport. If the decision is made to give consent for a project to go ahead, the Secretary of State for Transport will make a development consent order. Such developments will be those that will lead to a port having an annual capacity of 500,000 20-foot equivalent units for container terminals, 250,000 movements for a roll-on/roll-off terminal, 5 million tonnes of other traffic for bulk and general cargo terminals, or a weighted equivalent, including all three of these categories.

In addition, the Secretary of State for Transport has the power to determine that certain projects are of national significance even if they fall below the relevant threshold, in which case the plans will be referred to the Planning Inspectorate. Further consent and licences may be required, depending on the nature of the plans, under a variety of legislation and regulations. In particular, Marine Management Organisation consent will be required.

Current UK border policies require port operators to provide border provisions to enable a fully operational and secure border. The UK Border Requirements: National Statement of Expectations supports port operators to meet these requirements by setting out specifications relating to border infrastructure. Port operators should provide the UK Border Force with at least six months' notice in advance to sign off on any port development project. It is important that port operators engage with Border Force before committing to any architectural or commercial plans, as there may be delays in obtaining approval depending on the scale and/or complexity of port development projects.

Law stated - 10 July 2025

Port construction

Does the government or relevant port authority typically undertake any part of the port construction?

No. However, the 'National Policy Statement for Ports' (NPS) will apply to associated development, such as road and rail links, for which consent is sought alongside that for the principal port development. The NPS sets out that non-port-associated development should be considered on a case-by-case basis, using appropriate assessment methods consistent with the NPS and with applicable official guidance. For example, with significant investment from London Gateway owner DP World, the UK government carried out extensive upgrades to junction 10 of the M25 in order to improve access from London Gateway to the capital's orbital motorway.

Law stated - 10 July 2025

Port construction

Does the port operator have to adhere to any specific construction standards, and may it engage any contractor it wishes?

The guidance included in the NPS for planning decision-makers includes the criterion of good design for port infrastructure. This criterion sets out that the decision-maker needs

to be satisfied that the port infrastructure developments are sustainably designed and, having regard to regulatory and other constraints, are as attractive, durable and adaptable (including taking into account natural hazards such as flooding) as they can be. In so doing, the decision-maker should satisfy itself that the applicant has taken into account both functionality (including fitness for purpose and sustainability) and aesthetics (including its contribution to the quality of the area in which it would be located) as far as possible.

Finally, in considering applications, the decision-maker should also take into account the ultimate purpose of the infrastructure and bear in mind the operational, safety and security requirements that the design has to satisfy.

Law stated - 10 July 2025

Port construction

What remedies are available for delays and defects in the construction of the port?

As any agreements relating to the construction of the port will be entered into between the project applicant or port operator and a third-party contractor, any remedies available to the project applicant or port operator will be subject to negotiation between such parties and will vary on a case-by-case basis, depending on factors such as the nature of the works and the bargaining powers of the parties.

Law stated - 10 July 2025

PORT OPERATIONS

Approval

What government approvals are required in your jurisdiction for a port operator to commence operations following construction? How long does it typically take to obtain approvals?

Under the Planning Act 2008, an application must be submitted to the Planning Inspectorate for nationally significant infrastructure projects in order to be granted development consent. The Planning Inspectorate will then make a report and recommendation on the project to the Secretary of State for Transport. If the decision is made to give consent for a project to go ahead, the Secretary of State for Transport will make a development consent order. Such developments will be those that will lead to a port having an annual capacity of 500,000 20-foot equivalent units for container terminals, 250,000 movements for a roll-on/roll-off terminal, 5 million tonnes of other traffic for bulk and general cargo terminals, or a weighted equivalent, including all three of these categories.

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Law stated - 10 July 2025

Typical services

What services does a port operator and what services does the port authority typically provide in your jurisdiction? Do the port authorities typically charge the port operator for any services?

In fully privatised ports, the owner or operator provides all the services, or grants licences or concessions for third parties to provide them. Trust ports are owned and operated by the same party providing all services. With municipal ports, typically the port authority will provide services relating to dredging, lighting, safety, navigation and pilotage, while the port operator will manage day-to-day matters such as cargo handling.

Law stated - 10 July 2025

Access to hinterland

Does the government or relevant port authority typically give any commitments in relation to access to the hinterland? To what extent does it require the operator to finance development of access routes or interconnections?

No. However, the 'National Policy Statement for Ports' (NPS) will apply to associated development, such as road and rail links, for which consent is sought alongside that for the principal port development. The NPS sets out that non-port-associated development should be considered on a case-by-case basis, using appropriate assessment methods consistent with the NPS and with applicable official guidance. For example, with significant investment from London Gateway owner DP World, the UK government carried out extensive upgrades to junction 10 of the M25 in order to improve access from London Gateway to the capital's orbital motorway.

Law stated - 10 July 2025

Suspension

How do port authorities in your jurisdiction oversee terminal operations and in what circumstances may a port authority require the operator to suspend them?

Each port is overseen by a competent harbour authority (CHA), which is appointed by statute. The relevant CHA is responsible for the management of its port. A CHA's constitution will depend on how the port is incorporated. For instance, private companies can be the CHA in the case of private ports, while in the case of a trust port, the CHA will usually be the port's board of directors. A CHA's powers and duties are prescribed by a wide range of general and specific legislation. Some regulations apply to each CHA, including:

- the guidance in the Ports & Marine Facilities Safety Code, which sets out the national standard for every aspect of port marine facility safety;
- the Guide to Good Practice on Port and Marine Facilities, which sits alongside the Ports & Marine Facilities Safety Code; and

- statutes, such as the Merchant Shipping Act and its related secondary legislation.

Other legislation either devolves powers to the CHA to exercise on a semi-discretionary basis (for example, the Pilotage Act 1987) or is specific to a certain port or ports. This specific legislation normally takes the form of Harbour Revision Orders or Harbour Empowerment Orders, for which CHAs can submit applications. These orders principally concern either matters of port development or the alteration or reconstitution of the powers held by the relevant CHA.

Law stated - 10 July 2025

Port access and control

In what circumstances may the port authorities in your jurisdiction access the port area or take over port operations?

This will depend on the by-laws of the relevant CHA, any legislation empowering the CHA and the terms and conditions for the operation of the CHA.

Law stated - 10 July 2025

Failure to operate and maintain

What remedies are available to the port authority or government against a port operator that fails to operate and maintain the port as agreed?

The UK government's approach to the ports industry is to intervene only where there is demonstrable market failure, which is rare.

Law stated - 10 July 2025

Transferrable assets

What assets must port operators transfer to the relevant port authority on termination of a concession? Must port authorities pay any compensation for transferred assets?

Given the fully privatised model that applies to most port projects in the United Kingdom, there are no obligations on port operators to transfer assets to the port authority or government under any concession. Similarly, in the case of trust ports and municipal ports, this is not relevant.

Law stated - 10 July 2025

MISCELLANEOUS

Special purpose vehicles

Is a port operator that is to construct or operate a port in your jurisdiction permitted (or required) to do so via a special purpose vehicle (SPV)? Must it be incorporated in your jurisdiction?

As applications for port projects are considered and consent is granted on a case-by-case basis, this will depend on the conditions attached to the consent approving any particular project. Generally, there is no nationality requirement.

Law stated - 10 July 2025

Transferring ownership interests

Are ownership interests in the port operator freely transferable?

The ability to freely transfer ownership interests in the port operator will depend on the terms included in the constitution of the port operator, together with the terms of any relevant joint venture or shareholders' agreement relating to the port operator. There are no laws (other than possibly competition rules) that restrict the transfer of shares.

Law stated - 10 July 2025

Granting security

Can the port operator grant security over its rights under the PPP agreement to its project financing banks? Does a port authority in your jurisdiction typically agree to enter into direct agreements with the project financing banks and, if so, what are the key terms?

Given the fully privatised nature of most port projects in the United Kingdom, the private parties participating in the project can generally offer security over the assets of the project.

Law stated - 10 July 2025

Agreement variation and termination

In what circumstances may agreements to construct or operate a port facility be varied or terminated?

This may be achieved in accordance with the terms and conditions agreed by the signatory parties to any such agreement.

Law stated - 10 July 2025

Contractual breach

What remedies are available to a government or port authority for contractual breach by a port operator?

Given the fully privatised model that applies to most ports in the United Kingdom, this is not applicable.

Law stated - 10 July 2025

Governing law

Must all port PPP agreements be governed by the laws of your jurisdiction?

There are no port public-private partnership agreements in the United Kingdom. The laws of the jurisdiction governing the project agreements are a matter for agreement between the parties that are signatories to any such agreement. Generally, we would expect that such agreements would be subject to English law.

Law stated - 10 July 2025

Disputes

How are disputes between the government or port authority and the port operator customarily settled?

The regime for settling disputes will be subject to negotiation and agreement between the parties participating in the project.

Law stated - 10 July 2025

UPDATE AND TRENDS

Key developments of the past year

Are there any other current developments or emerging trends that should be noted?

The United Kingdom's departure from the European Union has had a significant impact on the regulatory landscape in which ports operate and the government's general attitude towards investment in the sector. The introduction of twelve freeports and the expansion of the permitted development rights affecting ports, along with the £200 million investment fund provided specifically to ports, suggest that the government believes that ports play a crucial role in the United Kingdom's position in the global economy and wants to give them the freedom to expand their capabilities. This belief is seemingly reflected by the private sector, with DP World announcing a £1 billion investment in the expansion of London Gateway and a partnership between Peel Ports Group and Medcem announcing a £35 million investment towards a new deep-water terminal at the Port of Liverpool.

The role of UK ports is further bolstered by the UK government's draft revised national policy statement, which aims to boost expansion of maritime ports, save time and money on planning applications, and ultimately secure the long-term future of the industry by welcoming private investment and supporting the development of green technologies. The

revisions align with wider reforms, including the Planning and Infrastructure Bill, to encourage new commercial port projects.

COP29 signalled the UK's renewed ambition to take on a greater role in climate action. This was reflected by the UK's announcement of its new Nationally Determined Contribution emissions reduction target under the Paris Agreement, pledging to reduce all greenhouse gas emissions by at least 81 per cent on 1990 levels by 2035 (excluding international aviation and shipping emissions). The UK's share of shipping emissions will be within the scope of the UK's domestic legally binding Carbon Budget 6 (2033–37) as we approach the wider target of net zero by 2050. The UK's climate ambitions were further bolstered by co-launching a Global Clean Power Alliance at the G20 summit in November 2024, which aims to triple renewable energy adoption by 2030.

** The information in this chapter was accurate as of July 2025.*

Law stated - 10 July 2025