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STATUTORY RULES OF NORTHERN IRELAND

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**1998 No. 221**

**Larne Harbour Order (Northern Ireland) 1998**

**Power to prevent or reduce oil pollution**

17.—(1) Subject to paragraph (2), in addition to any powers conferred on the Company or on the harbour master by or under any enactment in respect of vessels which are sunk, stranded or abandoned, if a vessel which is sunk, stranded or abandoned in the port is discharging oil, or, in the opinion of the Company, is likely to discharge oil, into the port or the approaches thereto (then whether or not the Company or the harbour master have exercised in relation to that vessel any of the powers aforesaid) the Company may give such directions as respects the vessel or its cargo as it considers necessary or expedient for the purpose of preventing or reducing oil pollution, or the risk of oil pollution, to the master of that vessel.

(2) The Company shall not give directions under paragraph (1), if and so long as it is of the opinion that every practicable measure is being taken with all reasonable diligence for the purpose of preventing or reducing oil pollution, or the risk of oil pollution.

(3) If the master of such vessel as is mentioned in paragraph (1) fails to comply with the directions given under that paragraph, or if there be no competent person on board such vessel to attend to such directions, the Company may take such steps as it considers necessary or expedient as respects the vessel or its cargo, including operations involving the taking over of control of the vessel, for the purpose of preventing or reducing oil pollution, or the risk of oil pollution, and any expenses incurred by the Company in respect of such steps shall, save as provided by paragraph (5), be recovered by the Company from the owner and the Company may detain such vessel for securing the expenses and on non-payment of such expenses on demand may sell such vessel and out of the proceeds pay such expenses paying the surplus, if any, to the owner on demand.

(4) If the proceeds of sale are insufficient to reimburse the Company for the said expenses it may recover any such expenses which are not reimbursed out of the proceeds of the sale or if there is no sale, the whole of those expenses from the person who at the time the directions specified in paragraph (1) were given was the owner of the vessel and any action under this paragraph shall fall within the admiralty jurisdiction of the High Court and shall be deemed to be a claim for dock charges or dues under section 55 of, and paragraph 1(1)(n) of Schedule 1, to the Administration of Justice Act 1956(1).

(5) Where in respect of any vessel the Company or the harbour master exercises the powers which are referred to in paragraph (1), and where expenses incurred under those powers are recoverable by the Company, and where expenses are also incurred by the Company under paragraph (3) in respect of the same vessel, then the Company may recover all such expenses howsoever incurred as if they were incurred under paragraph (3).

(6) Any reference in this Article to the taking of any action includes reference to a compliance with a direction not to take some specified action.

(7) The Company shall, as soon as is practicable, notify the Department when exercising its powers under this Article.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(8) In this Article “cargo” includes bunker fuel and any of the machinery, boats, equipment or articles on board a vessel.