
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 233

**The Comhairle nan Eilean Siar
(Ardveinish) Harbour Revision Order 2000**

PART III

HARBOUR REGULATION

Wrecks and obstructions

Powers with respect to disposal of wrecks

33.—(1) In their application to the Comhairle, sections 252 and 253 of the Merchant Shipping Act 1995⁽¹⁾ shall have effect—

- (a) subject to the provisions of article 34 below; and
- (b) in relation to a vessel sunk, stranded or abandoned before as well as after the making of this Order.

(2) Subject to paragraph (3), and to any enactment for the time being in force limiting his liability, the Comhairle may recover from the owner of any vessel in relation to which they have exercised their powers under the said section 252 or the said section 253 any expenses reasonably incurred by them under those sections in relation to that vessel which are not reimbursed out of the proceeds of sale (if any) within the meaning of those sections.

(3) Except in a case of emergency, paragraph (2) shall not apply in relation to any vessel unless, before exercising in relation to that vessel any of the powers conferred on them by the said section 252, other than the power of lighting and buoying, the Comhairle have given to the owner of the vessel not less than 48 hours' notice of their intention to do so; and if before the notice expires the Comhairle receive from the owner counter-notice in writing that he desires to dispose of the vessel himself; and no direction is served in respect of the vessel under subsection (2)(b) of article 34 below, he shall be at liberty to do so, and the Comhairle shall not exercise the powers aforesaid in relation to that vessel until the expiration of 7 days from the receipt of the counter-notice and of any further continuous period thereafter during which the owner of the vessel proceeds with the disposal thereof with all reasonable diligence and in compliance with any directions for the prevention of interference with navigation which may be given to him by the Comhairle.

(4) Notice under paragraph (3) to the owner of any vessel may be served by the Comhairle either by delivering it to him or by sending it to him by registered post or the recorded delivery service addressed to him at his last known place of business or abode in the United Kingdom or, if the owner or any such place of business or abode is not known to the Comhairle or is not in the United Kingdom, by displaying the notice at the office of the harbourmaster for the period of its duration.

(5) In this article the expression “owner” in relation to any vessel means the present owner or, as the case may require, the person who was the owner of the vessel at the time of the sinking, stranding or abandonment thereof.

(1) 1995 c. 21.

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