Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Dangerous Vessels (Northern Ireland) Order 1991. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

1991 No. 1219 (N.I. 10)

The Dangerous Vessels (Northern Ireland) Order 1991 [F1]

Made - - - - 21st May 1991

F1 functions transf.SR 1999/481

Title and commencement

1. This Order may be cited as the Dangerous Vessels (Northern Ireland) Order 1991 and shall come into operation on the expiration of 2 months from the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 [F2] shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

"the Department" means the Department of the Environment;

"harbour" and "harbour authority"have the respective meanings given to them by section 38(1) of the Harbours Act (Northern Ireland) 1970 [F3];

"harbour master" includes any dock master or pier master who is not a subordinate of a harbour master and any deputy or assistant of a harbour master or of such a dock master or pier master;

"vessel" includes—

(a) a ship or boat, or any other description of craft used in navigation;

(b) a rig, raft or floating platform, or any other moveable thing constructed or adapted for floating on, or partial or total submersion in, water; and

(c) a seaplane, a hovercraft within the meaning of the Hovercraft Act 1968 [F4] or any other amphibious vehicle.

F2 1954 c. 33 (N.I.)
F3 1970 c. 1 (N.I.)
F4 1968 c. 59

Directions by harbour master concerning dangerous vessels etc.

3.—(1) Subject to Article 5 and without prejudice to any other power already conferred upon him, a harbour master may give directions prohibiting the entry into, or requiring the removal from, the

harbour for which he is harbour master of any vessel if in his opinion the condition of that vessel or the nature or condition of anything it contains is such that its presence in the harbour might involve—

(a) grave and imminent danger to the safety of any person or property; or

(b) grave and imminent risk that the vessel may, by sinking or foundering in the harbour, prevent or seriously prejudice the use of the harbour by other vessels.

(2) The directions referred to in paragraph (1) may be given as respects the vessel in question—

(a) to the owner of the vessel, or to any person in possession of the vessel;

(b) to the master of the vessel; or

(c) to any salvor in possession of the vessel, or to any person who is the servant or agent of any salvor in possession of the vessel, and who is in charge of the salvage operation;

and in sub-paragraph (b) "master" means the person having command or charge of the vessel, but does not include a pilot (that is to say, a person not belonging to the vessel who has the conduct of it).

(3) In determining whether to give any directions under paragraph (1) in any particular case, a harbour master shall have regard to all the circumstances of that case and, in particular, he shall have regard to the safety of any person or vessel (whether that person or vessel is in or outside the harbour and including the vessel in question in that case).

(4) Directions may be given under paragraph (1) in any such reasonable manner as the harbour master may think fit.

(5) At the time any directions under paragraph (1) are given to any person, the harbour master giving the directions shall inform that person of the grounds for giving them.

Application of Merchant Shipping (Liability of Shipowners and Others) Act 1900

4. Where—

(a) a harbour authority is liable for any loss or damage occurring outside the harbour of that authority in consequence of directions given by a harbour master in purported exercise of his powers under Article 3; and

(b) the provisions of **[**F5section 191 of the Merchant Shipping Act 1995 (which limits the liability of harbour, conservancy, dock and canal authorities)**]**would apply so as to limit that liability if the loss or damage in question had occurred in that harbour;

then, for the purposes of that Act, that loss or damage shall be deemed to have occurred in that harbour.

F5 1995 c.21

Further directions by Department

5.—(1) Where a harbour master has given directions under Article 3 as respects any vessel, the Department may, for the purpose of securing the safety of any person or vessel (including the vessel to which those directions relate), give directions under this Article to that harbour master requiring him—

(a) to permit the vessel to which the directions given under Article 3 relate to enter and remain, or (as the case may be) to remain, in the harbour in question; and

(b) to take such action (if any) as may be specified in the directions given under this Article, for the purpose of enabling the vessel to do so or for any connected purpose;

and the directions under Article 3 shall thereupon cease to have effect.