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STATUTORY INSTRUMENTS

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**2023 No. 470**

**The Dee Estuary Conservancy Harbour Revision Order 2023**

**PART 2**

**ESTUARY REGULATION**

**General functions of the Natural Resources Body for Wales in relation to the conservancy undertaking**

4.—(1) The Natural Resources Body for Wales continues to be the conservancy authority, harbour authority and local lighthouse authority for the estuary (referred to in this Order as “the conservancy authority”), pursuant to the 1889 Act and this Order and may, subject to the provisions of this Order, take all such steps from time to time as it may consider necessary or desirable for the—

- (a) conservancy, maintenance, protection, regulation, operation, management and improvement of the estuary and its facilities, including recreational facilities; and
- (b) conservation of the estuary’s flora, fauna and geological and physiographical features of special interest.

(2) For the purposes mentioned in paragraph (1) but without limiting its scope, the conservancy authority may—

- (a) improve, maintain, regulate, manage, mark and light the estuary;
- (b) subject to obtaining the necessary rights in or over land—
  - (i) execute and place in and over the estuary such structures, works and equipment as are required; and
  - (ii) operate, maintain, renew, alter, extend, demolish, remove and reconstruct structures, works and equipment in the estuary (including those executed or placed in accordance with sub-paragraph (i)); and
- (c) do all other things which in its opinion are expedient to facilitate the operation, improvement or development of the conservancy undertaking.

(3) The conservancy authority may, from time to time, formulate and publish a management plan in relation to its conservancy, maintenance, protection, regulation, operation, management and improvement of the conservancy undertaking.

(4) In exercising its powers under paragraph (2)(b), the conservancy authority may not—

- (a) interfere with, damage or otherwise injuriously affect any apparatus belonging to or maintained by any statutory undertaker, or
- (b) do anything which will obstruct or impede any work relating to the inspection or repair of any such apparatus,

without the consent of the statutory undertaker concerned.

## Consultative Committee

5.—(1) The conservancy authority must establish a committee, to be known as the Dee Estuary Consultative Committee, which it must, except in a case of special urgency, consult on all matters substantially affecting the conservancy, maintenance, protection, regulation, operation, management and improvement of the estuary and its navigation.

(2) Subject to paragraphs (3) to (6), the committee is to consist of up to sixteen members appointed by the conservancy authority, of whom—

- (a) two each are to be appointed on the nomination of—
  - (i) Wirral Metropolitan Borough Council, and
  - (ii) Flintshire County Council;
- (b) one is to be appointed on the nomination of each of—
  - (i) Cheshire West and Chester Council,
  - (ii) Natural England<sup>(1)</sup>,
  - (iii) the Royal Yachting Association<sup>(2)</sup>,
  - (iv) the company, and
  - (v) the Maritime and Coastguard Agency<sup>(3)</sup>;
- (c) one, to represent local fishing interests in the estuary, is to be appointed after consultation with such persons (if any) as the authority considers appropriate, being a person who appears to it to be representative of those interests;
- (d) two, to represent commercial interests in the estuary, other than fishing, are to be appointed after consultation with such persons (if any) as the authority considers appropriate, being persons who appear to it to be representative of those interests;
- (e) one, to represent local conservation interests in the estuary, is to be appointed after consultation with the Dee Estuary Conservation Group and with such other persons (if any) as the authority considers appropriate, being a person who appears to it to be representative of those interests;
- (f) one, to represent local recreational interests in the estuary, other than fishing, is to be appointed after consultation with the Inland Waterways Association and with such other persons (if any) as the authority considers appropriate, being a person who appears to it to be representative of those interests; and
- (g) no more than two may be appointed to represent such persons having an interest in the estuary, in addition to those mentioned in sub-paragraphs (a) to (f), as the conservancy authority may from time to time consider appropriate to appoint.

(3) In the case of any of the appointments referred to in sub-paragraphs (a) or (b) of paragraph (2), if—

- (a) it appears to the conservancy authority that the body by whom the nomination is to be made has refused or failed to nominate a member after being requested by the authority to do so, or
- (b) the body by whom a nomination is to be made has ceased to have an identifiable existence,

the appointment in question may be made by the authority as it considers appropriate, after consultation with such persons (if any) appearing to it to be representative of the interests

(1) Natural England, whose head office address is at Foss House, Kings Pool, 1-2 Peasholme Green, York YO1 7PX.

(2) Royal Yachting Association, registered in England and Wales with company number 00878357 and whose registered office address is RYA House, Ensign Way, Hamble SO31 4YA.

(3) The Maritime and Coastguard Agency, whose head office address is at Spring Place, 105 Commercial Road, Southampton SO15 1EG.

represented, or formerly represented, by the nominating body specified in the relevant subparagraph.

(4) The conservancy authority is not obliged to appoint a person who is nominated under subparagraph (a) or (b) of paragraph (2) but may request the body or bodies who made the nomination to nominate another person.

(5) The term of office of a member of the committee is three years from the date of their appointment and, on ceasing to hold office, the member is to be eligible for re-appointment.

(6) A member of the committee may at any time, by notice in writing to the conservancy authority, resign their office.

(7) The committee may determine its own quorum and procedure and may establish one or more sub-committees for any purpose connected with its functions under this article.

(8) In addition to its members, the conservancy authority must appoint from among them the chairperson of the committee.

(9) Notwithstanding the duty to consult mentioned in paragraph (1), the conservancy authority must consult the committee on proposals to—

- (a) formulate and publish a management plan under article 4(3);
- (b) impose or vary any charges in relation to use of the estuary;
- (c) make byelaws;
- (d) construct or license any significant works in the estuary; or
- (e) carry out or license dredging.

(10) The conservancy authority must take into consideration any matter, recommendation or representation which may from time to time be referred or made to it by the committee, whether or not the committee has been consulted by the authority in relation to that matter, recommendation or representation.

### **Aids to navigation**

**6.—**(1) In addition to its powers under section 201 of the 1995 Act (powers of harbour authorities as local lighthouse authorities) but subject to obtaining any necessary interest in or over land, the conservancy authority may erect or place, alter, discontinue or remove aids to navigation in any place immediately adjacent to the estuary.

(2) The conservancy authority must not exercise the powers under paragraph (1) without the approval of Trinity House.

### **Removal of obstructions other than vessels and wreck**

**7.—**(1) Without prejudice to its powers under any other enactment, including any enactment contained in this Order, the conservancy authority may remove any item which is causing, or likely to become, an obstruction or impediment to the proper use of any part of the estuary other than—

- (a) a vessel; or
- (b) wreck within the meaning of Part 9 of the 1995 Act.

(2) If any item removed by the conservancy authority under paragraph (1) is known to the authority to be, or is so marked as to be readily identifiable as, the property of any person, the authority must, within one month of the item coming into its custody, give notice in accordance with paragraph (7) to that person and, if possession of the item is not retaken within the period specified in and in accordance with the terms of the notice, property in the item vests in the authority at the end of that period.

(3) If the ownership of any item removed by the conservancy authority under paragraph (1) is unknown and cannot be identified, whether through insufficiency or absence of marking, and is not proved to the reasonable satisfaction of the authority within three months of coming into its custody, property in that item vests in the authority.

(4) The conservancy authority may, at such time and in such manner as it thinks fit, sell or otherwise dispose of any item which is of a perishable or obnoxious nature, or the custody of which involves unreasonable expense or inconvenience notwithstanding that property in it has not vested in the authority under this article.

(5) Where an item is sold under paragraph (4), the conservancy authority must publish a notice on one occasion in a newspaper circulating in the locality of the estuary and electronically on the conservancy authority's website<sup>(4)</sup> for a period of 28 days giving the details of the property sold and may retain out of the proceeds of sale any expenses incurred by it under this article in relation to the item, and any balance—

- (a) must be paid to any person who within three months from the time when the item came into the custody of the authority proves to its reasonable satisfaction that they were the owner of it at the time when it came into the authority's custody; or
- (b) if no person proves ownership within the period mentioned in sub-paragraph (a), such balance vests in the authority at the end of that period.

(6) If any item removed under this article—

- (a) is sold by the conservancy authority and the proceeds of sale are insufficient to reimburse it for the amount of the expenses incurred in the exercise of its powers of removal, or
- (b) is unsaleable,

the authority may recover the deficiency or the whole of the expenses, as the case may be, from the person who was its owner at the time when the item removed came into the custody of the authority or who was its owner at the time of its abandonment or loss.

(7) A notice given under paragraph (2) in relation to an item must—

- (a) be in writing,
- (b) specify the item removed, and
- (c) state that upon proof of ownership to the reasonable satisfaction of the conservancy authority possession of it may be taken—
  - (i) at a place specified in the notice, and
  - (ii) within the time specified, being not less than 14 days after the date when the notice is served.

(8) The conservancy authority must not, under this article, remove any item that has been placed or constructed by any person pursuant to any enactment, or under the provisions of a consent or licence given or issued by the authority under that enactment.

## **Moorings**

**8.—**(1) The conservancy authority may provide, place, lay down, maintain, renew, use, have or remove such moorings within the estuary—

- (a) on land owned or leased by it or in which it holds an interest, or
- (b) with the consent in writing of the owner and (if appropriate) lessee thereof, on any other land in the estuary,

(4) Available at <https://naturalresources.wales/about-us/what-we-do/how-we-regulate-you/information-for-mariners-on-the-dee-estuary/?lang=en> .

as it considers necessary or desirable for the convenience of vessels.

(2) The conservancy authority may issue permits on such conditions, including conditions as to payment, as it thinks fit authorising the holder of the permit to use or allow the use of any moorings provided by the authority under this article.

(3) The conservancy authority may enter into such arrangement as it sees fit with any person with respect to the payments referred to in paragraph (2).

(4) The conservancy authority—

- (a) may give notice in writing to the person having the control of any vessel using any mooring in the estuary at the date this Order comes into force requiring that person within 28 days to remove the mooring in order to enable the authority to provide moorings in accordance with paragraph (1); and
- (b) may offer to make available to the person mentioned in paragraph (a) a mooring provided by it under paragraph (1) as soon as such mooring has been laid down.

(5) If any person fails to comply with a notice given by the conservancy authority under paragraph (4), the authority may at any time after the expiration of 28 days from the date of the giving of the notice remove the mooring referred to in that notice.

(6) The conservancy authority may from time to time, with or without imposing conditions, including any fee that the authority may prescribe, grant to a person a licence to place, lay down, maintain, renew, use or have existing or future moorings, for vessels in the estuary.

(7) Nothing in any licence granted under paragraph (6) entitles a person to place, lay down, maintain, renew, use or have any mooring on land not owned or leased by that person or by the conservancy authority.

(8) The conservancy authority may charge, in relation to the granting of a licence, such reasonable fee as it may from time to time prescribe.

(9) Any person who—

- (a) intentionally obstructs any person acting under the authority of the conservancy authority in setting out moorings,
- (b) intentionally and without lawful authority pulls up or removes any moorings or any part of such moorings from the estuary,
- (c) without reasonable excuse causes or permits a vessel to be moored in the estuary except at a mooring provided or licensed by the conservancy authority under this article, or
- (d) places, lays down, maintains, renews or has in the estuary any mooring not provided or licensed by the conservancy authority under this article,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(10) If any person commits an offence under paragraph (9)(c) the conservancy authority may at any time after the expiration of 7 days from the date of that offence—

- (a) remove the vessel, including any tackle on or associated with the vessel, or
- (b) sell or otherwise dispose of the vessel and any tackle mentioned in sub-paragraph (a).

(11) Where a vessel is sold or disposed of under paragraph (10)(b), the conservancy authority may recover out of the proceeds of sale or disposal—

- (a) any unpaid charge payable under paragraph (2),
- (b) any unpaid licence fee payable under paragraph (6), and
- (c) the expenses of removal or disposal under paragraph (10),

and must hold any surplus proceeds of sale or disposal on trust for the owner of the vessel.

(12) If the owner of a vessel removed under paragraph (10)(a) is unknown and cannot after diligent inquiry be found, the conservancy authority may apply to the Magistrates' Court for an order giving appropriate directions as to the disposal by the authority of any surplus proceeds of sale.

(13) If any person commits an offence under paragraph (9)(d), the conservancy authority may remove the mooring in question and recover from that person the expenses incurred in doing so.

### **Repair of landing places, etc.**

**9.**—(1) The conservancy authority may by written notice given to the owner or occupier of a pier, landing place, embankment, structure or other work which in the opinion of the authority is, or is likely to become, by reason of its insecure condition or want of repair—

- (a) dangerous to persons or vessels using the estuary, or
- (b) a hindrance to the navigation of the estuary,

require that owner or occupier to remedy its condition to the authority's satisfaction within such reasonable period of time as is specified in the notice.

(2) If a person to whom notice is given under this article fails without reasonable excuse to comply with the notice within the time stated in it, or such other time as the Secretary of State on an appeal may substitute for it, that person is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) Where a person fails to comply with a notice mentioned in paragraph (1), the conservancy authority may carry out the works it considers necessary to remedy the condition of the pier, landing place, embankment, structure or other work in question and may recover the expenses of doing so from the person on whom the notice was served.

(4) A notice under paragraph (1) must have annexed to it a copy of this article.

(5) A person wishing to dispute a notice served by the conservancy authority under this article may, during the period of 42 days beginning with the date on which the notice was served upon them, appeal to the Secretary of State against the notice.

(6) An appeal under paragraph (5) must be made by notice in writing stating the grounds of the appeal.

(7) A person who appeals under paragraph (5) must provide to the conservancy authority a copy of the notice of the appeal and statement of grounds.

(8) The conservancy authority may, within 21 days following receipt of the notice and statement of grounds in accordance with paragraph (7), provide to the Secretary of State its observations on the appeal.

(9) Where an appeal has been made under paragraph (5), the Secretary of State must either—

- (a) quash the notice,
- (b) modify its requirements, or
- (c) dismiss the appeal.

### **Power to dredge**

**10.**—(1) Subject to the provisions of this Order, the conservancy authority may from time to time deepen, dredge, scour, cleanse, alter or improve so much of the bed, shores and channels of the estuary and the approaches to it as the authority considers appropriate.

(2) Subject to paragraphs (3) and (4) the conservancy authority may use, appropriate or dispose of, any material, other than any wreck within the meaning of Part 9 of the 1995 Act, that has from time to time been dredged by it.

(3) Any material dredged under paragraph (2) must not be deposited below the level of high water except in such places and in accordance with such conditions and restrictions as may be approved or prescribed by the Secretary of State.

(4) The conservancy authority must not dispose of any material dredged under paragraph (2) within the area of the Port of Liverpool as defined in the Mersey Docks and Harbour Act 1971<sup>(5)</sup> without the written consent of the Mersey Docks and Harbour Company<sup>(6)</sup> and the Acting Conservator of the River Mersey, such consent not to be unreasonably withheld.

### **Power with respect to disposal of wrecks**

**11.**—(1) In the application of the 1995 Act to the conservancy authority, section 252 (powers of harbour and conservancy authorities in relation to wrecks) of that Act has effect in relation to a vessel sunk, stranded or abandoned before as well as after the making of this Order, and any reference in that section to the Secretary of State is to be treated as a reference to the Secretary of State as defined in article 2(1).

(2) Subject to paragraph (3), and to any enactment for the time being in force limiting its liability, the conservancy authority may recover from the owner of any vessel in relation to which it has exercised its powers under section 252 of the 1995 Act any expenses reasonably incurred by it under that section 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 which is in the opinion of the conservancy authority a case of emergency, paragraph (2) does not apply in relation to any vessel unless, before exercising in relation to that vessel any of the powers conferred on it by section 252 of the 1995 Act, other than the power of lighting and buoying, the authority has given to the owner of the vessel not less than 48 hours' notice of its intention to do so.

(4) If before the notice expires, the conservancy authority receives from the owner counter-notice in writing that the owner desires to dispose of the vessel itself, the owner will be at liberty to do so, and the conservancy authority must not exercise the powers in section 252 in relation to that vessel until the expiration of—

- (a) seven days from the receipt of the counter-notice, and
- (b) any further continuous period during which the owner of the vessel proceeds with the disposal of the vessel with all reasonable diligence and in compliance with any directions for the prevention of interference with navigation which may be given to the owner by the authority.

(5) A notice under paragraph (3) to the owner of a vessel may be served by the conservancy authority—

- (a) by delivering it to the owner,
- (b) by sending it to the owner by registered post or recorded delivery service, addressed to the owner at his or her last known place of business or abode in the United Kingdom, or
- (c) if the identity of the owner or any such place of business or abode is not known to the authority, or is not in the United Kingdom, by displaying the notice at such places as the authority considers appropriate for the period of duration of the notice.

(6) In this article “owner”, in relation to any vessel means, as the case may be—

- (a) the present owner, or

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<sup>(5)</sup> 1971 c. lvii.

<sup>(6)</sup> The Mersey Docks and Harbour Company Limited, registered in England and Wales with company number 07438262 and whose registered office address is Maritime Centre, Port of Liverpool, Liverpool, Merseyside L21 1LA.

(b) the person who was the owner of the vessel at the time of the sinking, stranding or abandonment of it.

(7) The powers conferred on the conservancy authority by this article are in addition to and not in derogation of any other powers exercisable by it for or with respect to the removal of wrecks within the estuary and the approaches to it.

### **General byelaws**

**12.**—(1) The conservancy authority may from time to time make byelaws for the efficient management and regulation of the estuary.

(2) Without prejudice to the generality of paragraph (1), the conservancy authority may make byelaws under this article for any of the purposes set out in Schedule 1.

(3) Byelaws made under this article may—

- (a) provide for imposing upon persons offending against them, or against any condition, requirement or direction imposed, made or given under them, on summary conviction, fines not exceeding level 4 on the standard scale;
- (b) relate to the whole of the estuary or to any part of it;
- (c) make different provisions for different parts of the estuary or in relation to different classes of vessels or vehicles; and
- (d) otherwise make different provision for different circumstances.

(4) Where a person is charged with an offence against a byelaw in force under this article it is a defence—

- (a) that the offence was not caused or facilitated by any act or neglect on the part of that person or on the part of any other person engaged or employed by that person, and
- (b) if that person was at the material time the owner or master of a vessel, that all reasonable steps were taken to prevent the commission of the offence.

(5) The provisions of—

- (a) section 236(3), with the exception of the words “Subject to subsection (3A) below, the”,
- (b) section 236(4) to (8) and (11), and
- (c) section 238,

of the Local Government Act 1972(7) (“the 1972 Act”) (which relate to the procedure for making, and evidence of, byelaws) apply to any byelaws made by the conservancy authority under this article as if the authority was a local authority for the purposes of the 1972 Act, other than a council for a principal area in Wales.

(6) The provisions referred to in paragraph (5), in their application to any byelaws made under this article, have effect subject to the modification that for the references to a local authority there are substituted references to the conservancy authority.

(7) Section 236(7) of the 1972 Act, in its application to any byelaws made under this article is, subject to sub-paragraph (8), to be read as if it were modified by the insertion of the words “with or without modifications” after the word “confirm” in the second place where that word occurs.

(8) Where the confirming authority proposes to make a modification which appears to it to be substantial, then—

- (a) it must inform the conservancy authority and require it to take any steps it thinks necessary for informing persons likely to be concerned with the modification; and



- (b) it must not confirm the byelaws until there has elapsed such period as it thinks reasonable for the conservancy authority and other persons who have been informed of the proposed modification to consider it and comment upon it.

(9) The confirming authority for the purposes of this article and of section 236 (procedure for byelaws) of the 1972 Act in its application to the conservancy authority is the Secretary of State.

(10) Schedule 2 to this Order (which contains provisions for the general management and regulation of the estuary)—

- (a) has effect from the date of this Order coming into force as if its provisions were byelaws made by the conservancy authority under this article and subsequently confirmed by the Secretary of State; and
- (b) ceases to have effect upon the confirmation of byelaws made under this article.

### **General directions to vessels**

**13.**—(1) The conservancy authority may, after consultation with—

- (a) the Dee Estuary Consultative Committee,
- (b) the Chamber of Shipping, and
- (c) the Royal Yachting Association,

except in cases of emergency, give directions for the purpose of promoting or securing conditions conducive to the ease, convenience or safety of navigation and the safety of persons and property in the estuary.

(2) The conservancy authority may in particular give directions for, but not limited to, any of the following purposes—

- (a) for designating areas, routes or channels in the estuary which vessels are to use or refrain from using for movement, mooring or anchorage;
- (b) for securing that vessels move only at certain times or during certain periods;
- (c) for securing that vessels make use of descriptions of aids to navigation specified in the direction;
- (d) for prohibiting—
  - (i) entry into the estuary by a vessel which for any reason would be, or be likely to become, a danger to other vessels in the estuary, or to persons, property, flora or fauna in the estuary; and
  - (ii) entry into, or navigation within, the channels during any temporary obstruction of them;
- (e) for prohibiting entry into, or movement in, the estuary or its approaches by vessels, other than small vessels, at times of poor visibility due to the weather or the presence of dust or smoke, subject to the condition in sub-paragraph (f);
- (f) the condition mentioned in sub-paragraph (e) is that no direction given under that sub-paragraph prevents the entry into the estuary or its approaches of any vessel seeking refuge from the stress of weather;
- (g) for requiring the master of a vessel to give to the harbour master information relating to the vessel which is reasonably required by the harbour master for effecting any of the purposes of this paragraph.

(3) A direction under this article may apply—

- (a) to all vessels or to a class of vessels designated, or for which the designation is provided for, in the direction; or

- (b) to the whole of the estuary or to a part designated, or for which the designation is provided for, in the direction; or
- (c) at all times or at times designated, or for which the designation is provided for, in the direction,

and every direction given under this article must specify the extent of its application in relation to the matters referred to in sub-paragraphs (a), (b) and (c).

(4) The conservancy authority may, after consultation with the Dee Estuary Consultative Committee, the Chamber of Shipping and the Royal Yachting Association, except in cases of emergency, revoke or amend any general direction given under this article.

### **Publication of general directions**

**14.—**(1) Notice of the giving of a general direction and of any amendment or revocation of a general direction must, except in an emergency, be published by the conservancy authority as soon as reasonably practicable on the conservancy authority's website and once—

- (a) in a newspaper specialising in shipping news, or
- (b) if there is no newspaper of the description referred to in paragraph (a), in a suitable local newspaper.

(2) If the notice mentioned in paragraph (1) relates to the giving or amendment of a direction, the notice must state a place at which copies may be inspected and purchased, and the price of them.

(3) In an emergency, notice of the giving of a general direction or of the amendment or revocation of a general direction may be given in any manner considered by the conservancy authority to be appropriate.

### **Special directions**

**15.—**(1) The harbour master may give a direction under this article in respect of a vessel anywhere in the estuary for any of the following purposes—

- (a) requiring persons to comply with a requirement made in or under a general direction;
- (b) regulating or requiring the movement, anchorage, berthing, mooring or unmooring of the vessel;
- (c) specifying the precautions to be taken in respect of apparatus, machinery and equipment;
- (d) prohibiting or restricting the use of fires or lights, including false lights;
- (e) specifying requirements as to the use of ballast;
- (f) requiring the removal of the vessel from any part of the estuary for one or more of the following reasons—
  - (i) the vessel is on fire;
  - (ii) the vessel is in such condition as to be liable to become immobilised, waterlogged, or to sink;
  - (iii) the vessel is making an unlawful use of the estuary or interfering with the reasonable use or enjoyment of it by other vessels or persons, or the dispatch of business in it;
  - (iv) the vessel's removal is necessary to enable maintenance or repair work to be carried out in the estuary;
  - (v) the vessel's removal is considered by the harbour master to be necessary in order to avoid danger to life (including wildlife) or to property; or
  - (vi) the vessel's removal is considered by the harbour master to be necessary to avoid danger to flora or fauna or to geological or physiographical features of the harbour.

(2) In deciding whether to give a direction under this article in any particular case, the harbour master must have regard to all the circumstances of that case and, in particular, to the safety of any person or vessel, whether in or outside the harbour, and including the vessel which would be the subject of the direction.

(3) In an emergency the harbour master may give a special direction applicable to all vessels or to a particular class of vessel for any of the purposes mentioned in paragraph (1).

(4) A special direction may be given orally or in writing or in any manner considered by the harbour master to be appropriate.

(5) The harbour master may revoke or amend a special direction.

### **Failure to comply with directions**

**16.**—(1) A person who fails to comply with a general direction or a special direction is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) Without prejudice to any other defence, it is a defence for a person charged with an offence under paragraph (1) that the person had reasonable grounds for believing that to comply with the direction in question would have endangered life or imperilled the safety of any vessel or its cargo, or that for other reasons compliance with the direction was impracticable.

### **Enforcement of special directions**

**17.**—(1) Without prejudice to any other remedy available to the conservancy authority, if a special direction is not complied with within a reasonable time, the harbour master may put persons on board the vessel to carry out the direction or may otherwise cause the vessel to be handled in accordance with the direction.

(2) If there is no-one on board a vessel to comply with a special direction, the harbour master may proceed as if the direction had been given and not complied with.

(3) The powers of paragraph (2) must not be exercised—

(a) in relation to a vessel other than a lighter unless, after reasonable inquiry has been made, the master cannot be found; or

(b) in relation to a lighter unless it is obstructing or interfering with navigation.

(4) Expenses incurred by the conservancy authority in the exercise of the powers conferred by paragraph (1) are recoverable by it as if they were a charge of the authority in respect of the vessel.

### **Master's responsibility in relation to directions**

**18.** The giving of a general direction or a special direction does not diminish or in any other way affect the responsibility of the master of the vessel to which the direction is given in relation to—

(a) that vessel,

(b) persons on board that vessel,

(c) cargo on board that vessel, or

(d) any other person or property.