
STATUTORY INSTRUMENTS

2023 No. 690

**The Dee Estuary Conservancy
Harbour Revision (No. 2) Order 2023**

PART 2

ESTUARY REGULATION

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,

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.