
SCOTTISH STATUTORY INSTRUMENTS

1999 No. 202

**Scottish Natural Heritage (Rum)
Harbour Empowerment Order 1999**

PART III

HARBOUR REGULATION

Powers with respect to disposal of wrecks

24.—(1) In its application to Scottish Natural Heritage, section 252 of the Act of 1995 shall have effect—

- (a) subject to the provisions of article 25 (protection of Crown interest in wrecks) 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) below, and to any enactment for the time being in force limiting its liability, Scottish Natural Heritage may recover from the owner of any vessel in relation to which it has exercised its powers under section 252 of the Act of 1995 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 that section.

(3) Except in case of emergency, paragraph (2) above shall not apply in relation to any vessel unless, before exercising in relation to that vessel any of the powers conferred on them by section 252 of the Act of 1995, other than the power of lighting and buoying, Scottish Natural Heritage has 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 Scottish Natural Heritage 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 paragraph (2)(b) of article 25 (protection of Crown interest in wrecks) of this Order, he shall be at liberty to do so, and Scottish Natural Heritage 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 Scottish Natural Heritage.

(4) Notice under paragraph (3) above to the owner of any vessel may be served by Scottish Natural Heritage either by delivering it to him or by sending it to him by special delivery post or the recorded delivery service addressed to him at 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 Scottish Natural Heritage or is not in the United Kingdom, by displaying the notice of 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.