The legal powers of Harbour Masters in new commercial landscape – Discussion of English Law Provisions - By Capt. Francis Lansakara master mariner. LLM (maritime law)

1. Introduction
Knowing that harbor master is the highest authority in a harbour, in this modern landscape legal powers do not only origin from the Government Acts they also origin from international conventions, EC directives and soft law instruments such as recommendations, codes and even from contracts. The recognition of UK laws around the world has made a bench mark specially in countries where similar system of laws applied commonwealth nations are one such example therefore discussions of UK laws will benefit the domestic as well as international maritime community.
The core issues discussed surrounds legal powers of harbor masters or harbor authorities it is of vital importance as a balance approach that the powers discussed together with responsibilities and liabilities and finally asses the adequacy of the provisions.
UK example, major ports are Port Trusts created by statute for the management of a harbor or statutory companies created by local authorities. Other ports are under the Associated British Ports governed by Transport Act 1981 or privately owned ports governed by Companies Act. In order to understand the legal powers in new commercial landscape and their adequacy discussed below application of existing law under different circumstance, such as navigational safety, removal of wrecks, appointment of pilots, refuse entry into port, detention, imposing pollution liabilities; their origin and how these laws enacted into English legal system and; their use with respect to legal powers of harbor master or harbor authority in new commercial landscape.

2. Validity and International recognition
Port and harbor authorities around the world have different sets of legislations that suit their jurisdiction. In the shipping industry the similar principles are applied the issue is whether the UK laws pertaining to ports and harbors are recognized in other jurisdictions. English laws having its history of more than a century have set bench marks to other legislations, it is also general recognition around the common law countries¹ that laws pertaining to port and harbors in UK are highly persuasive in their cases.

3. Summary of British Maritime and other maritime acts and the Applications of Power

3.1 Summary of Acts
Due to multiple task nature of the harbor authority the legal powers of harbor master cannot be extracted from one particular statute but from many. One of the earliest statute which contain the powers and liability is the Harbour Dock Piers Clauses Act (HDPCA)1847, this is also known as “mother statute” due to its influence in many later statutes, many aspects from this have been replaced with further laws and regulations by Merchant Shipping Act (MSA) 1995 as well as local legislations. The Merchant shipping Act contained the highest number of statutes

¹ Common law countries are: Ireland, Scotland, Australia, New Zealand, Singapore, Malaysia, Hong Kong, Canada And many other commonwealth countries and some states of USA
applicable to harbor master’s authority and duties and it has also consolidated some aspects from Harbour Act 1964. The organizational laws of the harbor and its powers to delegate legislations making powers to local authorities contained in Harbour Act (HA) 1964 and Dock and Harbours Act 1966 and the harbour masters authority to detain and repel dangerous vessels derived from Dangerous Vessels Act (DVA) 1985 together with overriding authority of secretary of state on the same issues, the additional powers of Secretary of State can also be found in Merchant Shipping Marine Security Act 1997 with respect to emergency situations. The duties of the authority in appointing qualified and suitable pilots and the liability therefrom contain in Pilotage Act (PA) 1987 and, criminal liability which a harbor authority may be liable that may arise from oil pollution due to an unqualified pilot found in Water Resources Act (WRA) 1992.

The Australian Maritime law covered under the Section 13 Victorian Marine Act 1890 similar provisions with respect to powers of harbor authority for removal of wrecks and recovery of expenses from the owners and UK laws has been persuasive in interpretation as the case William Howard Smith v Wilson shows. Another recent one is Australian Harbor Authorities Act 1999 of Western Australia having similar provisions.

European Community on the other hand with The Hazmat Directive and The Port State Directive further harmonized the powers and enforceability of harbor authority.

Maritime and Port Authority Act 1997 in Singapore similarly deals with powers of port authority, its existing provisions to raises and remove wrecks causing obstructions and right to recover the expenses from the sales proceeds, appointment of pilots and liability approach adopted here are similar in UK provisions and cases have persuasive effect.

### 3.2 Statutory powers and delegated powers

Statutory powers are derived from the Act of Parliament such as Merchant Shipping Act 1995. They can be general acts and specific acts. A general act describe the powers and responsibilities in general and it may allow the authorities to make subordinate laws or by laws. There are also specific statutory powers MSA 1995 contains both general and specific acts. Another good example of a general act is Harbour Act 1964(HA 1964) which allows the subordinates legislations. UK legal system although allows certain powers to harbor authority they are not excessive is also known under English legal system as “not ultra vires” that means not subject to abuse and certain checks and balance are kept in place and under necessary circumstance the courts or the parliament can intervene. Subordinate legislations or delegated legislations or by laws are subject to courts intervention. The statutory provisions from Acts of Parliament can only be intervened by the Parliament due to separation powers observed under UK constitution.

Common law countries having democratically elected government do not allow any powers given to harbour master or harbor authority to be excessive and, they implement statutory powers and delegated powers under their legal system. The act of parliament they always consider supreme.
In UK The Harbours, Docks and Piers Clauses Act 1847 (HDPCA 1847) is an Act of Parliament containing statutory powers and responsibilities of harbor authorities also known as “mother statute” today most of the provisions are incorporated into MSA and other relevant harbour Acts. In understanding the duties and powers of harbour master both type of legislations are equally important although the Acts of Parliament is supreme in nature.

2.3 Exercise of Powers of harbor authority in detention and sale of ships

Port dues are charges paid by the ship to port for varies reasons. If such dues are not paid in time port authority has the power to detain the vessel or even to sell it and recover the dues and expenses. Similar power may arise when there is a damage done by the ship to the harbour or its property. Although this power sounds simple and straight forward it is to be observed with some legal principles. The statute s 44 HDPCA 1847 is clear that the harbor authority has the right and the power to detain and sell the ship to recover their dues and cost, but ships do not always hold a clear title for example most of the ships are mortgaged and some may contain other maritime claims attached to the ship such as repair bills salvage claims, master and crew wages therefor, the right person to sale the ship under such circumstance is the admiralty marshal rather than the harbor authority. Only the court can give a clear title and has a system to distribute the proceeds from the sale. In the case the harbor authority decide to do it on its own the buyer will not get a free title on one hand and on the other hand if the buyer comes to know or suspect there are other claims attached he will not buy the ship. This is an area where the harbor authorities may corporate with the courts and in return courts will distribute the proceeds from sale in accordance with the law allowing the harbor authorities to have priority in their claims.

2.4 The powers of Secretary of States (SOS) and Harbor master

The Secretary of States is given powers of intervention on authority and in some case both parties required corporation. The DVA 1985 is an act where the SOS has powers to intervene and override where it allows the Harbour Authority to refuse entry or remove dangerous vessels and the SOS may intervene if he considers safety of any person or vessel is at risk. The Acts MSA and MSMSA allows the SOS taking or coordinating measures to prevent, reduce and minimize the effect oil pollution these measures can also include certain directions to harbor master, harbor authority and pilots. Under s 144 MSA 1995 where no intervention or overriding is required but more of a corporation between the two parties when a harbor authority has detained a foreign flag ship other than a British flag ship they shall inform the SOS of that detention and he shall then inform the consulate or mission of the flag state. In all the intervention and overriding authority SOS is limited to safety of life, environment and property and he is to use his best endeavor while exercising such overriding and intervention powers believe there are sufficient safeguards in place to avoid any conflict between the two authorities.

2.5 EU Directives and shift of powers

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2 Case - The Blitz 1990
3 DVA 1985 S1 & S3
4 MSA 1995 S293
5 MSMSA 1997 S2 Powers of intervention where shipping accident threaten pollution
6 MSA 1995 S 144
Apart from statutes additional powers of harbor authorities derived from EC directives which are implemented by regulations. 95/21/EC “Port State Directive” amended by 98/25/26 concerning the enforcement of safety standard and directive 93/75/EEC “The Hazmat Directive” amended by 2002/59/EC concerning reporting requirements for vessels carrying dangerous or polluting goods. EU directive as implemented by UK authorities harmonizes the law between member nations and make the enforceability easier among the member nations. The powers here remain the same with domestic harbor authority without any shift but it arise from the EU laws rather than domestic laws.

4. Responsibility and Liability of Harbor master

3.1 Duty to operate the port users’ right to access and fairness

Although it is implied that the harbor master has a duty to operate the port and give all users a fair chance historically these derived from common law and HDPCA. This is because the institute (Shipping) has a large public, economical and financial interest in UK and other parts of the world therefor these duties worth consideration.

Under the HDPCA7, which is incorporated, or substantively contained, into local legislation of commercial harbor authorities, imposes the duty on harbour authorities to operate harbor, keep them open for anyone wishing to use them and offer facilities. Here the courts describe the legal user as the person or the shipping company who is qualified to enter the port for business it is also implied that the port dues shall be paid in accordance with existing tariff rates. Decision form the cases shows the Act in particular, provides that the harbor, dock and pier shall be open to all persons for the shipping, and unshipping of goods and embarking and landing of passengers8. The courts has given a wide construction to the interpretation of this section therefore as long as the dues are paid there can be no discrimination. Discriminatory practices exist domestically and internationally such as allowing only the favoured tugs to operate have failed in the past9.

3.1.1 Exception from above Act commonly followed in many maritime nations – priority booking allowed by harbor authority

However, exception or derogation from the above practice has been allowed with respect to reservation of berths by certain shipping companies were on priority bases provided they are occupied. If such berths are not occupied by the reserved party they shall be made available to other legal users. This is known as the derogation from the main act subject to certain conditions the condition being when the berth is not occupied by the reserved party it shall be available to other legal users10. In such circumstance the courts would like to maintain derogation as small as possible therefor when not in use by the particular shipping company it shall be available to other lawful users.

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7 HDPCA 1847 S 33
8 Case- LAER v British Trawlers Federation LTD 1943 Apeal Court
9 Case - JH Pigott & Son v Docks And Inland Waterways Executive
10 Case- Thoreson Car Ferries Ltd v Weymouth and Portland BC 1977
This system has developed internationally today as priority booking serves the regular liners for speedy operations similarly the port authorities will ensure they do not remain ideal. This a commercial development accepted by the courts around the world.

3.3 Duty to provide navigational safety and powers to remove wrecks

Under MSA\textsuperscript{11} and HDPCA\textsuperscript{12}, each harbor authority is accountable for managing operations within port safely and efficiently and its board members should themselves responsible for ensuring that it does so. The code of good practice on port marine operations represents the national standard against which the policies procedures and performance of harbor authorities may be measured. Executive and operational responsibilities for marine safety must be clearly assigned and those to whom they are entrusted must be held accountable for their performance. MSA also imposes responsibility on the harbor authority for the management and superintendence of light houses and general maintenance of all property vested in them and grants power to intervene or to remove wrecks causing obstructions to navigation and recover the losses.

The question which may arise from Costa Concordia accident will be whether the duty of the harbor authority has been fulfilled with respect to navigational safety and whether the port authority has the power to remove the wreck. At present it appear that the owners or underwriters has not abandoned the vessel yet and the harbour authority have not taken full control of the wreck.

3.4 Duty to mark wrecks and liability to third parties

The general principle is once the port authority has under his statutory powers undertaken control and management of the wreck the ship owner will be absolved from liability\textsuperscript{13}. The authority may not be liable if negligence is proved on the ships within the vicinity by not keeping a proper lookout any other navigational error.

As long as and so far as possession, management and control of the vessel not abandoned or properly transferred there remains on owners an obligation. The question is complicated because after sinking the owners may abandon their property and possession rights however the court have to taken into consideration all the factors before deciding who has the possession, management and control of the vessel to decide who is liable. Two question remain to be answered in order to fix ship owners of a wreck with liability first the control of the vessel is in them that is to say not been abandoned or legitimately transferred and secondly they have in the discharge of their legal duty been guilty of willful misconduct or neglect\textsuperscript{14}.

3.5 Powers of harbor master to intervene in wreck removal, justifiability and unresolved issues

The wrecks in discussion are within territorial waters, to justify intervention in wrecks removal the harbor authority must prove that the wreck in question causing obstruction to navigation or

\textsuperscript{11} MSA 1995 Part viii, S195 , S 252
\textsuperscript{12} HDPCA S 53
\textsuperscript{13} Case- The Douglas 1882
\textsuperscript{14} Case- The Utopia 1893 Appeal court
any other justifiable reason such as environmental disaster. They also have the right sale the wreck and recover their cost for removal of the wreck. There are several unresolved issues associated with wrecks where the ship owner has abandoned the wreck and harbor authorities have taken control of the wreck time when the expenses arise for removal the owner of the wreck is no longer the original ship owner but the harbor authority. The MSA contained provisions giving extensive powers to harbor authority to remove or destroy wrecks and recover their expenses from the sale proceeds, in most cases the proceeds from the sale of wrecks will be lesser than expenses incurred for raising it but, there are no provisions in it for direct action against the ship owner in such cases. As an exception to above statute the local legislation of Medway Port Authority Act 1973 provides for direct action against the ship owner who was the owner at the time of abandon to recover expenses which are not recoverable from the sale proceeds. Where ship wreck found outside the territorial waters yet found to be a threat to territorial waters or harbours there are no clear laws governing intervention by harbor authority in order to eliminate any threat which may cause to harbours from those abandoned ships or wrecks. Nairobi Wreck Removal Convention 2007 which is not in force yet, it has provisions for intervention by local authority or harbor authority when there is a real threat to their harbours of coast with about 200 nautical miles from the shore as well as it has financial security attached with ship owners P & I club in order to pay wreck removal expenses when incurred out side the territorial waters. The status of the Convention is at present stand as 4 ratifications, for it to become law in UK require ratification by 6 more states including UK. The controversial issue which arises from wreck removal and expenses appeared not limited to UK but universal it also clear from the difficulty in ratification of international convention on removal of wrecks that the States have different opinions on this issue. The same question may arise from the recent accident of Costa Concordia if the harbor authority do take control of the wreck, the expenses incurred to harbor authority to remove the wreck to be recovered from the owners and the question will be who is the owner? The registered owner before abandon ship, the underwriter or the harbor authority itself because they may have taken control of the vessel. Since there is no internationally standard agreed yet the question can be answered either way under the circumstance.

3.6 Duty of the harbour master to keep the port safe for users

There are statutory duty and common law duty to make the port safe for its users. A warranty of accessibility of the port is implied when it was made known to public by port authority that the port has a certain depth or other characteristics by contrast the issue of information on the charts indicating a minimum depth of water does not give rise to a representation or warranty. In common law duty arises when a body is constituted by statute, having right to levy tolls for its own profit, in consideration of making and maintaining a dock or canal there is no doubt of

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15 Case- The Crystal 1894 Appeal Court
16 MSA 1995, S252-255
17 Medway Port Authority Act 1973 S 46(6)
19 Article 12 Compulsory Insurance or other financial security
20 UK has not ratified the Niorobi Convention on Wreck Removal yet
liability to make good to the persons using it any damage occasioned by neglect in not keeping
the works in proper repair. Same principle apply in the case of port trust

3.6.1 Private port owners’ duty
In cases where a private dock owner invites ship owner to use his dock, there is a warranty
attached to the contract between parties: that the do owner has taken reasonable steps to see that
the berth offered to the ship is safe and to see that it is safe. If it is not safe the dock owner will
give notice to the user. Any exception clause in the contract inserted by the dock owner to
exempt liability must clear and unambiguous. The dock owner cannot exclude himself from
liability for death or personnel injury occurring as a result of his own negligence, any such terms
that may be contrary to Unfair Contract Terms Act.

3.7 The duty of the harbor authority to provide efficient pilotage and liability

Pilotage is one of the most essential services to shipping. The main Statutory Act is Pilotage Act
1987 to be read together with Code of Good Practice for the marine Port Operation. On the part
of competent harbor authority they have a duty to see the necessity (whether pilotage is required)
as well as a duty to provide when pilotage is required.
The reason is that for the safety of shipping these powers or duties can be delegated subject the
certain conditions laid down by the Act or codes. During the authorization process of pilots the
competent authority shall among other things take all necessary factors into consideration such
as area of pilotage and size and type of ships he is authorized. The definition of authorization is
far wider compare to previous Act, the term used then was licensing of pilots. The liability of
authority will arise from unable to provide a pilot in a compulsory pilotage area, failure in
proper authorization process, and negligence of pilot. Although due to pure negligence of a
properly authorized pilot the authorities will not be held liable, failure in the authorization
process and unable to provide the service of a pilot the authorities may become liable. In addition
WRA 1981 imposes strict liability on harbor authority for oil pollution due to negligence.

3.8 Strict liability of ship owner and contributory negligence of harbor authority
During an accident

The nature of strict liability arises from the statutory provisions in the case of damage done by a
ship to harbor or its property whether there is negligence on the ship or not where at the time of
the damage the vessel is under the control of the owner. If the harbour authority was found partly
negligent it should be open to ship owner to in an action against him to that the predominant or
contributory cause of damage was the breach of harbor authority to maintain the port in safe
condition.

3.9 Responsibility and liability risk issues for harbor masters

21 PA 1983 used this term
22 Anchor Line (Henderson Bros ) LTD v Dundee Harbour Trustee (1922)
23 Case- Esso Bernicia 1989 Appeal Court theoretically it is possible that general employer port authority may be
liable if it assumes responsibility for safe passage.
24 Case- The Sea Empress case, pilot was not experienced to handle the situation and port authority was negligent
and strict liable under WRA 1981 fined 4million Pound Sterling.
New commercial landscape with ever increasing risk is a fact. Power to sale and no cause of action allowed against the ship owner the cost of raising the wreck may exceed the proceed of sale; although there are strict liability for damages done by ship owner can rely on contributory negligence on the harbor authority and; sale by harbor authority does not automatically give the buyer a title free of all encumbrances unless the judicial sale done by admiralty marshal. Delegation of powers, transfer powers by contractual obligations and insurance coverage can be considered as some of the risk management factors.

3.9.1 Available defenses to authority in UK and other jurisdictions where common law in use
(a) Limitation of liability act s191 MSA 1995 port authority can limit its liability to largest tonnage it has handled in the past. This section applies in relation to authorities and persons, that is to say, a harbour authority, a conservancy authority and the owners of any dock or canal. “The liability of any authority or person to which this section applies for any loss or damage caused to any ship, or to any goods, merchandise or other things whatsoever on board any ship shall be limited by reference to the tonnage of the largest United Kingdom ship which, at the time of the loss or damage is, or within the preceding five years has been, within the area over which the authority or person discharges any functions”
(b) In the case of abandon wreck and liability to third party by harbor authority two question remain to be answered in order to fix ship owners of a wreck with liability first the control of the vessel is in them that is to say not been abandoned or legitimately transferred and secondly they have in the discharge of their legal duty been guilty of willful misconduct or neglect.
(c) In the case of liability of harbor authority due to negligence of the authority is to prove that the pilot is duly qualified to carry out his assign task in accordance with relevant Acts and codes.
(d) General defense of too remote and not reasonably foreseeable.

4.0 Cases Review

Introduction

The case review highlight the UK courts position with respect to cases decided and this can serve as precedent to authority as well as users of the port as to the possible outcome under the circumstances, although some of the cases may appear old they still remain as good law. Cases below are also taken as persuasive authority in all the common law jurisdictions, such as Ireland, Australia, Canada, Singapore, Hong Kong and others.

LNER v British Trawlers Federation LTD 1932 Appeal Court

The case defendant is the proprietor of the port impose restrictions and conditions on port users

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25 Case- Reeman v DOT and Others 1997 Court of Appeal it would not be fair, just and reasonable to impose duty of care on a body like DOT
The issue was whether they are being the proprietors have the right impose such restrictions and interpretation of the S 33 of HDPCA which states “upon payment of the rates made payable by this and the special act and subject to other provisions thereof, the harbor dock and piers shall be open to all persons for the shipping and shipping of goods and embarking and landing of passengers”. A wide construction should be given to the interpretation of this section said the House of Lords this applied to those having proprietary rights conditions cannot be imposed as long as dues are paid.

**Thoresen Car Ferries Ltd v Weymouth and Portland BC**

This case shows the flexibility to above that under s33 a harbor authority is obliged to keep their harbor open to any person. Subject to rights of others to use it, it was possible to grant regular use to some person by contract such as a right to use a specific berth, to an operator who needs access regularly. A provision can be included in the local legislation by which a harbor may set aside or appropriate part of the port or equipment for the exclusive or preferential use for certain trade or by certain people. No person uses the facilities of the appropriated part without the consent of the harbour master (Dover Harbour Revision Order 1969). Any appropriation must be narrowly constructed to derogate as little as possible from the freedom enshrined in S33. If there is a berth available, S33 dictates that the authority must allow a lawful user to use it.

**The Crystal 1894 Appeal Court 1894**

Following a collision with another vessel The Crystal sank there were no evidence of negligence on the part Crystal. Owners gave notice of abandonment to harbour authorities as well as underwriters. The harbor authority acting under HDPCA and Removal of Wrecks Act 1877 took possession of the wreck, destroyed it by explosives and sold part of her cargo that had been raised. After deduction the proceeds of the cargo from the expenses, they sued the owners for the balance under s56 of 1847 Act. The S 56 HDPCA 1847 provides that harbor master may remove any wreck or other obstruction to the harbor, which impedes the navigation thereof; and the expenses of removing any such wreck or obstruction shall be repaid by the owner of the same. The arguments of the owners were that the section did not attach any personnel liability on them as they were not the owners of the wreck within the meaning of the section when the expenses were incurred. The House Lords decided the case the owners meant the owner at the time expenses incurred therefor harbor authority became liable for the expenses incurred not the owners of the vessel at the time of sinking.

**The Douglas 1882**

General principle once the port authority has undertaken control of the wreck the ship owner will be absolved from liability.

**The Utopia 1983**

1st exception to above the privy council affirm the above decision. In addition laid down the method by which owners of vessel can be found guilty “it gives two question remain to be answered in order to fix ship owners of a wreck with liability first the control of the vessel is in them that is to say not been abandoned or legitimately transferred and secondly they have in the discharge of their legal duty been guilty of willful misconduct or neglect.
The Tramontana ll 1969
2nd exception the harbour authority in the exercise of statutory powers assumes responsibility for marking the wreck it owns a duty of care to port users such as message and caution notices. Failure to keep a proper lookout will not fall upon the harobur authorities.

The Veritas 1901
Vessel was in distress out side the The Meresy Docks, salvage services were rendered to bring her alongside but during which causing damages the landing pier a property of the harbor authority. The courts in determining the priority between the harbor authority and the salvor gave priority to harbor authority. The principle applied clam arise by a contract(salvage contract) is second to reparation for wrongs done due to negligent navigation also known as lien on board due to ex delicto take precedence over prior liens arising ex contracto.

William Howard Smith v Wilson 1896
Victorian Marine Act (Australian law) 1890
The question arose here was the registered owner who abandoned the vessel by giving notice of abandonment to the underwriters and, whether the ownership of the vessel has been passed to underwriters or still remain with registered owners. The question arose when the port authority claiming its expenses from the owners for removal of the wreck which was causing dangers to navigation, the registered owner denied liability as he has abandoned the vessel and claim that it was the under writer who is responsible. The courts interpret the Victorian Maritime Act 1890 Section 13 with aid of UK legislation and cases and allow the port authority to claim from the registered owners.

Review of Costa Concordia 2012 - an accident of large magnitude
Costa Concordia accident is important for discussion because the accident happed in the Italian territorial waters therefore under Italian law, coastal authorities involvements by giving instruction and finally the burden rest on the authority by the abandoned ship. The first question could appeared that the marked dangers and known to the navigators the authority has done their part reasonably well next instructions to the master after the accident and involvement in rescue operation govern under the duty of the harbor authority to maintain the area safely and finally the difficult question the wreck whose property and who is responsible for its control, if at all refloated whether the value of the ship be sufficient to pay the expenses. Although Italy not a common law country their existing civil code likely to be in favour of harbour authority in this case. Every major accident may bring new set of principles so as this case. The authorities may be required to amend the Italian laws to ban vessel navigating within the safe distance to coast as it has been viewed that simply chartering dangers will not lead to automatic compliance on the other party/s the other will be power of the harbor authority to order the master to return to the vessel which many may observe as a new precedent.

Summary and Conclusion
The legal powers of harbor master in a new landscape not simply derived from a statute or common law like in the past, but from code of practice, international conventions, EC Directives as well as from commercial contracts applicable internationally and not limited to UK. From the main statutory legislations and to subordinated legislations have made the application of the law in a fast and efficient way by keeping with economical development and where necessary the statute has provided the guidance of Secretary of States intervention and in some case corporation. The duties are more elaborated and code of practice exist alongside the law fairness is maintained even when there is strict liability on the ship owner still a possibility that contributory negligence of authority will be taken into account. it is agreeable there are certain unresolved issues such as how to recover the cost from ship owners when they have abandoned their ship, risk factors on being sued for negligence of the authority is ever increasing still it is true to say legal powers of harbour master in a new landscape with respect to English law and laws of other common law jurisdictions are adequately placed for their task. Recent accident on Costa Concordia has no doubt will introduce a new standard or precedent this allows the harbor authority in the case of emergency to order the ship master to “get on board” if they have found that the master has first abandoned the ship leaving the ship crew and passengers exposed to risk.

Reference List

<table>
<thead>
<tr>
<th>Reference material</th>
<th>Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duties of Harbour Authority &amp; Cases</td>
<td>- Modern Admiralty Law by Aleka Mandaraka Sheppard 2001 edition</td>
</tr>
<tr>
<td>UK cases</td>
<td>– West Law case web site</td>
</tr>
<tr>
<td>EU Legislation, EC directives</td>
<td>- EU directives website</td>
</tr>
</tbody>
</table>

Abbreviations Used

HDPCA - Harbour Dock Piers Clauses Act
MSA- Merchant Shipping Act
MSMSA – Merchant Shipping Marine Security Act
HA - Harbour Act
DVA- Dangerous Vessels Act
PA- Pilotage Act
WRA-Water Resources Act
SOS - Secretary of State

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