



# Merchant Shipping Act 1894

## 1894 CHAPTER 60

### PART IX

#### WRECK AND SALVAGE.

##### *Removal of Wrecks.*

#### **530 Removal of wreck by harbour or conservancy authority.**

Where any vessel is sunk, stranded, or abandoned in any harbour or tidal water under the control of a harbour or conservancy authority, or in or near any approach thereto, in such manner as in the opinion of the authority to be, or be likely to become, an obstruction or danger to navigation or to lifeboats engaged in lifeboat service in that harbour or water or in any approach thereto, that authority may—

- (a) take possession of, and raise, remove, or destroy the whole or any part of the vessel; and
- (b) light or buoy any such vessel or part until the raising, removal, or destruction thereof; and
- (c) sell, in such manner as they think fit, any vessel or part so raised or removed, and also any other property recovered in the exercise of their powers under this section, and out of the proceeds of the sale reimburse themselves for the expenses incurred by them in relation thereto under this section, and the authority shall hold the surplus, if any, of the proceeds in trust for the persons entitled thereto.

Provided as follows:—

- (1) A sale shall not (except in the case of property which is of a perishable nature, or which would deteriorate in value by delay) be made under this section until at least seven clear days notice of the intended sale has been given by advertisement in some local newspaper circulating in or near the district over which the authority have control; and
- (2) At any time before any property is sold under this section, the owner thereof shall be entitled to have the same delivered to him on payment to the authority of the fair

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*Status: This is the original version (as it was originally enacted).*

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market value thereof, to be ascertained by agreement between the authority and the owner, or failing agreement by some person to be named for the purpose by the Board of Trade, and the sum paid to the authority as the value of any property under this provision shall, for the purposes of this section, be deemed to be the proceeds of sale of that property.

**531 Power of lighthouse authority to remove wreck.**

- (1) Where any vessel is sunk, stranded, or abandoned in any fairway, or on the seashore or on or near any rock, shoal, or bank, in the British Islands, or any of the adjacent seas or islands, and there is not any harbour or conservancy authority having power to raise, remove, or destroy the vessel, the general lighthouse authority for the place in or near which the vessel is situate shall, if in their opinion the vessel is, or is likely to become, an obstruction or danger to navigation or to lifeboats engaged in the lifeboat service, have the same powers in relation thereto as are by this Part of this Act conferred upon a harbour or conservancy authority.
- (2) All expenses incurred by the general lighthouse authority under this section, and not reimbursed in manner provided by this Part of this Act, shall be paid out of the Mercantile Marine fund, but shall be subject to the like estimate, account, and sanction as the expenses of a general lighthouse authority, other than establishment expenses.

**532 Powers of removal to extend to tackle, cargo, &c.**

The provisions of this Part of this Act relating to removal of wrecks shall apply to every article or thing or collection of things being or forming part of the tackle, equipments, cargo, stores, or ballast of a vessel in the same manner as if it were included in the term " vessel," and for the purposes of these provisions any proceeds of sale arising from a vessel and from the cargo thereof, or any other property recovered therefrom, shall be regarded as a common fund.

**533 Power for Board of Trade to determine certain questions between authorities.**

If any question arises between a harbour or conservancy authority on the one hand and a general lighthouse authority on the other hand as to their respective powers under this Part of this Act for the removal of wrecks, in relation to any place being in or near an approach to a harbour or tidal water, that question shall, on the application of either authority, be referred to the decision of the Board of Trade, and the decision of that Board shall be final

**534 Powers to be cumulative.**

The powers conferred by this Part of this Act on a harbour, conservancy, or lighthouse, authority, for the removal of wrecks shall be in addition to and not in derogation of any other powers for a like object.