
STATUTORY INSTRUMENTS

1991 No. 1258

The Sealink (Transfer of Heysham Harbour) Harbour Revision Order 1991

PART III

NEW PROVISIONS RELATING TO THE COMPANY AT THE TRANSFERRED HARBOUR

Power with respect to disposal of wrecks

25.—(1) In their application to the Company sections 530 and 532 of the Act of 1894 (which confer powers on the Company with respect to, and with respect to anything in or on, any vessel sunk, stranded or abandoned in such manner as to be an obstruction or danger to navigation in a harbour or in or near any approach thereto) shall have effect in relation to the transferred harbour and the approaches thereto—

- (a) subject to the provisions of article 26 of this Order; and
- (b) in relation to a vessel sunk, stranded or abandoned before, as well as after, the coming into force of this Order.

(2) Subject to the provisions of paragraph (3) of this article and to any enactment for the time being in force limiting his liability, the Company may recover from the owner of any vessel in relation to which it has exercised its powers under section 530 or section 532 of the Act of 1894 (being a vessel sunk, stranded or abandoned after the commencement of this Order) any expenses reasonably incurred by it under those sections in relation to that vessel which are not reimbursed out of any proceeds of sale within the meaning of those sections.

(3) Except in a case which is in the opinion of the Company a case of emergency, paragraph (2) of this article shall not apply in relation to any vessel unless, before exercising in relation to that vessel any of the powers conferred on it by section 530 of the Act of 1894, other than the power of lighting and buoying, the Company has given to the owner of the vessel not less than 48 hours' notice of its intention to do so; and, if before the notice expires the Company receives 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 subparagraph (b) of paragraph (2) of article 26 of this Order, he shall be at liberty to do so, and the Company shall not exercise the powers aforesaid in relation to that vessel until the expiration of seven 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 the Company.

(4) Notice under paragraph (3) of this article to the owner of any vessel may be served by the Company either by delivering it to him or by sending it to him by registered post or the recorded delivery service addressed to him at his last known place of business or abode in the United Kingdom or, if the owner or any such place or business or abode is not known to the Company, or is not in the United Kingdom, by displaying the notice at the office of the Company for the period of its duration.

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(5) In this section the expression “owner” in relation to any vessel means the person who was the owner of the vessel at the time of the sinking, stranding or abandonment thereof.

(6) The powers conferred on the Company by this article shall be 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 transferred harbour and the approaches thereto.