
STATUTORY INSTRUMENTS

1998 No. 683

The Porthmadog Harbour Revision Order 1998

PART II

DUTIES AND POWERS

Powers with respect to disposal of wrecks

12.—(1) In its application to the Council section 252 of the Merchant Shipping Act 1995⁽¹⁾ (which confers on harbour authorities within the meaning of that Act powers with respect to, any vessel sunk, stranded or abandoned in, or in or near any approach to, any harbour or tidal water under the control of a harbour authority in such manner as 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 approach thereto) shall have effect in relation to a vessel sunk, stranded or abandoned before, as well as after, the coming into force of this Order.

(2) Subject to paragraph (3) below and to any enactment for the time being in force limiting his liability, the Council may recover from the owner of any vessel in relation to which they have exercised their powers under the said section 252 any expenses reasonably incurred by them under that section in relation to that vessel which are not reimbursed out of any proceeds of sale within the meaning of that section.

- (a) (3) (a) Except in a case which is in the opinion of the Council a 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 the said section 252, other than the power of lighting and buoying, the Council have given to the owner of the vessel not less than forty-eight hours' notice of their intention to do so.
- (b) If before the notice expires the Council receive from the owner counter-notice in writing that he desires to dispose of the vessel himself, he shall be at liberty to do so; and the Council shall not exercise the powers in the said section 252 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 Council.

(4) Notice under paragraph (3) above to the owner of any vessel may be served by the Council either by delivering it to him or by sending it to him by 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 of business or abode is not known to the Council, by displaying the notice at the harbour offices, Porthmadog, for the period of its duration.

(5) In this article the word “owner”, in relation to any vessel, means the person who was the owner of the vessel at the time of the sinking, stranding or abandoning thereof, and for the purposes of this article the word “vessel” includes any aircraft.

(1) 1995 c. 21.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
