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STATUTORY INSTRUMENTS

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**2010 No. 699**

**The Environment Agency (Inland Waterways) Order 2010**

**PART 3**

**FURTHER REGULATION OF VESSELS**

**Removal of unregistered vessels**

**16.**—(1) The Agency may relocate on or remove from the waterways any vessel which is not registered under this Order if—

- (a) the Agency has given notice under this paragraph; and
- (b) the requirements of paragraph (5) do not apply.

(2) A notice under paragraph (1)(a) must—

- (a) identify the vessel in respect of which the notice is served and its approximate location;
- (b) state that if the owner fails either to apply for the registration of the vessel or to remove the vessel before the expiry of a period specified in the notice and being not less than 28 days from the date when the notice is first given under paragraph (3)(a), the Agency may relocate or remove the vessel and recover all expenses reasonably incurred in doing so from the owner; and
- (c) state that the vessel and its contents, once relocated or removed by the Agency, are liable to vest in and be disposed of by the Agency

(3) A notice under paragraph (1)(a) must be given—

- (a) by fixing a copy of the notice on the vessel or in a conspicuous place in the vicinity of the vessel; and
- (b) unless the Agency has made such enquiries as it may determine are reasonable to ascertain the name and address of the owner of the vessel but has been unable to do so, by serving a copy of the notice on the owner of the vessel.

(4) Section 123(1) to (4) of the Environment Act 1995<sup>(1)</sup> (service of documents) applies to the service of a notice under paragraph (3)(b) as it applies to the service of notice under that Act.

(5) The Agency must not relocate or remove a vessel under this article if, within the period specified in the notice given for the purposes of paragraph (2)(b) in respect of the vessel, the owner of the vessel—

- (a) applies for the registration of the vessel; or
- (b) enters into an agreement with the Agency on such terms as the Agency may see fit for the removal of the vessel from the waterways.

(6) The Agency may recover from the owner of any vessel relocated or removed under this article all expenses reasonably incurred by the Agency in respect of the relocation or removal and storage of the vessel or in relocating, removing or storing anything attached to or carried in or on the vessel.

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(1) 1995 c. 25.

(7) A vessel relocated or removed by the Agency under this article (together with anything attached to or carried in or on the vessel) vests in the Agency 3 months after the date the notice was first given by the Agency under paragraph (3)(a) in respect of the vessel.

(8) If within 24 months of the date the notice was first given under paragraph (3)(a) in respect of a vessel a claim is made to the vessel or to anything attached to or carried in or on the vessel by a person who subsequently proves to the satisfaction of the Agency that the person is its owner, then the Agency must—

- (a) if the property is unsold and upon payment of the expenses referred to in paragraph (6), permit that person to retake it and, in the case of a vessel, together with anything attached to or carried in or on the vessel which has not been proved to the Agency's satisfaction to belong to another; or
- (b) if it has been sold, pay to that person the amount of the proceeds of such sale after deducting the expenses referred to in paragraph (6) and the costs incurred in selling (including where appropriate valuing) the vessel and, if those proceeds are insufficient to reimburse the Agency those expenses, the deficiency may be recovered from that person by the Agency.

(9) Subject to paragraph (8)(b), the proceeds of the sale of any vessel vested in the Agency under paragraph (7) must be spent by the Agency only in the carrying out of its navigation functions.

(10) In this article “vessel” includes any part of the vessel.

**Changes to legislation:**

There are currently no known outstanding effects for the The Environment Agency (Inland Waterways) Order 2010, Section 16.