



Medway Ports Authority Act 1973

1973 CHAPTER xxi

PART II

DUTIES AND GENERAL POWERS OF THE AUTHORITY

46 Powers with respect to disposal of wrecks

- (1) In their application to the Authority, sections 530 and 532 of the Merchant Shipping Act, 1894, shall have effect—
 - (a) subject to the provisions of section 47 (Protection of Crown interests in wrecks) of this Act; and
 - (b) in relation to a vessel sunk, stranded or abandoned before as well as after the passing of this Act.
- (2) Subject to subsection (3) of this section, and to any enactment for the time being in force limiting his liability, the Authority may recover as a simple contract debt from the owner of any vessel in relation to which they have exercised their powers under the said section 530 or the said section 532 any expenses reasonably incurred by them under those sections in relation to that vessel which are not reimbursed out of the proceeds of sale (if any) within the meaning of those sections.
- (3) Except in a case which is in the opinion of the Authority a case of emergency, subsection (2) of this section 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 530, other than the power of lighting and buoying, the Authority have given to the owner of the vessel not less than forty-eight hours' notice of their intention to do so; and if before the notice expires they receive 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 paragraph (b) of subsection (2) of the said section 47 he shall be at liberty to do so, and the Authority 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

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with any directions for the prevention of interference with navigation which may be given to him by the Authority.

- (4) Notice under subsection (3) of this section to the owner of any vessel may be served by the Authority 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 of business or abode is not known to the Authority or is not in the United Kingdom, by displaying the notice at the principal office of the Authority for the period of its duration.
- (5) Except in a case which is, in the opinion of the Authority, a case of emergency, the Authority shall, before raising, removing or destroying under the powers conferred upon them by the said section 530 any vessel sunk, stranded or (abandoned in the port or in or near any approach thereto and within a distance of 200 yards of any subaqueous cable belonging to or used by the Post Office, give to the Post Office in writing as long notice as is practicable of their intention to do so.
- (6) 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.