



British Waterways Act 1995

1995 CHAPTER i

PART III

REGULATION AND MANAGEMENT OF INLAND WATERWAYS

19 Removal of vessels to permit works, etc

- (1) When any vessel is moored or lying in such a position as is likely to interfere with any dredging, repairs, maintenance works, or any other works or operations of the Board, or any works or operations proposed to be carried out by any other authority or body in pursuance of any statutory functions, the Board may serve on the owner of such vessel a notice requiring him within 28 days of the date upon which the notice is served to remove the vessel for such time as the Board or such other authority or body may reasonably require for the completion of such works or operations.
- (2) Where any vessel is moored or allowed to remain in contravention of a notice served under subsection (1) above the Board may without further notice remove the vessel.
- (3) Where any vessel is removed by the owner or the Board pursuant to this section, the Board shall if the vessel was lawfully moored at the time of the removal make available a suitable temporary mooring for the vessel until the completion of the works or operations which required its removal.
- (4) If the Board remove a vessel pursuant to subsection (2) above they shall if it was lawfully moored provide a suitable temporary mooring for the vessel and replace the same as soon as practicable after the completion of the works or operations which required its removal.
- (5) (a) If the Board in exercise of the powers of this section remove a vessel to a place not readily visible from the place from which it was removed they shall serve on the owner—
 - (i) as soon as practicable after the removal, a notice that they have exercised the powers of this section stating the place to which the vessel has been removed; and

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- (ii) as soon as practicable after the replacement of the vessel, a notice that the vessel has been replaced.
 - (b) This subsection shall not have effect if the Board after reasonable inquiry are unable to establish the name and address of the owner or for any other sufficient reason are unable to serve the notice; and subsection (2) (d) of section 17 (Notices) of the Act of 1983 shall not apply to notices under this subsection.
- (6) The removal or replacement by the Board under this section of any vessel which at the time of the removal was lawfully moored shall be at the cost and risk of the Board, and if any person suffers loss or damage in consequence of the exercise of the powers of this section in relation to any hire pleasure boat within the meaning of section 3 of the Act of 1971, he shall be entitled to recover compensation for the loss or damage from the Board.
- (7) Any dispute as to a person's entitlement to compensation in pursuance of subsection (6) above or as to the amount of the compensation shall be determined by arbitration.
- (8) For the purposes of this section a vessel shall not be deemed to be unlawfully moored solely by virtue of its being moored or allowed to remain in contravention of a notice served under subsection (1) above.