



CHAPTER v.

An Act to confer further powers upon the Harwich Harbour Conservancy Board relating to vessels sunk stranded or abandoned and for other purposes. A.D. 1928.
[10th May 1928.]

WHEREAS the Harwich Harbour Conservancy Board were incorporated by the Harwich Harbour Act 1863 and by that Act the Harwich Harbour Acts 1864 and 1865 (which three Acts are by the last-mentioned Act defined as "the Harwich Harbour Acts") and the Harwich Harbour Order 1920 (confirmed by the Pier and Harbour Orders Confirmation (No. 1) Act 1920) further powers were conferred upon the Conservancy Board for the improvement and better regulation of Harwich Harbour :

And whereas it is expedient that further powers be conferred upon the Conservancy Board for the purposes aforesaid :

And whereas the objects of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

1. This Act may be cited as the Harwich Harbour Act 1928 and shall be construed as one with the Harwich Harbour Acts and the Harwich Harbour Order 1920

Short title
and con-
struction.

A.D. 1928. — and the said Acts and Order and this Act may be cited together as the Harwich Harbour Acts and Order 1863 to 1928.

Interpreta-
tion.

2. In this Act—

“the Conservancy Board” means the Harwich Harbour Conservancy Board;

“the harbour” means Harwich Harbour as defined by the Harwich Harbour Acts;

“the harbour master” means any officer of the Conservancy Board having the powers of a harbour master under the Harbours Docks and Piers Clauses Act 1847.

Removal of
stranded
sunk or
abandoned
vessels.

3.—(1) Whenever any vessel is sunk stranded or abandoned in the harbour the Conservancy Board may cause that vessel to be raised or removed or to be blown up or otherwise destroyed so as to clear therefrom the harbour.

(2) The Conservancy Board may cause any such vessel and the furniture tackle and apparel thereof or any part thereof which shall be raised or saved and also all or any part of the cargo goods chattels and effects which may be raised or saved from any such vessel to be sold in such manner as they think fit (subject to such notice being given of the intended sale as is prescribed by the first proviso to section 530 of the Merchant Shipping Act 1894) and out of the proceeds of sale may reimburse themselves for the expense incurred by them under this section and also for any expenses incurred by them in marking buoying watching lighting or otherwise controlling the vessel and shall hold the surplus (if any) of the proceeds of sale in trust for the persons entitled thereto. Provided always that the Conservancy Board shall before selling any such cargo goods chattels or effects as aforesaid pay all duties which may be payable to His Majesty in respect of the cargo goods chattels or effects to be sold and they may retain the amount of the duties so paid out of the proceeds arising from the sale of such cargo goods chattels or effects.

(3) If the proceeds of sale are insufficient to reimburse the Conservancy Board for the aforesaid expenses and duties the Conservancy Board may recover the deficiency or in case of an appeal under subsection (4) of this section such sum as is awarded by the arbitrator.

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to be payable in respect of the deficiency from the person who at the time of the sinking stranding or abandonment of the vessel was the registered owner of the vessel or from the executors or administrators of such owner as a debt either summarily as a civil debt or in any court of competent jurisdiction.

(4) If on demand being made under this section for payment of any deficiency the person on whom the demand is made is dissatisfied with the amount demanded he may within fourteen days after the receipt of the demand appeal to the Board of Trade who shall appoint an arbitrator to determine and award whether any and (if so) what sum is payable in respect of the deficiency and the award of the arbitrator appointed by the Board of Trade that no sum is payable or as to the sum payable (as the case may be) shall be conclusive and binding on both parties. The cost of the appeal and the award shall be in the absolute discretion of the arbitrator and he shall award and order how those costs are to be borne and paid and any costs so awarded and ordered to be paid by either party may be recovered by the other party in the same manner as the sum payable in respect of the deficiency is recoverable under subsection (3) of this section.

(5) The powers of the Conservancy Board under subsection (1) of this section shall not be exercised in respect of a vessel if the registered owner thereof within twenty-four hours after the sinking stranding or abandonment of the vessel takes such steps as may in the opinion of the harbour master be necessary for the raising or removal thereof and does all things necessary to raise and remove the vessel as speedily as possible to the satisfaction of the harbour master.

(6) The powers conferred by this section on the Conservancy Board shall be in addition to and not in derogation of any other powers exerciseable by them for or with respect to the removal of wrecks.

(7) Except for the purpose of removing any obstruction to the harbour nothing in this section shall entitle the Conservancy Board to remove any wreck (as defined by section 510 of the Merchant Shipping Act 1894) to the prejudice or in derogation of the rights with respect to such wreck of the Receiver of Wreck under the provisions of Part IX of the said Merchant Shipping Act and

A.D. 1928. — if the Conservancy Board shall for any such purpose as aforesaid remove any such wreck they shall (without prejudice to the rights of sale conferred upon them by the foregoing provisions of this section) hold and dispose of the same or any such surplus of the proceeds of sale thereof as is referred to in subsection (2) of this section in accordance with such directions (if any) as may be given to them by the said receiver.

Further
power to
deal with
unservice-
able
vessels.

4. In addition to the powers conferred on the Conservancy Board and the harbour master by section 57 of the Harbours Docks and Piers Clauses Act 1847 and to the powers conferred on the Conservancy Board by the Merchant Shipping Act 1894 the Conservancy Board may on giving notice of their intention by advertisement inserted three times in each of two local newspapers and in writing to the registered owner thereof if ascertainable sell break up or otherwise dispose of or cause to be sold broken up or otherwise disposed of any vessel laid by or neglected as unserviceable in the harbour and may receive the moneys (if any) arising therefrom and may retain out of such moneys any expenses incurred by the Conservancy Board in respect or on account of such vessel and also any charges or expenses incurred by the Conservancy Board or the harbour master under section 57 of the Harbours Docks and Piers Clauses Act 1847 or section 530 of the Merchant Shipping Act 1894 rendering the balance if any to the owner and if there be no such moneys or if any such moneys be insufficient to cover such expenses or charges the Conservancy Board may recover such expenses or charges or the unsatisfied balance thereof from the owner by proceeding or action in any court of summary or competent jurisdiction.

Costs of
Act.

5. All costs charges and expenses of and incident to the preparation for obtaining and passing of this Act shall be paid by the Conservancy Board.

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