



Merchant Shipping Act 1995

1995 CHAPTER 21

PART IX

SALVAGE AND WRECK

CHAPTER III

SUPPLEMENTAL

Removal of wrecks

252 Powers of harbour and conservancy authorities in relation to wrecks.

- (1) Where any vessel is sunk, stranded or abandoned in, or in or near any approach to, any harbour or tidal water under the control of a harbour authority or conservancy authority in such a manner as, in the opinion of the authority, 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, that authority may exercise any of the following powers.
- (2) Those powers are—
 - (a) to take possession of, and raise, remove or destroy the whole or any part of the vessel and any other property to which the power extends;
 - (b) to ^[F1]mark the location of] the vessel or part of the vessel and any such other property until it is raised, removed or destroyed; and
 - (c) subject to subsections (5) and (6) below, to sell, in such manner as the authority think fit, the vessel or part of the vessel so raised or removed and any other property recovered in the exercise of the powers conferred by paragraph (a) or (b) above;
 - (d) to reimburse themselves, out of the proceeds of the sale, for the expenses incurred by them in relation to the sale.

Status: Point in time view as at 29/07/2022. This version of this provision has been superseded.

Changes to legislation: Merchant Shipping Act 1995, Section 252 is up to date with all changes known to be in force on or before 29 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(3) The other property to which the powers conferred by subsection (2) above extend is every article or thing or collection of things being or forming part of the equipment, cargo, stores or ballast of the vessel.

[^{F2}(3A) For the purposes of subsection (2)(b) a location may be marked by—

- (a) buoys, lights or other physical devices;
- (b) the transmission of information about the location.]

(4) Any surplus of the proceeds of a sale under subsection (2)(c) above shall be held by the authority on trust for the persons entitled thereto.

(5) Except in the case of property which is of a perishable nature or which would deteriorate in value by delay, no sale shall be made under subsection (2)(c) above until at least seven days notice of the intended sale has been given by advertisement in a local newspaper circulating in or near the area over which the authority have control.

(6) At any time before any property is sold under subsection (2)(c) above, the owner of the property shall be entitled to have it delivered to him on payment of its fair market value.

(7) The market value of property for the purposes of subsection (6) above shall be that agreed on between the authority and the owner or, failing agreement, that determined by a person appointed for the purpose by the Secretary of State.

(8) The sum paid to the authority in respect of any property under subsection (6) above shall, for the purposes of this section, be treated as the proceeds of sale of the property.

(9) Any proceeds of sale arising under subsection (2)(c) above from the sale of a vessel and any other property recovered from the vessel shall be treated as a common fund.

(10) This section is without prejudice to any other powers of a harbour authority or conservancy authority.

Textual Amendments

- F1** Words in s. 252(2)(b) substituted (26.6.2013) by [Marine Navigation Act 2013 \(c. 23\)](#), **ss. 11(1)**, 13; S.I. 2013/1489, art. 2
- F2** S. 252(3A) inserted (26.6.2013) by [Marine Navigation Act 2013 \(c. 23\)](#), **ss. 11(2)**, 13; S.I. 2013/1489, art. 2

Modifications etc. (not altering text)

- C1** S. 252 applied (E.W.S.) (1.1.1998) by [S.I. 1997/2949](#), **art. 14(1)**
 S. 252 modified (E.W.S.) (23.12.1999) by [S.S.I. 1999/202](#), **arts. 24, 25(1)-(3)**
 S. 252 applied (with modifications) (E.W.S.) (14.7.2000) by [S.S.I. 2000/233](#), **arts. 33, 34**
- C2** S. 252 modified (E.W.S.) (29.12.2007) by [The Maryport Harbour Revision Order 2007 \(S.I. 2007/3463\)](#), **arts. 1(1), 25, 26** (with arts. 78, 80, 81)
- C3** S. 252 applied (with modifications) (E.W.S.) (23.7.2012) by [The Poole Harbour Revision Order 2012 \(S.I. 2012/1777\)](#), **arts. 1(2), 19, 20** (with arts. 58, 59)
- C4** S. 252 applied (with modifications) (E.W.S.) (17.2.2021) by [The Weymouth Harbour Revision Order 2021 \(S.I. 2021/43\)](#), **arts. 1, 39** (with arts. 42, 44)

Status:

Point in time view as at 29/07/2022. This version of this provision has been superseded.

Changes to legislation:

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