
STATUTORY INSTRUMENTS

2007 No. 3463

The Maryport Harbour Revision Order 2007

PART 4

Further Powers as to Management and Regulation of Harbour

Powers with respect to disposal of wrecks

25.—(1) In its application to the Authority section 252 of the Merchant Shipping Act 1995 (powers of harbour and conservancy authorities in relation to wrecks) shall have effect in relation to the harbour in relation to a vessel sunk, stranded or abandoned before, as well as after, the coming into force of this Order.

(2) Subject to paragraph (3), and to any enactment for the time being in force limiting his liability, the Authority may recover from the owner of any vessel in relation to which they have exercised their powers under the said section 252 any expenses reasonably incurred by them under that section in relation to that vessel which are not reimbursed out of any proceeds of sale within the meaning of that section.

(3) Except in a case which is in the opinion of the Authority a case of emergency, paragraph (2) 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 252, other than the power of lighting and buoys, the Authority have given to the owner of the vessel not less than 48 hours' notice of their intention to do so.

(4) If before the notice expires the Authority receive from the owner counter-notice in writing that he desires to dispose of the vessel himself, he shall be at liberty to do so, and the Authority shall not exercise the power in the said section 252 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 its disposal with all reasonable diligence and in compliance with any directions for the prevention of interference with navigation which may be given to him by the Authority.

(5) Notice under paragraph (3) 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 by displaying the notice at the harbour offices, Maryport for the period of its duration.

(6) In this article “owner” in relation to any vessel means the person who was the owner of the vessel at the time of its sinking, stranding or abandoning.

(7) The powers conferred on the Authority by this article shall be in addition to and not in derogation of any other powers exercisable by them for or with respect to the removal of wrecks within the harbour.