



Broads Authority Act 2009

2009 CHAPTER i

PART 2

REGULATIONS AND MANAGEMENT OF NAVIGATION AREA

Other provisions as to vessels

20 Removal of unsafe vessels, etc.

- (1) The Authority may exercise the powers of this section in relation to any unsafe vessel in the navigation area or on adjacent waters in any case in which—
 - (a) there is no-one on board the vessel; or
 - (b) the master has failed without reasonable excuse to comply with a requirement made under section 19(1).
- (2) The Authority may relocate the vessel on, or remove it from, the navigation area or adjacent waters; and may store the vessel.
- (3) Not less than 28 days before relocating or removing a vessel under subsection (2), the Authority, unless it exercises its powers in an emergency, shall—
 - (a) give the owner of the vessel notice in writing of its intention to do so; and
 - (b) affix a copy of the notice to the vessel, or display it in a conspicuous place in the vicinity of the vessel and take reasonable steps to ensure that the notice remains in position for a period of 28 days.
- (4) Subsection (3)(a) shall not apply where the Authority has used all reasonable endeavours to notify the owner of the vessel concerned but has been unable to do so.
- (5) Subject to subsection (9) a vessel relocated or removed by the Authority under this section shall vest in the Authority upon the issue by the Authority of a certificate (“the vesting certificate”).
- (6) The vesting certificate—

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- (a) may be issued not less than 3 months after the date of the notice given by the Authority in respect of the vessel under subsection (3), or where subsection (4) applies, 3 months after the date of relocation or removal of the vessel;
 - (b) shall be served on the owner (except in the circumstances referred to in subsection (4)) and displayed at or near the place from which the vessel was removed; and
 - (c) shall be displayed at the principal office of the Authority.
- (7) Subject to subsection (9) and following the issue of the vesting certificate the Authority may deal with the vessel as it thinks fit including the disposal or destruction of the vessel.
- (8) The Authority may recover from the owner of any vessel relocated or removed under this section all expenses reasonably incurred by the Authority in respect of the relocation, removal, storage, disposal and destruction of the vessel, including all administrative and legal costs reasonably incurred by the Authority in the exercise of those powers or in connection with any legal proceedings brought by the Authority in relation to the vessel.
- (9) If within 24 months of the date of the issue of the vesting certificate, a claim is made to the vessel by a person who subsequently proves to the satisfaction of the Authority that he is its owner, then the Authority shall—
 - (a) if the vessel is unsold and upon payment of the expenses referred to in subsection (8), permit that person to retake it;
 - (b) if it has been sold, pay to that person the amount of the proceeds of such sale after deducting the said expenses and, if those proceeds are insufficient to reimburse the Authority those expenses, the deficiency may be recovered from that person by the Authority.
- (10) Subsection (9)(a) shall not apply to anything attached to or carried in or on the vessel which has been proved to the Authority’s satisfaction to belong to another.
- (11) If the Authority satisfies the court that it is entitled to sell a vessel removed under this section the court—
 - (a) may authorise the sale of the vessel subject to such terms and conditions, if any, as may be specified by the court;
 - (b) may authorise the Authority to deduct from the proceeds of sale any costs of sale and any amount due from the owner of the vessel to the Authority in respect of the vessel; and
 - (c) may direct the payment into court of the net proceeds of sale, less any amount deducted under paragraph (b), to be held to the credit of the owner of the vessel.
- (12) A decision of the court authorising a sale under subsection (11) shall, subject to any right of appeal, be conclusive, as against the owner, of the Authority’s entitlement to sell the vessel, and gives a good title to the purchaser as against the owner.
- (13) In this section the “court” means the High Court or a county court, and a county court shall have jurisdiction in the proceedings.
- (14) References in this section to a vessel include anything attached to or carried in or on the vessel.

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- (15) The Authority shall not exercise the powers of subsection (5), (6) or (7) in relation to any vessel which is the subject of an appeal to the standards appeals panel under section 13 until the appeal has been determined.
- (16) The Authority shall pay reasonable compensation to the owner of any vessel in respect of any damage which is caused to the vessel (or loss caused to its owner) by the exercise of the powers of this section and any expenses reasonably incurred by the owner in returning the vessel to the place where it was immediately before the Authority exercised those powers, if it is shown that at the time of such exercise the vessel was not unsafe, but nothing in this subsection shall require the Authority to pay compensation in respect of any damage to the extent that the damage results from the act or default of the master, owner or any other person (not being an employee or agent of the Authority).