



Merchant Shipping Act 1995

1995 CHAPTER 21

PART IX

SALVAGE AND WRECK

CHAPTER II

WRECK

Dealing with wreck

236 Duties of finder etc of wreck.

- (1) If any person finds or takes possession of any wreck in United Kingdom waters or finds or takes possession of any wreck outside United Kingdom waters and brings it within those waters he shall—
 - (a) if he is the owner of it, give notice to the receiver stating that he has found or taken possession of it and describing the marks by which it may be recognised;
 - (b) if he is not the owner of it, give notice to the receiver that he has found or taken possession of it and, as directed by the receiver, either hold it to the receiver's order or deliver it to the receiver.
- (2) If any person fails, without reasonable excuse, to comply with subsection (1) above he shall be liable, on summary conviction, to a fine not exceeding level 4 on the standard scale and if he is not the owner of the wreck he shall also—
 - (a) forfeit any claim to salvage; and
 - (b) be liable to pay twice the value of the wreck—
 - (i) if it is claimed, to the owner of it; or
 - (ii) if it is unclaimed, to the person entitled to the wreck.

Status: Point in time view as at 01/03/2005.

Changes to legislation: Merchant Shipping Act 1995, Cross Heading: Dealing with wreck is up to date with all changes known to be in force on or before 15 July 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) Any sum payable under subsection (2)(b) above to the owner of the wreck or to the persons entitled to the wreck may, in England and Wales and Northern Ireland, be recovered summarily as a civil debt.
- (4) In Scotland any sum payable under subsection (2)(b) above to the owner of the wreck or to the persons entitled to the wreck shall, for the purposes of the sum's recovery, be regarded as a debt due to the owner or, as the case may be, to those persons.

237 Provisions as respects cargo, etc.

- (1) Where a vessel is wrecked, stranded, or in distress at any place on or near the coasts of the United Kingdom or any tidal water within United Kingdom waters, any cargo or other articles belonging to or separated from the vessel which are washed on shore or otherwise lost or taken from the vessel shall be delivered to the receiver.
- (2) If any person (whether the owner or not)—
 - (a) conceals or keeps possession of any such cargo or article, or
 - (b) refuses to deliver any such cargo or article to the receiver or to any person authorised by the receiver to require delivery,
 he shall be liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.
- (3) The receiver or any person authorised by him may take any such cargo or article (if necessary by force) from any person who refuses to deliver it.

238 Receiver to give notice of wreck.

- (1) Where the receiver takes possession of any wreck he shall, within 48 hours—
 - (a) make a record describing the wreck and any marks by which it is distinguished; and
 - (b) if in his opinion the value of the wreck exceeds £5,000, also transmit a similar description to the chief executive officer of Lloyd's in London.
- (2) The record made by the receiver under subsection (1)(a) above shall be kept by him available for inspection by any person during reasonable hours without charge.
- (3) The notice sent under subsection (1)(b) above to the chief executive officer of Lloyd's shall be posted by him in some conspicuous position for inspection.

239 Claims of owners to wreck.

- (1) The owner of any wreck in the possession of the receiver who establishes his claim to the wreck to the satisfaction of the receiver within one year from the time when the wreck came into the receiver's possession shall, on paying the salvage, fees and expenses due, be entitled to have the wreck delivered or the proceeds of sale paid to him.
- (2) Where—
 - (a) a foreign ship has been wrecked on or near the coasts of the United Kingdom,
 or

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- (b) any articles belonging to or forming part of or of the cargo of a foreign ship which has been wrecked on or near the coasts of the United Kingdom are found on or near the coast or are brought into any port, the appropriate consular officer shall, in the absence of the owner and of the master or other agent of the owner, be treated as the agent of the owner for the purposes of the custody and disposal of the wreck and such articles.
- (3) In subsection (2) above “the appropriate consular officer”, in relation to a foreign ship, means the consul general of the country to which the ship or, as the case may be, the owners of the cargo may have belonged or any consular officer of that country authorised for the purpose by any treaty or arrangement with that country.

240 Immediate sale of wreck in certain cases.

- (1) The receiver may at any time sell any wreck in his possession if, in his opinion—
- (a) it is under the value of £5,000;
 - (b) it is so much damaged or of so perishable a nature that it cannot with advantage be kept; or
 - (c) it is not of sufficient value to pay for storage.

^{F1}[(1A) The receiver may also sell any wreck in his possession before the end of the year referred to in section 239(1) if—

- (a) in his opinion it is unlikely that any owner will establish a claim to the wreck within that year; and
- (b) no statement has been given to the receiver under section 242(1) in relation to the place where the wreck was found.]

- (2) [^{F2}Subject to subsection (3) below,] the proceeds of sale shall, after defraying the expenses of the sale, be held by the receiver for the same purposes and subject to the same claims, rights and liabilities as if the wreck had remained unsold.

^{F3}[(3) Where the receiver sells any wreck in a case falling within subsection (1A) above, he may make to the salvors an advance payment, of such amount as he thinks fit and subject to such conditions as he thinks fit, on account of any salvage that may become payable to them in accordance with section 243(5).]

Textual Amendments

F1 S. 240(1A) inserted (17.7.1997) by 1997 c. 28, s. 22(2); S.I. 1997/1539, art. 2, Sch.

F2 Words in s. 240(2) inserted (17.7.1997) by 1997 c. 28, s. 22(3); S.I. 1997/1539, art. 2, Sch.

F3 S. 240(3) inserted (17.7.1997) by 1997 c. 28, s. 22(3); S.I. 1997/1539, art. 2, Sch.

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