



Merchant Shipping Act 1995

1995 CHAPTER 21

PART IX

SALVAGE AND WRECK

CHAPTER III

SUPPLEMENTAL

Administration

248 Functions of Secretary of State as to wreck.

- (1) The Secretary of State shall have the general superintendence throughout the United Kingdom of all matters relating to wreck.
- (2) The Secretary of State may, with the consent of the Treasury, appoint one or more persons to be receiver of wreck for the purposes of this Part and a receiver so appointed shall discharge such functions as are assigned to him by the Secretary of State.
- (3) Such public notice of appointments to the office of receiver shall be given as appears to the Secretary of State to be appropriate.

249 Expenses and fees of receivers.

- (1) There shall be paid to the receiver the expenses properly incurred by him in the discharge of his functions and also, in respect of such matters as may be prescribed by regulations made by the Secretary of State, such fees as may be so prescribed.
- (2) The receiver shall not be entitled to any other remuneration.
- (3) The receiver shall, in addition to all other rights and remedies for the recovery of those expenses and fees, have the same rights and remedies in respect of those expenses and fees as a salvor has in respect of salvage due to him.

Status: Point in time view as at 24/11/2006.

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- (4) Whenever any dispute arises as to the amount payable to the receiver in respect of expenses or fees, that dispute shall be determined by the Secretary of State whose decision shall be final.

Coastguard services

250 Remuneration for services of coastguard.

- (1) Subject to subsection (2) below, where services are rendered by any officers or men of the coastguard service in watching or protecting shipwrecked property the owner of the property shall pay in respect of those services remuneration according to a scale fixed by the Secretary of State.
- (2) No liability in respect of those services arises under subsection (1) above where—
- (a) the services have been declined by the owner of the property or his agent at the time they were tendered; or
 - (b) salvage has been claimed and awarded for the services.
- (3) Remuneration under this section shall—
- (a) be recoverable by the same means,
 - (b) be paid to the same persons, and
 - (c) be accounted for and applied in the same manner,
- as fees received by the receiver under section 249.
- (4) The scale fixed by the Secretary of State shall not exceed the scale by which remuneration to officers and men of the coastguard for extra duties in the ordinary service of the Commissioners of Customs and Excise is for the time being regulated.

Release from customs and excise control

251 Release of goods from customs and excise control.

- (1) The Commissioners of Customs and Excise shall, subject to taking security for the protection of the revenue in respect of the goods, permit all goods saved from any ship stranded or wrecked on its homeward voyage to be forwarded to the port of its original destination.
- (2) The Commissioners of Customs and Excise shall, subject to taking such security, permit all goods saved from any ship stranded or wrecked on her outward voyage to be returned to the port at which they were shipped.
- (3) In this section “goods” includes wares and merchandise.

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

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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 light or buoy 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.
- (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.
- (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.

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](#)

253 Powers of lighthouse authorities in relation to wrecks.

- (1) Where—

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- (a) any vessel is sunk, stranded or abandoned in any fairway or on the seashore or on or near any rock, shoal or bank in the United Kingdom or any of the adjacent seas or islands; and
 - (b) there is no harbour authority or conservancy authority having power to raise, remove or destroy the vessel;
- the general lighthouse authority for the place in or near which the vessel is situated shall, if in the authority's opinion the vessel is, or is likely to become, an obstruction or danger to navigation or to lifeboats engaged in lifeboat service, have the same powers in relation thereto as are conferred by section 252.
- (2) Where a general lighthouse authority have incurred expenses in the exercise of their powers under this section in relation to any vessel, then—
 - (a) if the proceeds of any sale made under section 252 in connection with the exercise of those powers in relation to the vessel are insufficient to reimburse the authority for the full amount of those expenses, the authority may recover the amount of the deficiency from the relevant person, or
 - (b) if there is no such sale, the authority may recover the full amount of those expenses from the relevant person.
 - (3) Any expenses so incurred which are not recovered by the authority either out of the proceeds of any such sale or in accordance with subsection (2) above shall be paid out of the General Lighthouse Fund, but section 213 shall apply to those expenses as if they were expenses of the authority falling within subsection (1) of that section other than establishment expenses.
 - (4) In this section “the relevant person”, in relation to any vessel, means the owner of the vessel at the time of the sinking, stranding or abandonment of the vessel.

Modifications etc. (not altering text)

- C2** S. 253 excluded (E.W.S.) (23.12.1999) by [S.S.I. 1999/202, art. 25\(4\)](#)
 S. 253 applied (with modifications) (E.W.S.) (14.7.2000) by [S.S.I. 2000/233, arts. 33, 34](#)

254 Referral of questions as to powers between authorities.

- (1) If any question arises between a harbour authority or conservancy authority and a general lighthouse authority as to their respective powers under sections 252 and 253 in relation to any place in or near an approach to a harbour or tidal water, that question shall, on the application of either authority, be referred to the Secretary of State for his decision.
- (2) Any decision of the Secretary of State under this section shall be final.

Interpretation

255 Interpretation.

- (1) In this Part—
 - “receiver” means a receiver of wreck appointed under section 248;
 - “salvage” includes, subject to the Salvage Convention, all expenses properly incurred by the salvor in the performance of the salvage services;

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“the Salvage Convention” has the meaning given by section 224(1);

“salvor” means, in the case of salvage services rendered by the officers or crew or part of the crew of any ship belonging to Her Majesty, the person in command of the ship;

“tidal water” means any part of the sea and any part of a river within the ebb and flow of the tide at ordinary spring tides, and not being a harbour;

“vessel” includes any ship or boat, or any other description of vessel used in navigation; and

“wreck” includes jetsam, flotsam, lagan and derelict found in or on the shores of the sea or any tidal water.

- (2) Fishing boats or fishing gear lost or abandoned at sea and either—
- (a) found or taken possession of within United Kingdom waters; or
 - (b) found or taken possession of beyond those waters and brought within those waters;

shall be treated as wreck for the purposes of this Part.

- (3) In the application of this Part in relation to Scotland, any reference to a justice of the peace includes a reference to a sheriff.

Modifications etc. (not altering text)

C3 S. 255 extended (with modifications) to Jersey (22.8.1997) by [S.I. 1997/1773](#), [art. 2](#), [Sch.](#)

C4 S. 255(1) extended (with modifications) to specified colonies (30.11.1997) by [S.I. 1997/2586](#), [art. 2](#), [Schs. 1, 2](#)

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