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STATUTORY INSTRUMENTS

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**1996 No. 1627**

**The Whitehaven Harbour Revision Order 1996**

**PART III**

Further powers as to management and regulation of harbour

**Removal of obstructions other than vessels**

**32.**—(1) The Commissioners may remove anything, other than a vessel, in, or on land adjoining, the waters of the harbour or the approaches thereto—

- (a) which is causing, or likely to cause, an obstruction to, or interference with, navigation;
- (b) which is causing, or likely to cause, interference with the operation of any works of the Commissioners, or damage to any such works or to any property; or
- (c) which is in the harbour without lawful authority;

and may take such steps as appear to them to be appropriate to prevent or minimise such obstruction, interference or damage.

(2) Where the Commissioners—

- (a) remove anything under paragraph (1) above; and
- (b) can readily identify its owner or a person whom they reasonably believe to be its owner;

the Commissioners shall, within 28 days of its coming into their custody, give written notice to that person stating that, upon proof of ownership to the reasonable satisfaction of the Commissioners possession may be retaken at a place named in the notice within the period specified in the notice (being not less than 14 days after the notice is served) and, if possession of the thing removed is not so retaken, it shall at the end of that period vest in the Commissioners.

(3) The Commissioners may, at such time and in such manner as they think fit—

- (a) dispose of anything removed under paragraph (1) above in the case of which paragraph (2) does not apply, or
- (b) notwithstanding paragraph (2) above, dispose of anything so removed,

which is of a perishable nature or the custody of which involves unreasonable expense or inconvenience.

(4) If anything disposed of by the Commissioners under this article is sold, the Commissioners may retain out of the proceeds of sale any expenses incurred by them under this section and any surplus—

- (a) shall be paid to any person who within three months from the time when the thing came into the custody of the Commissioners proves to the reasonable satisfaction of the Commissioners that he was the owner thereof at that time; or
- (b) if within the said period no person proves his ownership at the said time, shall vest in the Commissioners.

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(5) If the proceeds of the sale of anything removed under this article are insufficient to reimburse the Commissioners for the said expenses, or there is no sale, the Commissioners may recover the deficiency, or, where there is no sale, the whole of the expenses, from the person who was the owner at the time when the thing removed came into the custody of the Commissioners or who was the owner at the time of its abandonment or loss.