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STATUTORY INSTRUMENTS

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**2013 No. 1933**

**The Leeds Railway Station (Southern Entrance) Order 2013**

**PART 2**

**WORKS PROVISIONS**

*Navigation*

**Removal of vessels**

**19.**—(1) Subject to paragraphs (2) and (3), whenever any vessel—

- (a) is sunk, stranded or abandoned within the relevant part of the waterway; or
- (b) left or moored within the relevant part of the waterway without lawful authority,

the promoter may raise, remove, store or otherwise dispose of a vessel to which this paragraph applies where (except in an emergency) it has given not less than 21 days' written notice to the owner of the vessel, unless it is not practicable after reasonable inquiry to ascertain the name and address of the owner.

(2) Where the promoter proposes to raise, remove, store or otherwise dispose of a vessel to which paragraph (1) applies, the promoter must first give the Trust not less than 28 days' written notice of its intention to do so.

(3) Where the promoter has given such notice as referred to in paragraph (2) and where—

- (a) it is within the powers of the Trust to deal with the vessel; and
- (b) the promoter having given not less than 28 days' written notice to the Trust, is informed by the Trust within that time that the Trust intends to itself raise, remove, store or otherwise dispose of a vessel to which paragraph (1) applies; and
- (c) the Trust does raise, remove, store or otherwise dispose of a vessel to which paragraph (1) applies within a reasonable time afterwards,

then the promoter, may not raise, remove, store or otherwise dispose of a vessel to which paragraph (1) applies except in a case of an emergency, in which case the promoter is not required to give the Trust the notice in paragraph (2) provided that the Trust is informed of the action as soon as possible afterwards.

(4) Any notice given by the promoter under paragraph (1) must—

- (a) identify the vessel in respect of which the notice is served and its approximate location;
- (b) state that if the owner fails to raise and remove the vessel before the expiry of the period specified in the notice, the promoter may raise and remove the vessel and recover all expenses reasonably incurred in doing so; and
- (c) indicate that there is a right to refer the matter to arbitration under article 20 (arbitration in respect of removal of vessels).

*Status: Point in time view as at 22/08/2013.*

*Changes to legislation: There are currently no known outstanding effects for the The Leeds Railway Station (Southern Entrance) Order 2013, Section 19. (See end of Document for details)*

(5) The promoter may recover from the owner of any such vessel all expenses reasonably incurred by the promoter in respect of the raising, removal, storage or disposal of the vessel or in raising, removing, storing or disposing of any goods raised or removed from the vessel.

(6) In any proceedings by the promoter against a person served with a notice under paragraph (1) for the recovery of any expenses which the promoter is entitled to recover from that person under paragraph (5), it is not open to that person to raise any question which could have been raised on a referral to arbitration under article 51 (arbitration).

(7) Subject to paragraph (8), if any vessel to which paragraph (1) applies is not, within 6 weeks of its removal by the promoter, proved to the promoter's satisfaction to belong to any claimant, the vessel, together with any such goods, is to vest in the promoter.

(8) If within 12 months of its removal a claim is made to the vessel by a person who subsequently proves to the satisfaction of the promoter that the person was the owner of the vessel, or has become the owner since the vessel was sunk, stranded, abandoned, left or moored as mentioned in paragraph (1), then the promoter must—

- (a) if the vessel is unsold, permit that person to retake it with any goods on the vessel upon payment of the expenses referred to in paragraph (5); or
- (b) if the vessel and the goods on the vessel have been sold, pay to that person the amount of the proceeds of such sale after deducting the said expenses, and in case such proceeds are insufficient to reimburse the promoter those expenses the deficiency may be recovered from that person by the promoter.

(9) In this article—

- (a) “goods” means articles and property of every description found on any vessel to which paragraph (1) applies; and
- (b) an “owner”, in relation to any vessel sunk, stranded, abandoned, left or moored as mentioned in paragraph (1), means as the case may be, either—
  - (i) the owner of the vessel at the time of its sinking, stranding, abandonment, leaving or mooring; or
  - (ii) a person who has become the owner of a vessel since the sinking, stranding abandonment, leaving or mooring of the vessel referred to in paragraph (1).

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**Commencement Information**

**II** Art. 19 in force at 22.8.2013, see **art. 1**

**Status:**

Point in time view as at 22/08/2013.

**Changes to legislation:**

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