

---

STATUTORY INSTRUMENTS

---

**2021 No. 43**

**The Weymouth Harbour Revision Order 2021**

**PART 6**

**MISCELLANEOUS AND GENERAL**

**Removal of obstructions other than vessels**

**41.**—(1) The Council may remove anything, other than a vessel, causing or likely to become an obstruction to, or cause interference with, navigation in any part of the harbour or any approach to the harbour.

(2) The Council may take such steps as appear to it to be appropriate to prevent or minimise such obstruction or interference for the purposes of paragraph (1).

(3) If anything removed by the Council under paragraph (1) above is so marked as to be readily identifiable as the property of any person, the Council shall, within 28 days of its coming into the Council's custody, give written notice to that person stating that—

- (a) upon proof of ownership to the reasonable satisfaction of the Council, and
- (b) upon payment of any reasonable expenses incurred by the Council under this article,
- (c) 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).

(4) If for the purposes of this article possession of anything removed is not so retaken it shall at the end of that period vest in the Council.

(5) Notwithstanding the provisions of paragraph (3) above the Council may, at such time and in such manner as it thinks fit, dispose of anything removed under paragraph (1) above—

- (a) which is not so marked as to be readily identifiable as the property of any person; or
- (b) which is of a perishable nature or the custody of which involves unreasonable expense or inconvenience.

(6) If anything disposed of by the Council under this paragraph is sold, the Council shall place a notice at the harbour office and on the harbour website for a period of 28 days giving details of the property sold and may retain out of the proceeds of sale any expenses incurred by it under this article, and any surplus from the proceeds—

- (a) shall be paid to any person who within 24 months from the time when the property came into the custody of the Council proves to the reasonable satisfaction of the Council that they were the owner at that time; or
- (b) if within the said period no person proves their ownership at the said time, shall vest in the Council.

(7) If the proceeds of sale of anything removed under this article are insufficient to reimburse the Council for the expenses set out in paragraph (6), or there is no sale because the property is unsaleable, the Council may—

- (a) recover the deficiency, or

---

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

---

- (b) where there is no sale, recover the whole of the expenses, from the person who was the owner at the time when the property removed came into the custody of the Council or who was the owner at the time of its abandonment or loss.