
STATUTORY INSTRUMENTS

2023 No. 690

**The Dee Estuary Conservancy
Harbour Revision (No. 2) Order 2023**

PART 2

ESTUARY REGULATION

Power with respect to disposal of wrecks

11.—(1) In the application of the 1995 Act to the conservancy authority, section 252 (powers of harbour and conservancy authorities in relation to wrecks) of that Act has effect in relation to a vessel sunk, stranded or abandoned before as well as after the making of this Order, and any reference in that section to the Secretary of State is to be treated as a reference to the Secretary of State as defined in article 2(1).

(2) Subject to paragraph (3), and to any enactment for the time being in force limiting its liability, the conservancy authority may recover from the owner of any vessel in relation to which it has exercised its powers under section 252 of the 1995 Act any expenses reasonably incurred by it under that section in relation to that vessel which are not reimbursed out of the proceeds of sale (if any) within the meaning of those sections.

(3) Except in a case which is in the opinion of the conservancy authority a case of emergency, paragraph (2) does not apply in relation to any vessel unless, before exercising in relation to that vessel any of the powers conferred on it by section 252 of the 1995 Act, other than the power of lighting and buoys, the authority has given to the owner of the vessel not less than 48 hours' notice of its intention to do so.

(4) If before the notice expires, the conservancy authority receives from the owner counter-notice in writing that the owner desires to dispose of the vessel itself, the owner will be at liberty to do so, and the conservancy authority must not exercise the powers in section 252 in relation to that vessel until the expiration of—

- (a) seven days from the receipt of the counter-notice, and
- (b) any further continuous period during which the owner of the vessel proceeds with the disposal of the vessel with all reasonable diligence and in compliance with any directions for the prevention of interference with navigation which may be given to the owner by the authority.

(5) A notice under paragraph (3) to the owner of a vessel may be served by the conservancy authority—

- (a) by delivering it to the owner,
- (b) by sending it to the owner by registered post or recorded delivery service, addressed to the owner at his or her last known place of business or abode in the United Kingdom, or
- (c) if the identity of the owner or any such place of business or abode is not known to the authority, or is not in the United Kingdom, by displaying the notice at such places as the authority considers appropriate for the period of duration of the notice.

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- (6) In this article “owner”, in relation to any vessel means, as the case may be—
- (a) the present owner, or
 - (b) the person who was the owner of the vessel at the time of the sinking, stranding or abandonment of it.
- (7) The powers conferred on the conservancy authority by this article are in addition to and not in derogation of any other powers exercisable by it for or with respect to the removal of wrecks within the estuary and the approaches to it.