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WELSH STATUTORY INSTRUMENTS

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**2011 No. 1565**

**The Saundersfoot Harbour Empowerment Order 2011**

**PART 4**

**MANAGEMENT AND REGULATION OF HARBOUR**

**Removal of obstructions other than vessels, vehicles and wreck**

**27.**—(1) Without prejudice to their powers under any other enactment (including one contained in this Order) the Commissioners may remove anything which is causing or likely to become an obstruction or impediment to the proper use of any part of the harbour other than—

- (a) a vessel;
- (b) a vehicle; or
- (c) wreck within the meaning of Part 9 of the Merchant Shipping Act 1995<sup>(1)</sup>.

(2) If anything removed by the Commissioners under paragraph (1) is known to the Commissioners to be, or is marked so as to be readily identifiable as, the property of any person, the Commissioners must, within one month of its coming into their custody, give notice in accordance with paragraph (6) to that person and, if possession of the thing is not retaken within the period specified in and in accordance with the terms of the notice, it will at the end of that period vest in the Commissioners.

(3) If the ownership of anything removed by the Commissioners under paragraph (1) which is not known or marked is not within three months of its coming into the custody of the Commissioners proved to their reasonable satisfaction, it will vest in the Commissioners.

(4) The Commissioners may, at such time and in such manner as they think fit, dispose of anything which is of a perishable or obnoxious nature or the custody of which involves unreasonable expense or inconvenience notwithstanding that it has not vested in the Commissioners under this article, and if it is sold the proceeds of sale will be applied by the Commissioners in payment of the expenses incurred by them under this article in relation to the thing, and any balance—

- (a) must 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 ownership of that thing at that time; or
- (b) if within the relevant period no person proves ownership, it will vest in the Commissioners.

(5) If anything removed under this article—

- (a) is sold by the Commissioners and the proceeds of sale are insufficient to reimburse them for the amount of the expenses incurred in the exercise of their powers of removal; or
- (b) is unsaleable;

the Commissioners may recover the deficiency or the whole of the expenses, as the case may be, from the person who was the owner when the thing removed came into the custody of the Commissioners or who was the owner at the time of its abandonment or loss.

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(1) 1995 c. 21.

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(6) A notice given under paragraph (2) must specify the thing removed and state that upon proof of ownership to the reasonable satisfaction of the Commissioners possession may be taken at a place and time specified in the notice, being not less than 14 days after the date when the notice is served.

(7) The Commissioners must not under the powers of this article remove anything placed or constructed by any person under the provisions of any enactment or of a consent or licence given or issued by the Commissioners.