



Medway Ports Authority Act 1973

1973 CHAPTER xxi

PART II

DUTIES AND GENERAL POWERS OF THE AUTHORITY

33 Removal of obstructions

- (1) The Authority may remove anything, other than a vessel or any wreck within the meaning of Part IX of the Merchant Shipping Act, 1894, causing or likely to become an obstruction or impediment in any part of the port.
- (2) (a) If anything removed by the Authority under subsection (1) of this section is so marked as to be readily identifiable as the property of any person, the Authority shall within one month of its coming into their custody give notice, as required by subsection (5) of this section, 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 shall at the end of that period vest in the Authority.
 - (b) If anything removed by the Authority under subsection (1) of this section which is not so marked is not within three months of its coming into the custody of the Authority proved to the reasonable satisfaction of the Authority to belong to any person, it shall thereupon vest in the Authority.
- (3) The Authority may at such time and in such manner as they think fit dispose of anything referred to in paragraph (b) of subsection (2) of this section which is of a perishable nature or the custody of which involves unreasonable expense or inconvenience notwithstanding that it has not vested in the Authority under this section, and if it is sold the proceeds of sale shall be applied by the Authority in payment of the expenses incurred by them under this section in relation to the thing, and any balance—
 - (a) shall be paid to any person who within three months from the time when the thing came into the custody of the Authority proves to the reasonable satisfaction of the Authority 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 Authority.

Status: This is the original version (as it was originally enacted).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

- (4) If possession of anything removed under this section is retaken or if anything so removed—
- (a) is sold by the Authority and the proceeds of sale are insufficient to reimburse the Authority for the amount of the expenses incurred by them in the exercise of their powers of removal; or
 - (b) is unsaleable;
- the Authority may recover as a debt in any court of competent jurisdiction the whole of the expenses or the deficiency, as the case may be, from the person who was the owner at the time when the thing removed came into the custody of the Authority or who was the owner at the time of its abandonment or loss.
- (5) A notice given under paragraph (a) of subsection (2) of this section shall specify the thing removed and state that upon proof of ownership to the reasonable satisfaction of the Authority possession may be retaken at a place named in the notice within the time specified in the notice, being not less than fourteen days after the date when the notice is served.
- (6) (a) The Authority shall not under the powers of this section remove anything placed or constructed by the river authority or any drainage authority or by a local authority or any statutory undertakers in the exercise of their functions under any enactment or by virtue of a consent or licence given or issued by the Authority or their predecessors and for the time being in force.
- (b) In this subsection " statutory undertakers " means the Post Office and any company, body or person authorised by any enactment to supply electricity, gas or water.