



Guidance:





Commercial or recreational?

Size of vessel?

Estimated value?

Section 255 (1) of the Merchant Shipping Act 1995 defines a wreck as being "jetsam, flotsam, lagan and derelict found in or on the shores of the sea or any tidal water"

Company or individual?

Contact details?

Based in the UK or abroad?

Their financial status?

Does the seller have an agent that the port has been or could be communicating with?

Before a decision is made on whether to exercise your rights to sell the vessel or remove the wreck, a number of steps should be taken:

Attempt to contact the vessel owner in writing (by post and email if possible) at least twice over a number of months, indicating that failure to satisfy the outstanding debt will result in the vessel being sold or removed.

Carry out a brief wider investigation into the status or whereabouts of the owner to ensure that there is no other means of contacting them (for example, by contacting local ships agents, any known business associates, or an internet search).

Carry out a brief investigation into the vessel to ascertain if any other parties have an interest in the vessel (for example, any charges held over the vessel or possible part ownership). Some ports may subscribe to the website [Sea-web](#), which contains information about vessels.

If you feel that you have exhausted all options in obtaining payment, you may wish to consider the options below. This process has a cost involved, and it is worth considering the likelihood of recovering said costs.





If your terms and conditions do not include a right of sale contractual lien (as per option 2) then





- (1) "where any vessel which has sunk, stranded, or abandoned in... any harbour... under the control of a harbour authority... in the opinion of the authority to be or likely to become, an obstruction or danger to navigation or lifeboats... that authority may exercise any of the following powers.
- (2) Those powers are –
  - (a) to take possession of, and raise, remove or destroy the whole or any part of the vessel and other property to which the power extends;
  - (b) the light or buoy the vessel or any part of the vessel and any such other property until it is raised, removed or destroyed; and
  - (c) subject to subsections (5) and (6) below, to sell, in such manner as the authority think fit, the vessel or part of the vessel so raised or removed and any other property recovered in the exercise of the powers conferred by paragraph (a) or (b) above;
  - (d) to reimburse themselves, out of the proceeds of the sale, for the expenses incurred by them in relation to the sale.
- (3) The other property to which the powers conferred by subsection (2) above extend is every article or thing or collection of things being or forming part of the equipment, cargo, stores or ballast of the vessel.
- (4) Any surplus of the proceeds of a sale under subsection (2)(c) above shall be held by the authority on trust for the persons entitled thereto.
- (5) Except in the case of property which is of a perishable nature or which would deteriorate in value by delay, no sale shall be made under subsection (2)(c) above until at least seven

This option is most appropriate where the port knows the identity of the owner of the vessel and/or removal of the vessel is urgently necessary. There is a liability imposed on the owner of the vessel to pay for the removal. This option allows the vessel to be removed, with expenses to be paid by the owner or the vessel to be sold if the owner does not pay the relevant expenses.



You must inform MCA Receiver of Wreck<sup>1</sup> and your General Lighthouse Authority.