

**Owners of this Vessel
And/or to the persons having the control of or any interest in this Vessel
And/or to persons visiting and/or residing on this Vessel
and/or to whom it may concern**

By hand to this Vessel

By advertisement in Daily Echo published on 19th May 2021

12th May 2021

RE: Port of Southampton – Formal Notice to Remove this Vessel

We write in relation to this vessel, 15mtr Steel Barge TH36 currently lying on the River Itchen and marked No 62 on the enclosed chart (the “**Vessel**”).

I am the Southampton Harbour Master and represent and exercise the powers of Associated British Ports (“ABP”), the Statutory Harbour Authority of the Port of Southampton.

Pursuant to section 5 of the Southampton Harbour Act 1887, the Port of Southampton includes all of Southampton Water and the River Itchen up to Woodmill, therefore including the area around Northam Bridge and north up to Bittern Railway Bridge. This Vessel therefore lies firmly within the jurisdiction of myself and ABP.

ABP is the only party that can authorise mooring, placing or keeping vessels within the Port of Southampton. This Vessel is moored on the River Itchen without any licence or permission having ever been sought from or granted by ABP for this Vessel to be so moored.

Consequently, and in exercise of ABP’s and my statutory powers, I hereby serve FORMAL NOTICE PURSUANT TO SECTION 17 OF THE SOUTHAMPTON HARBOUR ACT 1863 AND SECTIONS 56 AND/OR 57 OF THE HARBOURS, DOCKS, AND PIERS CLAUSES ACT 1847 requiring the person who owns or has control of this Vessel to remove it from the Port of Southampton within 60 days of this Notice. Such removal must therefore be completed by 11th July 2021.

I hereby also serve notice that if the Owner or person who has control of or any interest in this Vessel fails without reasonable cause to comply with this Notice and remove this Vessel from the Port of Southampton by 11th July 2021, ABP, pursuant its statutory rights under sections 56 and/or 57 of the Harbour, Docks and Piers Clauses Act 1847, shall proceed with removing this Vessel, if necessary by court proceedings.

Furthermore, if ABP have to remove this Vessel, ABP shall appoint appraisers to attend onboard for the purpose of appraising her and the fixtures and fittings onboard, with a view to selling the same to cover ABP’s costs and expenses reasonably incurred in connection with such removal and/or the demolition and/or disposal of the Vessel.

A copy of this Notice is being affixed in a conspicuous position on this Vessel and on one of the mooring posts on the foreshore adjacent to the Vessel’s present position and such other places in the near vicinity where the notice can be most prominently exhibited. A notice will also be published on/ around 19th May 2021 in the Daily Echo.

If you are the owner or a person in control of or with any interest in this Vessel, and believe there is a valid reason why you are entitled to moor the Vessel in its present location, why you are unable to remove the Vessel from the Port of Southampton, or there is any other reason why you believe neither I nor ABP should exercise our statutory rights to remove the Vessel, you must inform us in writing of your reasoning prior to the above deadline by writing to myself at:

Email: HMsouthampton@abports.co.uk

Postal Address: ABP, Harbour Master, Ocean Gate, Atlantic Way, Southampton, S014 3QN

Pursuant to Bylaw 22 of the Port of Southampton Byelaws 2003, every vessel within the Port of Southampton is required to be maintained in such condition that it is capable of being safely moved. If this Vessel is not capable of being safely moved, the Owner, Master or person in control of the Vessel is hereby directed to provide full details of any condition preventing her being safely moved and what you are doing to rectify any such condition(s) and the timeline for doing so. Pursuant to Bylaw 26 of the Port of Southampton Byelaws 2003, the Master, Owner or any person in control of this Vessel are obliged to afford to me as I reasonably require access to any part of this Vessel and provide all reasonable facilities for its inspection and examination. You should further be aware that any failure to comply with the Port of Southampton Byelaws without reasonable excuse, will amount to an offence, punishable by a fine on conviction in a Magistrates Court.

For and on behalf of Associated British Ports, **the statutory harbour authority for the Port of Southampton**

Made this 12th day of May 2021

Signed



Steve Masters, Harbour Master, Port of Southampton

