
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 190

**The Dumfries and Galloway Council
(Garlieston) Harbour Empowerment Order 2008**

PART II

HARBOUR REGULATION

Moorings

Power to lay down moorings

16.—(1) The Council may provide, place, lay down, maintain, renew, use, have or remove such moorings within the harbour as it considers necessary or desirable for the convenience of vessels.

(2) The Council may issue permits on such conditions (including conditions as to payment) as it thinks fit authorising the holder of the permit to use or allow the use of any moorings provided under this article.

(3) The Council may compound with any person with respect to the payments referred to in paragraph (2) above.

Licensing of moorings

17.—(1) The Council may from time to time grant a licence to any person to place, lay down, maintain, renew and use moorings for vessels in the harbour.

(2) A licence may be granted under this article on such conditions as the Council thinks fit.

(3) Nothing in any licence granted under this article shall entitle any person to place, lay down, maintain, renew, use or have any mooring on land not owned or leased by him or by the Council or in which he has no appropriate interest.

Offences as to moorings, etc.

18.—(1) Any person who—

- (a) intentionally obstructs any person acting under the authority of the Council in setting out moorings;
- (b) intentionally and without lawful authority pulls up or removes any moorings or any part thereof from the harbour;
- (c) places, lays down, maintains, renews or has in the harbour any mooring not provided under article 16 or licensed under article 17 above;
- (d) without reasonable excuse causes or permits a vessel to be moored in the harbour except
 - (i) at a mooring provided under article 16 or licensed under article 17 above; or
 - (ii) at a quay, jetty, slipway or other work;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) If any person commits an offence under paragraph (1)(c) above the Council may remove the mooring in question and recover from that person the expenses incurred in doing so.

(3) If any person commits an offence under paragraph (1)(d) above the Council may—

(a) remove the vessel, including any tackle with the vessel;

(b) dispose of it; and

(c) recover out of the proceeds of sale—

(i) any unpaid charge payable under article 16 above;

(ii) any unpaid licence fee payable under article 17 above; and

(iii) the expenses of removal and disposal under this paragraph;

and shall hold any surplus proceeds of sale on trust for the owner of the vessel.

(4) If the owner of a vessel removed under paragraph (3) above is unknown and cannot after diligent inquiry be found, the Council may apply to the sheriff for an order giving the appropriate directions as to the disposal by the Council of any surplus proceeds of sale.