
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 190

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

PART II

HARBOUR REGULATION

Moorings

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.