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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 353**

**The Caledonian MacBrayne Limited  
(Kennacraig) Harbour Empowerment Order 2005**

**PART III**

**HARBOUR REGULATION**

**Provisions as to damage**

**23.**—(1) This article applies to any damage caused to any work or property of the Company in the harbour—

- (a) by any person who contravenes any provision of this Order or of any byelaw made in relation to the harbour by the Company; or
- (b) by a vessel, whether or not as a result of any contravention of any such provision.

(2) Where damage to which this article applies has occurred, the Company may detain any vessel which caused the damage, and any other property belonging to or in charge of the person causing the damage, or belonging to that person's employers, until the cost of the damage has been paid or until reasonable security therefor has been given to the Company.

(3) The owner of any vessel causing damage to which this article applies and the master (if it was through his intentional act or failure to act that the damage was done) shall be liable for the costs of the damage.

(4) This article is without prejudice to—

- (a) any right of the owner or master of a vessel to recover the cost of damage from any person whose act or failure to act gave rise to the damage; or
- (b) any right of the Company under any other enactment, agreement, or rule of law; or
- (c) the criminal liability of any person under any provision of this Order, or any byelaw made in relation to the harbour by the Company.