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SCOTTISH STATUTORY INSTRUMENTS

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**2008 No. 189**

**The Dumfries and Galloway Council (Isle of Whithorn) Harbour Empowerment Order 2008**

**PART III**

**CONTROL OF WORKS, DREDGING, ETC.**

**Restriction of works and dredging**

**29.**—(1) No person other than the Council shall in the harbour—

- (a) construct, place, alter, renew or maintain any works; or
- (b) dredge;

unless he is licensed so to do, in the case of works by a works licence and in the case of dredging by a dredging licence, nor except upon the terms and conditions, if any, upon which the licence is granted and in accordance with plans, sections and particulars approved in pursuance of article 30 or, as the case may require, article 31 below.

(2) Any person who contravenes this article shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) The Council may by notice require a person who contravenes this article to remove, abate or rectify, within a reasonable time specified in the notice, any work, operation or omission to which the contravention relates, and to restore the site thereof to its former condition; and if he fails to comply with the notice the Council may carry out the works so required and may recover the cost of so doing from that person.

(4) Nothing in this article shall affect the powers of any operation of any electronic communications apparatus within the meaning of the Communications Act 2003<sup>(1)</sup>.