
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 190

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

PART III

CONTROL OF WORKS, DREDGING, ETC.

Licensing of works

30.—(1) The Council may upon such terms and conditions as it thinks fit grant to any person a licence to construct, place, alter, renew or maintain works within the harbour on, under or over tidal waters or tidal land below the level of high water, notwithstanding any interference with public rights of navigation or other public rights by such works as constructed, placed, altered, renewed or maintained.

(2) Application for a works licence shall be made in writing to the Council and shall—

- (a) be accompanied by plans, sections and particulars of the works to which the application relates; and
- (b) specify whether the applicant holds such rights in, under or over land as are necessary to enable him to enjoy the benefits of the licence and, if not, the action taken or to be taken to enable him to obtain such rights if the licence is granted.

(3) In granting a licence the Council may require modifications in the plans, sections and particulars submitted to it by the applicant.

(4) If the Council decides to grant a works licence it shall give notice of its decision to the applicant.

(5) If within 3 months from the date of the making of an application under paragraph (2) above the Council does not notify to the applicant its decision whether to grant a works licence, it shall be deemed to have refused the application.

(6) The Council may charge a reasonable fee for the grant of a licence under this article.

(7) The grant of a licence under this article has effect for the purposes of article 29 above and confers no other authority for the carrying out of the operations covered by the licence.

(8) In the execution of any works to which a works licence relates, the licensee shall not damage or injuriously affect any electrical plant or electric line (as respectively defined in section 64 of the Electricity Act 1989⁽¹⁾) belonging to, or used or maintained by Scottish and Southern Energy plc or, without consent of that company, interfere with or adversely affect the operation of any such line or work.