
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 188

The Dumfries and Galloway Council
(Kirkcudbright) Harbour Revision Order 2018

PART II

HARBOUR REGULATION

Power to appropriate parts of the harbour, etc.

14.—(1) Subject to paragraph (3) but notwithstanding anything else in this or any other statutory provision of local application, the Council may from time to time set apart and appropriate any part of the harbour or any land, works, buildings, machinery, equipment or other property within the harbour owned or managed by the Council for the exclusive, partial or preferential use or accommodation of any particular trade, activity, person, vessel or goods or any class of trader, vessel or goods, subject to the payment of such reasonable charges and to such terms, conditions and regulations as the Council may think fit.

(2) No person or vessel shall, otherwise than in accordance with the setting apart or appropriation, make use of any part of the harbour, land, works, buildings, machinery, equipment or other property so set apart or appropriated without the consent of the harbour master, and—

- (a) the harbour master may order any person or vessel making use thereof without such consent to leave or be removed from the site of the contravention; and
- (b) the provisions of section 58 of the 1847 Act shall extend and apply with appropriate modifications in relation to any such vessel.

(3) In exercising its powers to appropriate or set apart any part of the harbour under paragraph (1), the Council shall have regard to the facilitation of—

- (a) the public right of navigation in the harbour; and
- (b) any public rights of way affecting the harbour,

such that the Council shall not restrict such rights more than is necessary for the purpose for which the part of the harbour is appropriated or set apart.