
SCOTTISH STATUTORY INSTRUMENTS

2002 No. 410

The Comhairle nan Eilean Siar (Various Harbours) Harbour Revision Order 2002

PART II

HARBOUR REGULATION

Moorings

Power to lay down moorings

15.—(1) The Comhairle may provide, place, lay down, maintain, renew, use, have or remove such moorings within a harbour area as it considers necessary or desirable for the convenience of vessels.

(2) The Comhairle may issue permits on such conditions (including conditions as to payment) as it thinks fit authorising the holder of the permit to use or allow the use of any moorings provided under this article.

(3) The Comhairle may compound with any person with respect to the payments referred to in paragraph (2) above.

Licensing of moorings

16.—(1) The Comhairle may from time to time grant a licence to any person to place, lay down, maintain, renew and use moorings for vessels in a harbour area.

(2) A licence may be granted under this article on such conditions as the Comhairle thinks fit.

(3) Nothing in any licence granted under this article shall entitle any person to place, lay down, maintain, renew, use or have any mooring on land not owned or leased by him or by the Comhairle or in which he has no appropriate interest.

Offences as to moorings, etc.

17.—(1) Any person who—

- (a) intentionally obstructs any person acting under the authority of the Comhairle in setting out moorings;
- (b) intentionally and without lawful authority pulls up or removes any moorings or any part thereof from a harbour area;
- (c) places, lays down, maintains, renews or has in a harbour area any mooring not provided under article 15 or licensed under article 16 above;
- (d) without reasonable excuse causes or permits a vessel to be moored in a harbour area except
 - (i) at a mooring provided under article 15 or licensed under article 16 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 Comhairle 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 Comhairle 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 15 above;

(ii) any unpaid licence fee payable under article 16 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 Comhairle may apply to the sherrif for an order giving the appropriate directions as to the disposal by the Comhairle of any surplus proceeds of sale.