
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 196

The Tobermory Harbour Empowerment Order 2017

PART 3

HARBOUR REGULATION

Moorings

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

(2) The Company may demand, receive and recover in respect of any vessel using any of the moorings provided by the Company under paragraph (1), or moored to land owned or leased by the Company, such reasonable charges as the Company may from time to time prescribe.

(3) The Company may compound with any person with respect to the payment of the charges prescribed under paragraph (2).

(4) The Company may from time to time grant a licence to any person to place, lay down, maintain, renew, use and have moorings within the harbour for vessels.

(5) Nothing in any such licence shall entitle a person to place, lay down, maintain, use and have any moorings on land not owned or leased by that person or by the Company or in which that person or the Company has no appropriate interest.

(6) Any licence granted under paragraph (4) shall, unless otherwise stated in the licence in question, be valid for a period of one year commencing with the date on which it takes effect.

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

(8) Any existing moorings shall be maintained in good and serviceable condition and repair at all times by the party who has the appropriate legal interest thereto. If following the elapse of a period of 3 months after the service of notice by the Company on that party specifying a want of repair in relation to an existing mooring, the existing mooring has not been brought into a good and serviceable condition and repair, the Company may thereafter remove the mooring in question and recover from that person as a debt any expenses incurred by it in doing so.

(9) Any person who—

- (a) intentionally obstructs any person acting under the authority of the Company in setting out moorings;
- (b) intentionally and without lawful authority pulls up or removes any mooring in the harbour or any part thereof;
- (c) without reasonable excuse, causes or permits a vessel to be moored in the harbour except at a mooring provided or licensed by the Company under this article or an existing mooring or at a quay, jetty, slipway or other works or to land owned or leased by the Company;
- (d) without reasonable excuse, places, lays down, maintains, renews, uses or has any mooring (other than an existing mooring) within the harbour except under and in accordance with the terms and conditions of a licence granted under this article;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(10) If any person, without reasonable excuse, places, lays down, maintains, renews, uses or has in the harbour any mooring (other than an existing mooring) not provided or licensed by the Company under this article, the Company may remove the mooring in question and recover from that person as a debt any expenses incurred by it in doing so.