
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 188

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

PART II

HARBOUR REGULATION

Removal of vehicles

23.—(1) If a vehicle is left—

- (a) in a parking place provided by the Council within the harbour premises for a longer period than authorised by the Council;
- (b) in any part of the harbour premises where the parking of vehicles is prohibited by notice erected by the Council; or
- (c) in any place within the harbour premises where it is likely to obstruct or interfere with the use of the harbour premises,

the Council may cause it to be removed to a place of safe custody.

(2) Any such notice as is referred to in paragraph (1)(b) shall be conspicuously posted in or in proximity to the place to which it relates.

(3) Where the Council in exercise of the powers of this article causes a vehicle to be removed, the reasonable expenses of and incidental to its removal and safe custody shall be recoverable by the Council from the person responsible.

(4) If the Council in exercise of the powers of this article causes a vehicle to be removed, it shall, if and as soon as it is reasonably practicable to do so, send to the person for the time being registered as the owner of the vehicle for the purposes of the Road Vehicles (Registration and Licensing) Regulations 2002⁽¹⁾, at that person's last known address or registered address, or the address where the vehicle is ordinarily kept, notice that the Council has exercised the powers of this article and of the place to which the vehicle has been removed.

(5) A notice stating the general effect of paragraph (1) shall be displayed in a prominent position at each entrance to any parking place provided by the Council and at each place where a road accessible to vehicles enters any part of the harbour premises, and shall be endorsed on any tickets issued to persons leaving vehicles in such parking place or elsewhere at the harbour premises.

(6) In paragraph (3), “person responsible”, in relation to a vehicle, means—

- (a) the owner of the vehicle at the time when it was put in the place from which it was so removed, unless the owner of the vehicle shows that the vehicle was put there without that person's knowledge or involvement;
- (b) any person by whom it was put in that place; or

(1) [S.I. 2002/2742](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (c) any person convicted of an offence under section 2 of the Refuse Disposal (Amenity) Act 1978⁽²⁾ in consequence of the putting of the vehicle in that place.
- (7) This article does not apply to any part of any public road within the harbour premises.

(2) 1978 c.3.