SCOTTISH STATUTORY INSTRUMENTS

# 2011 No. 283

## The Caledonian Maritime Assets (Port Ellen) Harbour Revision Order 2011

**Tidal works not to be executed without approval of the Scottish Ministers**

**8.**—(1) A tidal work shall not be demolished, constructed, renewed, reconstructed or altered except in accordance with plans and sections approved by the Scottish Ministers and subject to any conditions and restrictions imposed by the Scottish Ministers before the work is begun or while work is still in progress.

(2) If a tidal work is demolished, constructed, renewed, reconstructed or altered in contravention of this article or of any condition or restriction imposed under this article—

(a) the Scottish Ministers may by notice in writing require CMAL at its own expense to remove the tidal work or any part of it and restore the site of the tidal work to its former condition; and if on the expiration of 30 days from the date when the notice is served upon CMAL it has failed to comply with the requirements of the notice, the Scottish Ministers may execute the works specified in the notice; or

(b) if it appears to the Scottish Ministers urgently necessary to do so, they may themselves remove the tidal work or part of it and restore the site to its former condition,

and any expenditure incurred by the Scottish Ministers in so doing shall be recoverable from CMAL as a debt.

(3) Paragraph (1) shall not apply to any work authorised by paragraphs (1) and (2) of article 3 (power to construct works) and any related works authorised by article 5 (subsidiary works).

(4) Subject to paragraph (3), the works referred to in paragraph (1) shall be deemed to be "harbour works" within the meaning and for the purposes of the Marine Works (Environmental Impact Assessment) Regulations 2007(**1**).

(**1**) S.I. 2007/1518; "harbour works" is defined in regulation 2(1).