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SCOTTISH STATUTORY INSTRUMENTS

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**2001 No. 262**

The Comhairle nan Eilean Siar (Aird Mhor,  
Barra) Harbour Empowerment Order 2001

PART III

HARBOUR REGULATION

**Provisions as to damage**

**23.**—(1) This article applies to any damage caused to any of the authorised works or to any other work or property of the Comhairle in the harbour—

- (a) by any person who contravenes any provision of this Order, or of any byelaw made in relation to the harbour by the Comhairle; or
- (b) by a vessel, whether or not as a result of any contravention of any such provision.

(2) Where damage to which this article applies has occurred, the Comhairle may detain any vessel which caused the damage, and any other property belonging to or in charge of the person causing the damage, or belonging to his employers, until the cost of the damage has been paid or until reasonable security therefor has been given to the Comhairle.

(3) The owner of any vessel causing damage to which this article applies and the master (if it was through his intentional act or failure to act that the damage was done) shall be liable for the cost of the damage.

(4) This article is without prejudice to—

- (a) any right of the owner or master of a vessel to recover the cost of damage from any person whose act, or failure to act, gave rise to the damage; or
- (b) any right of the Comhairle under any other enactment, agreement or rule of law; or
- (c) the criminal liability of any person under any provision of this Order, or any byelaw made in relation to the harbour by the Comhairle.