
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 353

**The Caledonian MacBrayne Limited
(Kennacraig) Harbour Empowerment Order 2005**

PART II

DUTIES AND POWERS OF THE COMPANY

Appeals in respect of works or dredging licence

11.—(1) Where—

- (a) the Company has refused to grant a works licence of a dredging licence and the applicant for the licence is aggrieved by the refusal, or
- (b) the Company has granted such a licence and any person who has made a competent objection and has not withdrawn it is aggrieved by the grant, or
- (c) the Company has granted such a licence upon terms or conditions or has required modifications to be made in the plans, sections and particulars submitted by the applicant, and the applicant or any such person is aggrieved by the Company's decision as to such terms or conditions, or as to such modifications,

the person aggrieved may within 28 days from the date on which the Company gives notice of its decision or the date on which it is under paragraph (5) of article 9 or of article 10 deemed to have refused the application, as the case may be, appeal to the Scottish Ministers.

(2) An appeal under this article shall be made by notice in writing, stating the grounds of the appeal.

(3) A person who appeals to the Scottish Ministers under this article shall at the same time send a copy of his statement of appeal to the Company and the Company shall as soon as practicable thereafter furnish the Scottish Ministers with all relevant documents, and may within 28 days from the receipt of the statement of appeal furnish the Scottish Ministers with its observations on the appeal.

(4) On an appeal under this article the Scottish Ministers may confirm, vary or revoke the decision appealed against and may require any consequential amendments to be made, including the amendment of the terms and conditions or modification of the plans, sections and particulars.

(5) The Company shall give effect to any decision or requirement given or made by the Scottish Ministers under paragraph (4) above.