
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 188

The Dumfries and Galloway Council (Port William) Harbour Empowerment Order 2008

PART II

HARBOUR REGULATION

Obstructions

Removal of vehicles

26.—(1) If a vehicle is left without permission of the Council—

- (a) in a parking place provided by the Council within the harbour premises for a longer period than 24 hours; or
- (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) above 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 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 1971⁽¹⁾, at his last known address, his 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) above 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) above, “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 he shows that he was not concerned in and did not know of its being put there;

(1) S.I.1971/450.

Status: This is the original version (as it was originally made).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

- (b) any person by whom it was put in that place;
 - (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.