

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2010 No. 31**

**The Loch Ryan Port (Harbour Empowerment) Order 2009**

**PART 2**

**WORKS PROVISIONS**

**Abatement of works abandoned or decayed**

**12.**—(1) Where a tidal work is abandoned or has fallen into decay the Scottish Ministers may by notice in writing require the Company at its own expense either to repair and restore the work or any part of it, or to remove the work and restore the site of the tidal work to its former condition, to such an extent and within such limits as the Scottish Ministers think proper.

(2) Where a work consisting partly of a tidal work and partly of works on or over land above the level of high water is abandoned or has fallen into decay and that part of the work on or over land above the level of high water is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Scottish Ministers may include that part of the work or any portion of it, in any notice under this article.

(3) If, on the expiration of 30 days from the date when a notice under this article is served upon the Company it has failed to comply with the requirements of the notice, the Scottish Ministers may execute the works specified in the notice and any expenditure incurred by them in so doing shall be recoverable from the Company as a debt.