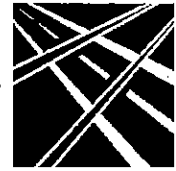


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Ms Sarah Clark  
Bircham Dyson Bell LLP  
50 Broadway  
London  
SW1H0BL

Date: 9 July 2013

Dear Ms Clark,

## **HARBOURS ACT 1964 – THE HIGHLAND COUNCIL RUM HARBOUR (TRANSFER) ORDER**

1. I refer to the application submitted on behalf of your client, Scottish Natural Heritage ("SNH"), on 8 April 2013 for the making of the Highland Council Rum harbour (Transfer) Order ("the HRO") under section 14 of the Harbours Act 1964 ("the 1964 Act"). This letter conveys the Scottish Ministers' decision on this application.

### **Purpose of HRO**

The purpose of the HRO is to transfer the harbour and the statutory powers of the applicant in respect of Rum Harbour to the Highland Council.

### **The Application**

2. SNH is the statutory harbour authority for Rum by virtue of Scottish Natural Heritage (Rum) Harbour Empowerment Order 1999. An application for an HRO under section 14 of the Harbours Act 1964 was made by SNH on 8 April 2013

3. Notice of the application was advertised in the Edinburgh Gazette on 12 April and in the West Highland Free Press on 12 and 19 April 2013.

4. During the 42 day consultation period, which ended on 24 May 2013, no objections were received.

### **The Scottish Ministers' Consideration**

5. Section 14(2) (b) of the Harbours Act requires that an HRO shall not be made in relation to a harbour unless the appropriate Minister is satisfied that the making of the Order is desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner or of facilitating the efficient and



1

economical transport of goods or passengers by sea or in the interests of the recreational use of sea-going ships.

6. The Scottish Ministers are satisfied that this HRO meets these objectives and that the HRO should be made in the interests of securing the improvement, maintenance and management of the harbour in an efficient and economical manner.

7. Highland Council have confirmed they are willing to take over the harbour as they already manage a number of other small harbours around their coast.

#### **Right to Challenge Decision**

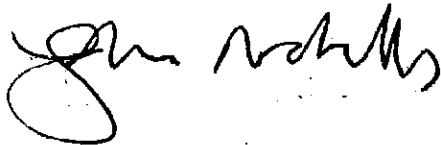
8. The foregoing decision of the Scottish Ministers is final but any person who desires to question the making of the HRO on the ground that there was no power to make the HRO or that a requirement of the 1964 Act was not complied with in relation to the HRO may, within six weeks from the date on which the HRO becomes operative, make an application for the purpose to the Court of Session as the case may be.

**A person who thinks they may have grounds for challenging the decision to make the HRO is advised to take legal advice before taking any action.**

#### **Availability of Decision**

9. A copy of this letter has been sent to all those who were consulted on the order and will be published on the Scottish Government website.

Yours sincerely



**JOHN NICHOLLS**  
Director