

Director  
**Aviation, Maritime, Freight & Canals**

Victoria Quay, Edinburgh EH6 6QQ  
T: 0131-244 0630, F: 0131- 244 0463  
John.Nicholls@transportscotland.gsi.gov.uk



CÒMHDHAIL  
ALBA

Your ref:

Our ref:

Date:  
7 November 2012

Alan G McDonald  
South Forrest  
8 Ardross Terrace  
Inverness  
IV3 5NW

Dear Alan,

## **HARBOURS ACT 1964 – Inverness Harbour Revision (Constitution) Order**

1. I refer to the application submitted on behalf of your client, Inverness Harbour Trust (the Trust) for the making of the Inverness Harbour Revision (Constitution) 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 the HRO**

2. The main purpose of the order is to revise the constitution of the trust to reduce the number of trustees to 8 and the number of annual meetings of the trustees to 6 per year and to remove the rights of Highland Council to nominate potential trustees in full compliance with guidance on trust port governance. In addition, it adds a provision regarding the indemnity of the trustees in execution of their office and corrects an error in the 2002 order.

### **The application**

3. The Trust, as the authority engaged in improving, maintaining and managing the harbour, submitted an application for an HRO to Scottish Ministers on 17 August 2012.
4. Notice of the application was advertised in the Inverness Courier on 24 and 31 August and in the Edinburgh Gazette on 21 and 24 August. Scottish Ministers received no objections within the 42 day statutory period provided for in schedule 3 to the 1964 Act, which ended on 2 October 2012.

### **The Scottish Ministers' Consideration and Decision**

5. Section 14(2) of the 1964 Act requires that a Harbour Revision Order 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 economical transport of goods or passengers by sea. Ministers consider that this Order meets the former

objective. They have considered the application and have decided to make the order in the form of the draft submitted to them.

### **Right to Challenge Decision**

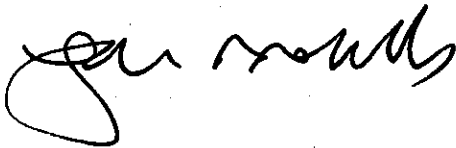
6. The foregoing decision of the Scottish Minister is final but any person who desires to question the making of the HRO on the ground that there was no power to make the HRO or that a requirement of the 1964 Act was not complied with in relation to the HRO may, within six weeks from the date on which 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 the decision**

7. A copy of this letter has been sent to those who were consulted on the order and will be published on the Transport Scotland website.

Yours sincerely



**JOHN NICHOLLS**  
Director