

Aviation, Maritime, Freight & Canals

Victoria Quay, Edinburgh EH6 6QQ
T: 0131-244 0148, F: 0131- 244 0463
John.nicholls@transportscotland.gsi.gov.uk



CÒMHDHAIL
ALBA

TRANSPORT
SCOTLAND

Charles M. Scott
Mackinnons
Solicitors
14 Carden Place
Aberdeen
AB10 1UR

Your ref:

Our ref:

Date:
3 June 2014

Dear Charles,

HARBOURS ACT 1964 – PENNAN HARBOUR REVISION ORDER 2014

1. I refer to the application submitted on behalf of your client, Pennan Harbour Trust ("the Trust") on 26 March 2014 for the making of the Pennan Harbour Revision 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

2. The purpose of the HRO is to modernise the constitution of the Trust in line with the guidance contained in Modern Trust Ports for Scotland. The order also updates the byelaw and borrowing powers of the trustees.

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 26 March 2014.

4. Notice of the application was advertised in the Edinburgh Gazette on 1 April and in the Press and Journal on 1 and 8 April. During the 42 day consultation period which ended on 13 May, no objections were received.

The Scottish Ministers' Consideration and Decision

5. Section 14(2) (b) 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 first of these objectives.

Right to Challenge Decision

6. 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

7. 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

JOHN NICHOLLS
Director – Aviation, Maritime, Freight & Canals