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Date:
8 June 2017

Dear Sirs,

HARBOURS ACT 1964 THE PORT OF ARDERSIER HARBOUR REVISION (TRANSFER) ORDER 2017

I refer to the application submitted on behalf of your client, Ardersier Port Limited, on 17 March 2017 regarding The Port of Ardersier Harbour Revision (Transfer) Order 2017 ("the Order") being a Harbour Revision Order proposed under section 14 of the Harbours Act 1964 ("the 1964 Act"). This letter conveys the Scottish Ministers' decision following their consideration of the application.

Purpose of the Order

The purpose of the Order is to remove the harbour authority powers for the Port of Ardersier, currently vested in the Port of Ardersier Limited (in administration) and transfer them to your client, Ardersier Port Limited.

The Application

Ardersier Port Limited, as the new owner of the port site, following the administration of the company previously in ownership and the subsequent sale of the site, submitted an application for a Harbour Revision Order under section 14 of the 1964 Act to Scottish Ministers on 17 March 2017.

The application was advertised in the Edinburgh Gazette on 17 March and in the Inverness Courier on 17 and 24 March 2017.

Objections

The 42 day notice period ended on 28 April 2017 and no objections were received.

The Scottish Ministers' Consideration

The applicant is not currently the harbour authority, but as the new owner of the site, and a party who wish to progress the previously permitted port development, Ministers are content that they demonstrate a substantial interest in the harbour in terms of section 14(2)(a) of the 1964 Act.

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 and management of the harbour in an efficient and economical manner, or of facilitating the efficient and economic transport of goods or passengers by sea".

Our assessment is that the proposed Order is conducive to the efficient management of the harbour and meets these criteria.

Scottish Ministers have decided to make the Order in the form in which it was submitted.

Right to Challenge Decision

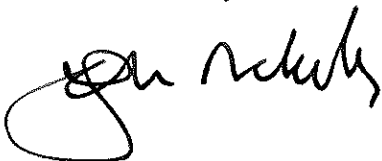
The foregoing decision of the Scottish Ministers is final but any person who desires to question its making on the grounds that there was no power to make it or that a requirement of the 1964 Act was not complied with in relation to it may, within six weeks from the date the order comes into force, make an application for this purpose to the Court of Session.

Any person considering challenging the decision to make the Order is advised to seek legal advice before taking any action.

Availability of Decision

A copy of this letter is being sent to all those who were consulted or made representations on the Order and will be published on the Transport Scotland website.

Yours sincerely



John Nicholls
Director