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Dear Lara

I refer to the proposed application by Montrose Port Authority (the applicant) to enact the *Montrose Harbour Revision Order 2026* (the Order).

Purpose of the Order

The Order clarifies the Port limits (including Port premises) and confers further modernised powers on the applicant considered conducive to the efficient and economical operation, maintenance, management and improvement of the Port. These include modern powers conferred on the applicant to give general directions to vessels, persons and vehicles using the Port, together with powers exercisable by the Harbour Master appointed by the applicant to give special directions in respect of vessels.

In respect of special directions and general directions related to the applicant's area of jurisdiction below the level of mean high water springs, these powers are required to support the effective management of the Port as recommended by the Ports and Marine Facilities Safety Code 2025 and the environmental duties placed on harbour authorities by virtue of section 48A of the Harbours Act 1964 and paragraph 16A of Schedule 2 to that Act, which enables a harbour revision order to confer powers for environmental conservation within a harbour.

The Order also confers a range of harbour powers relating to the applicant's financial, operational and regulatory functions, including charging, borrowing, land management, dredging, navigation, byelaw-making and the management of obstructions within the Port. These powers are broadly consistent with those conferred through recent harbour revision orders and are intended to provide the applicant with a coherent and up-to-date statutory framework to support the efficient, economical and environmentally responsible operation, maintenance, management and improvement of the Port.

Consultation

Public notices were placed in the *Edinburgh Gazette* on 24 February 2026 and in the Angus & Dundee edition of the *Courier* on 24 February and 3 March 2026. The 42-day statutory notice period concluded on 7 April 2026.

Objections

No objections were raised. However, the Royal Yachting Association Scotland (RYAS) and the Maritime and Coastguard Agency (MCA) provided a number of comments and observations.

Modifications

Alongside a number of minor stylistic, consistency and numbering changes, the amendments outlined below have been made. These include those suggested by the RYAS and MCA. Words in bold are additions and words struck through have been removed from the Order.

Article	Suggested change	Rationale
2(4)	The definition of “vessel” which shall apply to the provisions of the Montrose Port Orders 1894 to 2003 shall be the definition contained in paragraph Error! Reference source not found. , and accordingly any reference to “vessel” or “boat” contained in those Acts and Orders or in any byelaws, order or regulations made under them shall be construed as a reference to that definition.	No Acts involved.
5(4)	The limits within which the provisions of the Montrose Port Orders 1894 to 2003 are to apply shall comprise the limits of the port described in paragraph Error! Reference source not found. , and accordingly any reference to “Harbour” , “the harbour”, “the Harbour” or “The Harbour” contained in those Acts and Orders or in any byelaws, order or regulations made under them shall be construed as a reference to “the port” defined in article Error! Reference source not found. , and any reference to “harbour estate” contained in those Acts and Orders or in any byelaws, order or regulations made under them shall be a reference to the “port premises” defined in article Error! Reference source not found.	No Acts involved. The Montrose Port Orders 1894 to 2003 refer to “the Harbour” throughout; however the 1991 Order also defines “Harbour” (without the word “the”). Although references to “the Harbour” are used throughout the Order, for completeness, a reference to “Harbour” has been added to this article in order that there can be no confusion in relation to the defined term.
12(1)(b)	carry, or permit to be carried, passengers for hire in a pleasure craft unless the craft, and the boatman person in charge of the craft and the navigator, are approved in writing by the Authority.	“Boatmen” is not a gender neutral term; “the person” is considered a suitable alternative
12(4)	A person taking on hire of a pleasure craft for purposes other than for profit does not require to be approved as a boatman under paragraph 0.	As above.
12(5)(b)	a pleasure craft which is licensed under section 94 of the Public Health Acts Amendment Act 1907	Added in light of the consultation response from RYAS.
15(1)	The Authority may from time to time deepen, dredge, scour, cleanse, alter and improve the bed, shores and channels of the sea as lie within the port limits and any materials dredged, taken or collected by the Authority in the exercise of the powers of this article (other than wreck within the meaning of section 255 (interpretation) of the 1995 Act) shall be the property of the Authority and may be used, sold, deposited or otherwise disposed of as the Authority thinks fit	“The port” is a defined term, whereas “the port limits” is not.

17	shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale and shall in addition be liable to repay to the Authority as a debt any expenses incurred by it in making good any damage resulting from such obstruction, interference , moving or removal	Added for consistency: “interference” is mentioned earlier in the same article
Former 20		Article dealing with the “power with respect to the disposal of wrecks” and has been deleted in its entirety as it was deemed unnecessary for this order.
20(3)	If the proceeds of the sale are insufficient to reimburse the Authority for the said expenses, or there is no sale, the Authority may recover the deficiency, or where there is no sale, the whole of the expenses, from the owner as a simple contract debt.	Wording deleted as it is considered unnecessary.
23(i)	regulating the use within the port of yachts, sailing boats, sailboards, rowing boats, rowing punts, watercraft, pleasure craft, e-foils and other small craft.	Added in light of the consultation response from RYAS.
31(i)	regulating the use within the port of yachts, sailing boats, sailboards, rowing boats, rowing punts, watercraft, pleasure craft, e-foils and other small craft.	As above.
32(1)	Byelaws made by the Authority under this Order or the 1847 Act shall not come into operation until they have been confirmed by the Ministers	Section 83 of the 1847 Act is incorporated under article 3 of this Order; therefore, this confirmation procedure to byelaws made under that section has been added for consistency of procedure.
32(4)	During a period of at least one month before application is made for confirmation of the byelaws, a copy of the byelaws shall be kept by the Authority at the principle office of the Authority and at the port office and will be available for inspection without payment.	Corrected for consistency.
34	The Authority may from time to time borrow, by any methods and on such terms as it sees fit, such sums of money as it thinks necessary for the purposes of the port undertaking, and where moneys are borrowed by the Authority under this article, the Authority may, if it sees fit, borrow those moneys upon the security of some or all of its assets or of some or all of its revenues or of some or all of both its assets and revenues, and the Authority may effect such arrangements as it sees fit to mitigate against any financial risk incurred for the those purposes of meeting such obligations .	Improved for clarification.
40(2)	Nothing in section 30 of the 1964 Act shall require the Authority to include in the list of ship, passenger and goods dues kept at the port office, as required by subsection (1) of that section, charges reduced by a total or partial exemption or reduced by a rebate allowed on, or subject to a compounding arrangement in respect of, a due included in the said list.	Amended to be consistent with Article 40(1).
49(1)(a)	belonging to His Majesty in right of the Crown and forming part of the Crown estate without the consent in writing of the Crown Estate Commissioners Scotland .	Reflects the body’s correct statutory title.

Schedule	1837 c. xcix (1 Vict). 1850 c. xliii (13 & 14 Vict). 1866 c. cii (29 & 30 Vict). 1878 c. cxv (41 & 42 Vict). 1894 c. cxiii (57 & 58 Vict).	Regnal years have been added to the 19 th Century Acts/Order citations to ensure no confusion arises between local and public general Acts/Orders which may share the same calendar year and chapter number.
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None of the proposed modifications are considered to substantially affect the basis of the Order.

Ministerial consideration

Article 14(2)(b) of the Harbours Act 1964 provides that a Harbour Revision Order may only be made where the appropriate Minister is satisfied that it 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, or in the interests of the recreational use of seagoing ships.

Scottish Ministers are satisfied that the proposed Order meets these requirements and have therefore decided that the Order should be made, subject to the modifications set out in this letter.

Once made, the Order will be published on the [UK Government legislation website](#) as a Scottish Statutory Instrument.

Publication of decision

Once made, the applicant must:

- Publish notice of the making of the Order in the *Edinburgh Gazette* and at least one local newspaper.
- Send copies of the notice to those notified of the original application.
- Provide copies of all notices to Transport Scotland.

A copy of this letter will be sent to all statutory consultees and published on the [Transport Scotland website](#). Supporting documents relating to the Order will also be published online.

Right to challenge decision

Any person wishing to challenge the making of the Order may do so on the grounds that the applicant lacked the power to apply for the Order and/or that a requirement of the Harbours Act 1964 has not been complied with. Any such challenge must be made by application to the Court of Session within 42 days of the date on which notice of the making of the Order is published.

Those considering such a challenge are advised to seek independent legal advice before taking action.

Yours sincerely



Dario Dalla Costa
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