

Ports & Harbours

Victoria Quay, Edinburgh EH6 6QQ
dario.dallacosta@transport.gov.scot



Antonia Zydek
Senior Solicitor
Burness Paull LLP

antonia.zydek@burnesspaull.com

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Dear Antonia

I refer to the application submitted by Burness Paull LLP on 26 May 2025 on behalf of Cromarty Firth Port Authority (the Authority) to enact the Cromarty Firth Port Authority Harbour Revision Order 2025 (the Order) under Article 14 of the Harbours Act 1964 (the 1964 Act).

This letter conveys the Ministers' decision following their consideration of the application.

Purpose of the Order

The Order modernises the existing local statutory harbour legislation and confers modernised powers on the applicant considered beneficial for the efficient and economical operation, maintenance, management and improvement of the Port. These include:

- Identifying the Port limits and Port Premises by reference to a modern map.
- Powers in relation to dealing with land and the management of the Port.
- Related updated charging arrangements for vessels and Port users in connection with works (including for mooring of vessels) and dredging licences; appropriation of parts of the Port; vessels entering, using, occupying or leaving the Port; and rules as to charges.
- Powers to trade with others and form any body corporate.
- The making of general directions and byelaws.
- Minor constitutional amendments.

Consultation

Public notices were placed in the Edinburgh Gazette on 30 May 2025, and in the Ross-shire Journal on 30 May and 6 June 2025. The 42-day statutory notice period concluded on 11 July 2025.

Objections

No objections were received; however, observations were made by the Maritime and Coastguard Agency (MCA) and the Northern Lighthouse Board.

Proposed modifications

The Order has been modified as outlined below in response to those observations, along with a number of stylistic and numbering changes. All sections in bold are new additions while those struck out have been deleted.

None of the proposed modifications are considered to substantially affect the character of the Order.

Article	Change	Notes
3(2)(d)	<p>““port premises” means the quays, berths, piers, pontoons, moorings, landing places, and all other works, land, buildings, conveniences, structures and premises for the time being vested in, or occupied or administered by Cromarty Firth Port Authority as part of the undertaking and occupied wholly or mainly for the purpose of activities there carried on and which at the date of the coming into force of the Cromarty Firth Port Authority (Harbour Revision Order) 2025 coming into force includes the areas hatched in black on the port premises plan.”</p>	
3(8)(b)	<p>“(3) The Authority may provide and supply or make arrangements with others for the provision and supply of fuel (of whatever type), electricity, ice, water, chandlery, marine equipment for the bunkering and service of vessels using the Port and may lay down and maintain or make arrangements for the laying down and maintenance of pipelines, cables, storage tanks, plant, equipment and other apparatus and, the execution of ancillary and necessary works, for that purpose within the Port.”</p>	<p>Better aligns with the consolidated legislation/purpose and effect note provided alongside the draft Order.</p>
3(18)(a)	<p>By omitting from section 19(1) the words “sections 530 and 532 of the Merchant Shipping Act 1894 (which confer powers on the Authority with respect to, and with respect to anything in or on, any vessel sunk, stranded or abandoned in such manner as to be an obstruction or danger to navigation in the Port or in or near any approach thereto)” and substituting therefore the words “section 252 of the Merchant Shipping Act 1995 (c.21) (powers of harbour and conservancy authorities in relation to wrecks)”.</p>	
3(19)(e)	<p>20B Life-saving craft and appliances</p> <p>(1) For the purpose of saving life the Authority may provide and maintain in or in the vicinity of the port premises —</p> <p>(a) boats or other vessels together with all necessary apparatus and equipment and buildings, structures, slipways and moorings for their operation, maintenance or accommodation; and</p> <p>(b) lifebuoys, lifelines and other life-saving appliances together with structures for their storage and safekeeping.</p> <p>(2) The Authority may enter into arrangements with any person for the provision and maintenance of any of the facilities authorised by paragraph (1).</p>	<p>Added following observations from the MCA.</p>

3(24)	(1)Notwithstanding anything in this or any other statutory provision of local application, other than the provisions of section 85 of this Order, the Authority may from time to time set apart or appropriate any part of (a) the port premises, machinery, equipment or other property of the Authority in the Port, and (b) any particular berth or berths adjacent to the port premises and within port limits, for the exclusive, partial or preferential use or accommodation of any particular trade, activity, person, vessel or class of vessels or goods.	
3(30)(a)(ii)	or the making or amendment of a general direction	
3(30)(b)	for paragraph (2) the substitute— <p>“(1) Notice of the designation of an area of the Port under subsection (1) of section 40 (Special directions to vessels) of this Order or of the revocation of such a designation shall, so soon as practicable after it is made, be published by the Authority once in Lloyd’s List or some other newspaper specialising in shipping news, and, if the notice relates to the making of a designation, it shall state a place at which copies of the designation or direction may be inspected and bought and the price thereof.</p> <p>(2) Notice of the giving of a general direction and of any amendment or revocation of a general direction shall, except in case of emergency, be published by the Authority as soon as practicable, once in the Edinburgh Gazette and in one or more newspapers circulating in the locality in which the Port is situated.”</p>	Deletion removes duplication between Articles 3(29) and 3(30).
3(33)(3)	Not later than the first date on which the notice under paragraph (a) sub-paragraph (a) of subsection (2) of this subsection is published, the Authority shall send a copy of the notice to the Scottish Ministers.	Change clarifies the cross-reference to the day of publication in the Edinburgh Gazette.
3(59)	An officer of the Authority may A duly authorised officer of the Authority may, on producing written authority signed by the port manager prevent the removal or sailing from the Port of any vessel until evidence has been produced to the port manager of the payment of any charges payable in respect of-	Addition based on observations from the MCA.

Scottish Ministers’ consideration

Article 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 Harbour Revision 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 or in the interests of the recreational use of sea-going ships.

Our assessment is that the proposed Order is conducive to improving the management of the harbour in an efficient and economical manner.

Ministers agreed that the Order be made with the modifications set out above.

Decision availability

Once the Order is made, the applicant must:

- Publish notice of the making of the Order in the Edinburgh Gazette and one local paper.
- Send copies of the notice to those individuals/organisations notified of the original application.
- Forward copies of all the notices to Transport Scotland.

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

Right to challenge decision

Any person who desires to challenge the making of this Order may do so if they believe the Authority:

- Lacked the power to make the Order; and/or
- Did not comply with a requirement of the 1964 Act.

Challenges must be carried out via an application to the Court of Session within 42 days from the date the notices of the making of the Order have been published.

Anyone thinking of challenging the decision to make the Order is advised to seek legal advice before taking any action.

Yours sincerely



Dario Dalla Costa
Ports Policy Advisor