

Aviation, Maritime, Freight & Canals

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Tim Langley
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Date:
22 June 2018

Dear Tim

1. I refer to the application submitted by Comhairle nan Eilean Siar (the Council) for the making of the Comhairle nan Eilean Siar (Various Harbours) Harbour Revision (Amendment) Order (the order) under section 14 of the Harbours Act 1964 (the 1964 Act). This letter conveys Ministers' decision following their consideration of the application and representations made on it.

Purpose of the HRO

2. The Council aimed to amend the Comhairle nan Eilean Siar (Various Harbours) Harbour Revision Order 2002 to alter the limits of the harbour at Ardveinish to bring a "new" harbour area opened on 11 July 2016 under Comhairle nan Eilean Siar's jurisdiction.

The Application

3. The Council is the statutory harbour authority for Ardveinish harbour and submitted an application for a revision order under section 14 of the 1964 Act to Scottish Ministers on 18 April 2018.
4. Public notices were placed in the Stornaway Gazette on 26 April and 3 May and the Edinburgh Gazette on 4 May 2018.

Objections

5. The 42 day notice period ended on 7 June 2018 and no objections were received.

Scottish Ministers' Consideration

6. 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 or in the interests of the recreational use of sea-going ships.

7. It has been determined that the proposed order is conducive to the efficient management of the harbour and would facilitate the efficient and economical transport of goods or passengers by sea and therefore meets these criteria.

Right to Challenge Decision

8. If and when the order is made, then 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.
9. Any person thinking of challenging the decision to make the order is advised to seek legal advice before taking any action.

Availability of Decision

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

Yours sincerely



JOHN NICHOLLS

Director

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