

## Aviation, Maritime, Freight & Canals

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Emma Dark  
Senior Associate  
BDP Pitmans

Date:  
1 October 2020

[EmmaDARK@bdbpitmans.com](mailto:EmmaDARK@bdbpitmans.com)

Dear Emma

1. I refer to the application submitted by BDP Pitmans on behalf of your client, Ardrossan Harbour Company Limited (the Company), for the making of the Ardrossan Harbour Revision Order 2020 under section 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

2. This Order empowers the Company to update the existing legislation for Ardrossan harbour in line with the current needs of the Company from the date it comes into force.
3. This Order also gives the Company the power to grant leases over the harbour.

### Application process

4. The Company submitted a formal application for the Order on 30 April 2020.
5. Public notices were placed in the Edinburgh Gazette on 19 August, the Ardrossan and Saltcoats Herald on 12 and 19 August and the Arran Banner on 14 and 21 August 2020.

### Objections

6. The 42 day notice period ended on 23 September 2020 with no objections received.

### Scottish Ministers' consideration

7. 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.

8. It has been determined that the proposed Order is conducive to improving the management of the harbour in an efficient and economical manner.

### **Right to challenge decision**

9. Any person who desires to question the Order's 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.

10. Any person thinking of challenging the decision to make the order is advised to seek legal advice before taking any action.

### **Availability of decision**

11. When the order is made, the Company must:

- Publish notices of the making of the order in the Edinburgh Gazette and one local paper.
- Send copies of the notices to the individuals/organisations notified of the original application.
- Copy the notices to Transport Scotland.

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

Yours sincerely

*K Zaczek*

### **Karl Zaczek**

Ports Policy Manager

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