

Aviation, Maritime, Freight & Canals

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A Duncan MacLean
Partner
Brodies LLP Solicitors

Date:
21 April 2021

Dear Duncan

1. I refer to the application submitted by Brodies LLP Solicitors on behalf of your client, Stornoway Port Authority (the Authority), for the making of the Stornoway Harbour Revision Order 2021 (the Order) 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 amends the descriptions of certain works authorised by the Stornoway Port Authority Harbour Revision Order 2019 for the Authority to construct and maintain works in the harbour.

Application process

3. Public notices were placed in the Edinburgh Gazette on 25 February 2021 and the Stornoway Gazette on 25 February and 4 March 2021.

Objections

4. The 42 day notice period ended on 9 April 2021 with no objections received.

Scottish Ministers' consideration

5. Section 14(2)(b) of the 1964 Act requires that an 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.

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

7. Ministers agreed that the Order be made in the form in which it was submitted with any styling changes.

Right to challenge decision

8. 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. Once the order is made, the Authority must:

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

11. 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



Karl Zaczek

Ports Policy Manager

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