
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 447

HARBOUR, DOCKS, PIERS AND FERRIES

The Fraserburgh Harbour Revision Order

Made - - - - - *20th December 2011*

Coming into force - - - - - *21st December 2011*

The Scottish Ministers (the “Ministers”) make the following Order in exercise of the powers conferred by section 14 of the Harbours Act 1964(1) and all other powers enabling Ministers to do so.

In accordance with section 14(1) of that Act, this Order is made in relation to a harbour which is being improved, maintained or managed by a harbour authority in the exercise and performance of statutory powers and duties, for achieving objects specified in Schedule 2 to that Act(2).

In accordance with section 14(2) of that Act—

- (a) this Order is made following a written application to Ministers by Fraserburgh Harbour Commissioners (“the Commissioners”) being the authority engaged in improving, maintaining or managing the harbour; and
- (b) Ministers are satisfied that the making of this Order is desirable in the interests of securing the improvement, maintenance, or management of the harbour in an efficient and economical manner.

In accordance with paragraph 4 of Schedule 3 to that Act(3), Ministers have decided that the application relates to a project which falls within Annex II to Council Directive 85/337/EEC(4), as relevantly amended by Council Directive 97/11/EC(5) and Council Directive 2003/35/(EC)(6), on the assessment of the effects of certain public and private projects on the environment but, taking into account the criteria set out in Annex III to that Directive, that the project is not a relevant project.

In accordance with paragraph 5 of that Schedule(7), Ministers have informed the Commissioners in writing that the application relates to a project which falls within Annex II to that Directive but is not a relevant project.

Notice has been published by the Commissioners in accordance with the requirements of paragraph 10 of that Schedule(8).

(1) 1964 c.40; section 14 was relevantly amended by the Transport Act 1981 (c. 56), Schedule 6, paragraph 2, 3 4(1) and 14 and Schedule 12 and the Transport and Works Act 1992 (c. 42), Schedule 3, paragraph 1. See section 14(7) and 57(1) of the Harbours Act 1964 for the definitions of “the appropriate Minister” and “the Minister”. The functions of the Minister of the Crown were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(2) Schedule 2 was relevantly amended by the Transport and Works Act 1992 (c.42), Schedule 3, paragraph 9.

(3) Paragraph 4 of Schedule 3 was substituted by S.I. 1999/3445.

(4) O.J. L 175, 5.7.1985, p. 40.

(5) O.J. L 73, 14.3.1997, p. 5.

(6) O.J. L 156, 25.6.2003, p.17.

(7) Paragraph 5 of Schedule 3 was substituted by S.I. 1999/3445.

(8) Paragraph 10 of Schedule 3 was substituted by S.I. 1999/3445 and is amended by the Transport and Works (Scotland) Act 2007 (asp 8), section 25(5)(b) and (c).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

In accordance with paragraph 15 of that Schedule(9), Ministers have consulted such bodies who were likely to have an interest in the project by reason of their environmental responsibilities as Ministers thought appropriate.

The provisions of paragraph 17 of that Schedule(10) have been satisfied. No objections to the application have been made.

In accordance with paragraph 19(1) of that Schedule(11), Ministers have considered the result of the consultations under paragraph 15 of that Schedule.

In accordance with paragraph 19(2) of that Schedule(12), Ministers have decided to make this Order in the form of the draft submitted to them.

(9) Paragraph 15 of Schedule 3 was substituted by [S.I. 1999/3445](#) and is amended by the [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), section 25(5)(e).

(10) Paragraph 17 of Schedule 3 was substituted by [S.I. 1999/3445](#) and is amended by the [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), section 25(5)(g).

(11) Paragraph 19(1) of Schedule 3 was substituted by [S.I. 1999/3445](#) and is amended by the [Transport \(Scotland\) Act 2005 \(asp 12\)](#), section 46 and the [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), section 25(5)(i).

(12) Paragraph 19(2) of Schedule 3 was substituted by [S.I. 1990/3445](#).