

Draft Order laid before the Scottish Parliament under section 54A of the Harbours Act 1964, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2016 No.

HARBOURS, DOCKS, PIERS AND FERRIES

The Aberdeen Harbour Revision Order 2016

Made - - - - 2016
Coming into force - - 2016

The Scottish Ministers (“the Ministers”) make the following Order in exercise of the powers conferred by section 14(1) and (3) of the Harbours Act 1964(1) and all other powers enabling them 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 of that Act(2).

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

- (a) this Order is made following a written application to the Ministers by the Aberdeen Harbour Board (“the applicant”) being the authority engaged in improving, maintaining or managing the harbour; and
- (b) the 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 and facilitating the efficient and economic transport of goods or passengers by sea.

In accordance with paragraph 4 of schedule 3 of that Act(3), the Ministers have decided that part of the application relates to a project which falls within Annex I to [Directive 2011/92/EU](#)(4) of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment.

In accordance with paragraph 6 of that schedule, the Ministers have—

- (a) informed the applicant of that decision and the reasons for it; and

(1) 1964 c.40. Section 14 was relevantly amended by the Transport Act 1981 (c.56), schedule 6, paragraphs 2, 3, 4(1) and 14 and schedule 12 and the Transport and Works Act 1992 (c.42), schedule 3, paragraph 1. See sections 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) Schedule 3 was substituted by S.I. 1999/3445 and relevantly amended by the Transport (Scotland) Act 2005 (asp 12), section 46(5) and by the Transport and Works (Scotland) Act 2007 (asp 8), section 25(5).

(4) O.J. L 26, 28.1.2012, p.1. [Directive 2011/92/EU](#) repealed and recast the provisions contained in Council [Directive 85/337/EC](#) (O.J. L 175, 5.7.1985, p.40, as amended by Council [Directive 97/11/EC](#) (O.J. L 73, 14.3.1997, p.5) and [Directive 2003/35/EC](#) of the European Parliament and of the Council (O.J. L 140, 5.6.2009, p.114)).

- (b) given an opinion to the applicant about the extent of the information referred to in Annex IV to that Directive which the applicant would be required to supply in the environmental statement and—
- (i) in giving that opinion the Ministers have taken into account the matters in sub-paragraph (3) of that paragraph; and
 - (ii) before giving that opinion the Ministers have, in accordance with sub-paragraph (4) of that paragraph, consulted the applicant and such bodies with environmental responsibilities as the Ministers thought appropriate.

In accordance with paragraph 8 of that schedule, the Ministers have directed the applicant to supply them with an environmental statement and, as required by paragraph 9 of that schedule, the applicant has complied with that direction.

Notices have been published by the applicant in accordance with the requirements of paragraphs 10 and 10A of that schedule.

In accordance with paragraph 15 of that schedule, the Ministers have—

- (a) consulted; and
- (b) sent the environmental statement and any further information falling within paragraph 10A(2) of that schedule to,

such bodies who were likely to have an interest in the project by reason of their environmental responsibilities as the Ministers thought appropriate.

The provisions of paragraph 17 of that schedule have been satisfied.

In accordance with paragraph 19(1) of that schedule, the Ministers have considered—

- (a) the environmental statement and the further information falling within paragraph 10A(2) of that schedule;
- (b) the result of the consultations under paragraph 15 of that schedule;
- (c) any objections made and not withdrawn;
- (d) any representations made under paragraph 10(2)(f) or 10A(4)(d) of that schedule; and
- (e) any written representations submitted to the Ministers by the applicant or any objector in elaboration of the application or, as the case may be, objection.

In accordance with paragraph 19(2) of that schedule, the Ministers have decided to make this Order with modifications which do not appear to the Ministers to substantially affect the character of the Order.

In accordance with sections 54A(1), (2)(a) and (4) of the Harbours Act 1964⁽⁵⁾ a draft of this Order has been laid before and approved by resolution of the Scottish Parliament.

(5) Section 54A was inserted by the Transport and Works (Scotland) Act 2007 ([asp 8](#)), section 25(3) and amended by [S.S.I. 2011/396](#).