
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 471

HARBOURS, DOCKS, PIERS AND FERRIES

The Lerwick Harbour Revision Order 2010

Made - - - - 30th December 2010

Coming into force - - 31st December 2010

The Scottish Ministers (the “Ministers”) make the following Order in exercise of the powers conferred by section 14(1), 14(2) and 14(2A) 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 Lerwick Port Authority being the authority engaged in improving, maintaining or managing the harbour; and
- (b) except in so far as this Order is made for achieving objects mentioned in section 14(2A) of the Act, 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 of facilitating the efficient and economic transport of goods or passengers by sea.

In accordance with section 14(2A) of that Act, the objects for achieving which this Order is made include repealing superseded, obsolete or otherwise unnecessary statutory provisions of local application affecting the harbour and consolidating any statutory provisions of local application affecting the harbour.

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 and, taking into account the criteria set out in Annex III to that Directive, that the project is a relevant project.

(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 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.

In accordance with paragraph 6 of that Schedule(7), Ministers have—

- (a) informed the applicant of that decision, and the reasons for it; and
- (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 Ministers have taken into account the matters in sub-paragraph (3) of that paragraph; and
 - (ii) before giving that opinion Ministers have consulted the applicant and such bodies with environmental responsibilities as Ministers thought appropriate.

In accordance with paragraph 8 of that Schedule(8), Ministers have directed the applicant to supply them with an environmental statement and as required by paragraph 9 of that Schedule(9) 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(10).

In accordance with paragraph 15 of that Schedule(11), 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 Ministers thought appropriate.

The provisions of paragraph 17 of that Schedule(12) have been satisfied. All objections to the application have been withdrawn.

In accordance with paragraph 19(1) of that Schedule(13), Ministers have considered—

- (a) the environmental statement;
- (b) the result of the consultations under paragraph 15 of that Schedule; and
- (c) any representations made under paragraph 10(2)(f) of that Schedule.

In accordance with paragraph 19(2) of that Schedule(14), Ministers have decided to make this Order with modifications which do not appear to Ministers substantially to affect the character of the order.

(7) Paragraph 6 of Schedule 3 was substituted by [S.I. 1999/3445](#).

(8) Paragraph 8 of Schedule 3 was substituted by [S.I. 1999/3445](#).

(9) Paragraph 9 of Schedule 3 was substituted by [S.I. 1999/3445](#).

(10) 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). Paragraph 10A of Schedule 3 was inserted by the Transport and Works (Scotland) Act 2007 ([asp 8](#)), section 25(5)(d).

(11) 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).

(12) 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).

(13) 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).

(14) Paragraph 19(2) of Schedule 3 was substituted by [S.I. 1999/3445](#).