
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 338

HARBOUR, DOCKS, PIERS AND FERRIES

The Ullapool Harbour Revision (Constitution) Order 2011

Made - - - - 20th September 2011

Coming into force in accordance with article 1(1)

The Scottish Ministers (the “Ministers”) make the following Order in exercise of the powers conferred by section 14(1) and (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 the Ullapool Harbour Trustees (“the Trustees”) 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 that 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.

In accordance with section 14(2A) of that Act, the objects for achieving which this Order is made include repealing superseded, obsolete or otherwise unnecessary statutory provisions of local application affecting the harbour.

In accordance with paragraph 5 of Schedule 3 to that Act⁽³⁾, Ministers have informed the Trustees in writing that the application does not relate to a project which falls within Annex I or 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.

(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) Paragraph 5 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.

Status: This is the original version (as it was originally made).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

Notice has been published by the Trustees in accordance with the requirements of paragraph 10 of that Schedule(7).

The provisions of paragraph 17 of that Schedule(8) have been satisfied. No objections to the application have been made. No representations under paragraph 10(2)(f), or 10A(4)(d), of that Schedule have been made.

In accordance with paragraph 19(2) of that Schedule(9), 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 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).]
- (8) 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).
- (9) Paragraph 19(2) of Schedule 3 was substituted by [S.I. 1999/3445](#).