

2017 No. 195

HARBOURS, DOCKS, PIERS AND FERRIES

The Port of Ardersier Harbour Revision (Transfer) Order 2017

Made - - - - *8th June 2017*

Coming into force - - *9th June 2017*

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(a) 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(b).

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

- (a) this Order is made following a written application to the Ministers by the Ardersier Port Limited, a company registered under company number 03700403 (“the applicant”) being a person appearing to the Ministers to have a substantial interest; 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 of facilitating the efficient and economic transport of goods or passengers by sea.

Notice has been published by the applicant in accordance with the requirements of paragraph 10 of schedule 3 of that Act(c).

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

In accordance with paragraph 19(1) of that schedule(e), Ministers have considered the results of consultation under paragraph 15 of that schedule.

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- (a) 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).
 - (b) Schedule 2 was relevantly amended by the Transport and Works Act 1992 (c.42), schedule 3, paragraph 9.
 - (c) 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).
 - (d) 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).
 - (e) 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).

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

Citation and commencement

1.—(1) This Order may be cited as the Port of Ardersier Harbour Revision (Transfer) Order 2017 and shall come into force on the day after the day on which it is made.

(2) The Port of Ardersier Harbour Revision Order 2014(a) and this Order may be cited together as the Port of Ardersier Harbour Orders 2014 to 2017.

Interpretation

2. In this Order—

“2014 Order” means the Port of Ardersier Harbour Revision Order 2014;

“Ardersier Port Limited” means the Ardersier Port Limited (Company number 03700403);

“the harbour” has the same meaning as in the 2014 Order; and

“Port of Ardersier Limited” means Port of Ardersier Limited (Company number SC269897).

Amendment of the 2014 Order

3.—(1) The 2014 Order is amended as follows.

(2) In article 2 for the definition of “the Company”, substitute—

““the Company” means Ardersier Port Limited (Company number 03700403)”.

Transfer of Jurisdiction

4. On the coming into force date of this Order, Ardersier Port Limited shall become the harbour authority for the harbour and Port of Ardersier Limited shall from that date cease to be the harbour authority for the harbour.

Duties and Powers of Ardersier Port Limited in respect of the harbour

5. In consequence of article 4, any statutory provision of local application or document whatsoever (other than a document referred to in article 6) shall, so far as it relates to the harbour, have effect (except where the context otherwise requires and subject to any necessary modification) as if, for any reference, however worded and whether express or implied to Port of Ardersier Limited there were substituted a reference to Ardersier Port Limited.

(a) S.S.I. 2014/224.

Exclusion of Liability etc.

6. Nothing in this Order shall transfer from Port of Ardersier Limited to Ardersier Port Limited any liability of Port of Ardersier Limited (including any liability in damages) incurred or arising prior to the date on which this Order comes into force or relating to events, acts or omissions which took place prior to that date or any liability pursuant to any sale, conveyance, lease, grant, assurance, deed, contract, bond, agreement, notice or demand affecting the undertaking of Port of Ardersier Limited at the harbour or otherwise, other than such as have been entered into between Port of Ardersier Limited and Ardersier Port Limited.

JOHN NICHOLLS

A member of the staff of the Scottish Ministers

St Andrew's House,
Edinburgh
8th June 2017

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Port of Ardersier Harbour Revision Order 2014 by transferring the responsibilities as harbour authority from Port of Ardersier Limited to Ardersier Port Limited.

The Applicant for the Order is Ardersier Port Limited, registered office at 3rd Floor, Royal Buildings, Victoria Street, Derby, England, DE1 1ES.

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