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SCOTTISH STATUTORY INSTRUMENTS

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**2018 No. 188**

**HARBOURS, DOCKS, PIERS AND FERRIES**

**The Dumfries and Galloway Council  
(Kirkcudbright) Harbour Revision Order 2018**

*Made* - - - - *7th June 2018*

*Coming into force* - - *8th June 2018*

The Scottish Ministers (the “Ministers”) make the following Order in exercise of the powers conferred by section 14(1), (2A) and (3) of the Harbours Act 1964<sup>(1)</sup> 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<sup>(2)</sup>.

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

- (a) this Order is made following a written application to Ministers by Dumfries and Galloway Council (“the Council”) 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In accordance with section 14(2A) of that Act, the objects for achieving which this Order is made include repealing superseded, obsolete or otherwise unnecessary statutory provisions of local application affecting the harbour and consolidating any statutory provisions of local application affecting the harbour.

Notice has been published by the Council in accordance with the requirements of paragraph 10 of Schedule 3 of that Act<sup>(3)</sup>.

In accordance with paragraph 19(1) of that Schedule<sup>(4)</sup>, Ministers have considered—

- (a) the result of the consultations under paragraph 15 of that Schedule;

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(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 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).

(4) 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).

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(b) any objections made and not withdrawn;

(c) any written representations submitted to Ministers by the Council or any objector in elaboration of the application or, as the case may be, objection.

In accordance with paragraph 19(2) of that Schedule(5), Ministers have decided to make this Order with modifications which do not appear to Ministers substantially to affect the character of the Order

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(5) Paragraph 19(2) of Schedule 3 was substituted by S.I. 1999/3445.