
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 296

HARBOURS, DOCKS, PIERS AND FERRIES

**The Caledonian Maritime Assets (East
Loch Tarbert) Harbour Revision Order 2019**

Made - - - - *20th September 2019*

Coming into force - - *21st September 2019*

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 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 Caledonian Maritime Assets Limited (“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 and passengers by sea.

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

In accordance with paragraph 6 of that Schedule⁽⁵⁾, 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) Paragraph 4 of Schedule 3 was substituted by S.I. 1999/3445.

(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)).

(5) Paragraph 6 of Schedule 3 was substituted by S.I. 1999/3445.

- (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 subparagraph (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(6), Ministers have directed the applicant to supply them with an environmental statement and as required by paragraph 9 of that Schedule(7) the applicant has complied with that direction.

Notices have been published by the applicant in accordance with the requirements of paragraph 10 of that Schedule(8).

In accordance with paragraph 15 of that Schedule(9), 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.

All objections to the application have been withdrawn or paragraph 18(1A) of that Schedule(10) applied in respect of those objections.

In accordance with paragraph 19(1) of that Schedule(11), 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 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(12), Ministers have decided to make this Order with modifications which do not appear to Ministers substantially to affect the character of the Order.

(6) Paragraph 8 of Schedule 3 was substituted by S.I. 1999/3445.
(7) Paragraph 9 of Schedule 3 was substituted by S.I. 1999/3445.
(8) 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).]
(9) 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).
(10) Paragraph 18 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)(h).
(11) 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).
(12) Paragraph 19(2) of Schedule 3 was substituted by S.I. 1999/3445.