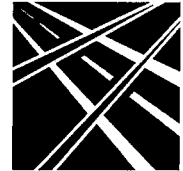


**Aviation, Maritime, Freight and Canals Directorate**

Area 2GN, Victoria Quay, Edinburgh EH6 6QQ  
T: 0131-244 7187 F: 0131-244 0463  
E: [alastair.wilson@transportscotland.gsi.gov.uk](mailto:alastair.wilson@transportscotland.gsi.gov.uk)



CÒMHDHAIL  
ALBA

TRANSPORT  
SCOTLAND

Douglas Kinnear  
Clerk to Trustees of St Andrews Harbour

By email to [dkinnear@mddc.co.uk](mailto:dkinnear@mddc.co.uk)

Your ref:

Our ref:

Date:

17 November 2010

Dear Douglas,

**HARBOURS ACT 1964  
ST ANDREWS HARBOUR REVISION (CONSTITUTION) ORDER 2010**

I refer to the application by St Andrews Harbour Trust for a Harbour Revision Order under section 14 of the Harbours Act 1964 (the 1964 Act) at St Andrews. I am directed by the Scottish Ministers to convey their decision on this application.

The Order, if made would amend the constitution of the authority to bring it fully in line with the guidance contained in "Modernising Trust Ports – A guide to Good Governance" published in 2000.

**Application Procedure**

An application was submitted in 2007 but subsequently withdrawn and re-submitted in an amended form on 20 August 2010 .

Notice of the application for the HRO, was advertised in the Edinburgh Gazette of 3 September and the Fife Herald/Citizen on 3 and 10 September 2010.

Scottish Ministers received no objections to the HRO within the statutory period of forty-two days provided for in Schedule 3 of the Harbours Act 1964. Representations were received from the Northern Lighthouse Board (NLB) requesting the insertion of two additional clauses in the order. After correspondence NLB agreed that neither were required as the lighting issue was already covered in St Andrews existing legislation and there was no requirement for a saving provision in the current order as there was nothing to derogate from the rights of the commissioners.

## **Scottish Ministers' Consideration.**

Section 14(2) (b) of the Harbours Act requires that a Harbour Revision Order shall not be made in relation to a harbour unless the appropriate Minister is satisfied that the making of the Order is desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner or of facilitating the efficient and economical transport of goods or passengers by sea or in the interests of the recreational use of sea-going ships.

## **Scottish Ministers' Decision**

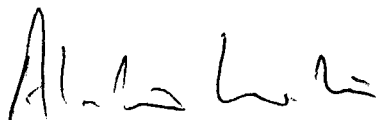
Scottish Ministers are satisfied that the making of the order is desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner, as set out in section 14(2) (b) of the Harbours Act 1964 and that the revised constitution complies with the relevant policy guidelines. They have decided to make the St Andrews Harbour Revision (Constitution) Order 2010 in the form submitted to them .

## **Challenge to Decision**

The foregoing decision of the Scottish Ministers is final but any person who desires to question the making of the Order on the ground that there was no power to make the Order or that a requirement of the Harbours Act 1964 was not complied with in relation to the Order, may within 6 weeks from the date on which the Order becomes operative make an application for the purpose to the Court of Session.

**A person who thinks they may have grounds for challenging the decision to make the Order is advised to seek legal advice before taking any action.**

Yours sincerely



Alastair Wilson  
Aviation, Maritime, Freight & Canals Directorate