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Dear Jamie

1. I refer to the application submitted on behalf of your client, Ardersier Port Limited, to enact the [Ardersier Port Limited \(Pilotage Powers\) Order 2024](#) (the Order) under Section 1 (as read with section 1A) of the Pilotage Act 1987. This letter conveys the Ministers' decision following their consideration of the application.

### **Purpose of the Order**

2. This Order provides that Ardersier Port Limited become a Competent Harbour Authority (CHA) for the purposes of the Pilotage Act 1987. A CHA is a harbour authority which has statutory pilotage powers, granted under the Pilotage Act 1987. Pilotage means that a skilled marine pilot with local knowledge of a harbour area can board and manoeuvre ships through a CHA area. This is common for ports where such knowledge is needed to ensure a ship's safe passage.

3. This Order is required for Port of Ardersier in the interest of safety and in the interests of the avoidance of economic or physical damage to the port facilities, to ensure safe pilotage to any vessels arriving in their waters.

### **Application process**

4. Ardersier Port Limited submitted a formal application to become a CHA in respect of the Port of Ardersier on 1 July 2024. Public notices were placed in the Edinburgh Gazette and the Inverness Courier on 5 July 2024. The 42-day statutory notice period ended on 30 August 2024 with no objections received.

### **Legislative position**

5. Article 1(3) of the Pilotage Act 1987 stipulates that, when determining whether a CHA should be granted pilotage powers, the appropriate Minister should consider whether said powers are granted in the interests of efficiency and safety of navigation.

6. Our assessment is that the proposed Order is conducive to improving the efficiency and safety of navigation of the Port of Ardersier.

### **Laying before Parliament**

7. Article 1(8) of the Pilotage Act 1987 stipulates that the making of a Pilotage order is subject to special parliamentary procedure, and the Order was laid before the Scottish Parliament on 19 December 2024.

8. Parliamentary approval has been granted, and the Order came into force today, Monday 20 January 2025, as a Scottish Statutory Instrument.

### **Convention on the Rights of the Child**

9. In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, the Order is compatible with the Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 requirements as defined by section 1(2) of that Act.

### **Right to challenge decision**

10. Any person who desires to question the making of this Order on the grounds that there was no power to make it or that a requirement of the 1964 Act was not complied with in relation to it may, within six weeks from the date the Order comes into force, make an application for this purpose to the Court of Session.

11. Any person thinking of challenging the decision to make the Order is advised to seek legal advice before taking any action.

### **Availability of decision**

12. Once the Order is made, the applicant must:

- Publish notice of the making of the Order in the Edinburgh Gazette and one local paper;
- Send copies of the notice to those individuals/organisations notified of the original application; and
- Forward copies of all the notices to Transport Scotland.

13. A copy of this letter will be sent to all those who were consulted on the Order and be published on the TS website.

Yours sincerely



**Dario Dalla Costa**  
Ports Policy Advisor