SCOTTISH STATUTORY INSTRUMENTS

2025 No. 279

HARBOURS, DOCKS, PIERS AND FERRIES

The Cromarty Firth Port Authority Harbour Revision Order 2025

Made - - - -	*3rd October 2025*
Coming into force - -	*4th October 2025*

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(**a**) 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 the objects specified in Schedule 2 to 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 Cromarty Firth Port Authority ("the applicant") being the authority engaged in improving, maintaining or managing the harbour, and

(b) (except in so far as this Order is made for achieving the objects mentioned in section 14(2) 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In accordance with section 14(2A) of that Act, the objects for achieving which this Order is made include repealing superseded, obsolete or otherwise unnecessary statutory provisions of local application affecting the harbour.

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

(**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) and S.I. 2017/1070.

The provisions of paragraph 17 of Schedule 3(**a**) to that Act have been satisfied. No objections were made.

In accordance with paragraph 19(6) of that Schedule(**b**), the Ministers have decided to make this Order with modifications which do not appear to the Ministers substantially to affect the character of the Order.

PART 1

Preliminary

Citation and commencement

1.—(1) This Order may be cited as the Cromarty Firth Port Authority Harbour Revision Order 2025 and comes into force on the day after the day on which it is made.

(2) The Cromarty Firth Port Authority Orders 1973 to 2003(**c**) and this Order may be cited together as the Cromarty Firth Port Authority Orders 1973 to 2025.

Interpretation

2. In this Order—

"the 1973 Order" means the Cromarty Firth Port Authority Order 1973(**d**) confirmed by the Cromarty Firth Port Authority Order Confirmation Act 1973(**e**),

"the 2003 Order" means the Cromarty Firth Port Authority (Constitution) Revision Order 2003(**f**),

"the Authority" means the Cromarty Firth Port Authority, Port Office, Shore Road, Invergordon, IV18 0HD.

PART 2

Amendments

Amendment of the 1973 Order

3.—(1) The 1973 Order is amended in accordance with paragraphs (2) to (57).

(2) In section 3(1)—

(a) after the definition of "the Authority" insert—

""body corporate" includes a company(**g**), a limited liability partnership(**h**) and a partnership in Scotland(**i**),

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(**a**) 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).
(**b**) Paragraph 19(6) of Schedule 3 was substituted by S.I. 2017/1070.
(**c**) See 1973 c. xiv, S.I. 1996/1419, S.I. 1997/1953 and S.I. 2003/491.
(**d**) 1973 c. xiv.
(**e**) 1973 c. xiv.
(**f**) S.S.I. 2003/491.
(**g**) As defined by section 1(1) of the Companies Act 2006 (c. 46).
(**h**) As defined by section 1(2) of the Limited Liability Partnerships Act 2000 (c. 12).
(**i**) As defined by section 1(1) of the Partnership Act 1890 (c. 39).

"chief executive officer" means the person appointed as such pursuant to section 8 (Staff of Authority) of this Order, and includes the deputies and assistants of the person so appointed,

"charity" is any body entered in the Scottish Charity Register;".

(b) after the definition of "the level of high water" insert—

""the level of low water" means the level of mean low-water springs,

"master" in relation to a vessel means any person for the time being having or taking the command, charge or management of the vessel,

"may" in this Order shall not be construed as implying any obligation on the Authority,

"moorings" includes any buoy, pile, post, chain, pillar, pontoon, fixed rail or like apparatus or convenience provided or used or capable of being used for the mooring of vessels,

"occupying" includes mooring or anchoring within the port limits,".

(c) after the definition of "the Port" insert—

""port limits plan" means "Cromarty Firth Port Authority Harbour Revision Order 2025 Port Limits Plan", signed with reference to this Order, one copy of which is deposited at the offices of the Scottish Government, Transport Scotland, AMFC Directorate, Victoria Quay, Edinburgh, EH6 6QQ and another at the principal office of Cromarty Firth Port Authority Harbour, Port Office, Shore Road, Invergordon, IV18 0HD,",

(d) for the definition of "the port premises" substitute—

""port premises" means the quays, berths, piers, pontoons, moorings, landing places, and all other works, land, buildings, conveniences, structures and premises for the time being vested in, or occupied or administered by Cromarty Firth Port Authority as part of the undertaking and occupied wholly or mainly for the purpose of activities there carried on and which at the date of the coming into force of the Cromarty Firth Port Authority (Harbour Revision Order) 2025 includes the areas hatched in black on the port premises plan,",

(e) after the definition of "port premises" insert—

""port premises plan" means "Cromarty Firth Port Authority Harbour Revision Order 2025 Port Premises Plan", signed with reference to this Order, one copy of which is deposited at the offices of the Scottish Government, Transport Scotland, AMFC Directorate, Victoria Quay, Edinburgh, EH6 6QQ and another at the principal office of Cromarty Firth Port Authority Harbour, Port Office, Shore Road, Invergordon, IV18 0HD,",

(f) for the definition of "vessel" substitute—

""vessel" means a ship, boat, houseboat, raft or craft of any description, however propelled or moved, and includes a displacement craft, a non-displacement craft, a watercraft, a sea plane on the surface of the water, a hydrofoil vessel, a hovercraft or any other amphibious vehicle and any thing constructed, adapted for or used to carry persons or goods by water or for floating on or being submerged in water (whether permanently or temporarily) and shall further include but not be limited to a dracone, a floating dock, crane, rig, drilling rig and any other floating plant, platform structure, component, foundation or manufactured article,",

(g) after the definition of "vessel" insert—

""voluntary association" is an association, club, society, organisation or other body (whether corporate or unincorporate) operating for the benefit of the local community and which is not a business, or part of a business, conducted for profit,

"watercraft" has the same meaning as in the Merchant Shipping (Watercraft) Order 2023,",

(h) in the definition of "works" after "description" insert "including moorings".

(3) In section 4—

(a) in paragraph (1)(b) for "to 45," substitute ", 43,",

(b) in paragraph (1)(b)(v) for "level 2" substitute "level 3",

(c) in paragraph (2) for "652 to 654 of the Merchant Shipping Act 1894 (c. 60)" substitute "198, 199, 201 and 204 of the Merchant Shipping Act 1995 (c. 21)".

(4) For section 7(2)(b) substitute—

"(b) form, invest in and promote, or join with other persons in forming, investing in and promoting, any body corporate and subscribe for or acquire shares or securities in, or become a member of, any body corporate,".

(5) In section 7(2)(c) after "lend money to" insert ", and give guarantees and enter into contracts of indemnity or suretyship of all kinds in respect of,".

(6) In section 8 after the word "appoint" insert "a chief executive officer,".

(7) For section 9 substitute—

"Acquisition, use, development and disposal of land

9.—(1) The Scottish Ministers may authorise the Authority to purchase compulsorily any land which they require for the purposes of the undertaking and of the performance of their duties under this Order, and the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (c. 42) shall apply as if the Authority were a local authority within the meaning of that Act and as if this Order had been in force immediately before that Act.

(2) The Authority may for the purposes of the undertaking acquire any land wherever situated whether by way of purchase, exchange, lease or otherwise.

(3) The Authority may for the purposes of the undertaking manage, use or develop land belonging to them as the Authority thinks fit.

(4) Notwithstanding anything in this or any other statutory provision of local application, the Authority may at any time lease or otherwise grant the exclusive, partial or preferential use of, or occupation of, or any right or interest in, over or relating to, any lands, works, buildings, machinery, equipment, vessels, vehicles or other property belonging to them for such period or periods, and at such rents and other considerations and on such terms and conditions as the Authority thinks fit.

(5) A lease or grant made or given under paragraph (3) may include provisions delegating to the lessee or grantee any of the functions of the Authority other than those specified in sub-paragraphs (a) to (f) of paragraph 9B of Schedule 2 to the Harbours Act 1964.

(6) Without affecting paragraph (3) of this section, the Authority may for such price and upon such terms and conditions and subject to such restrictions and for such period as they think fit, sell, lease, exchange or otherwise dispose of any lands, works, buildings, machinery, equipment, vessels, vehicles or other property belonging to them which is no longer required by the Authority for the purposes of the undertaking.".

(8) In section 11—

(a) in paragraph (2) for "and equipment" substitute ", vessels, plant, equipment or other property".

(b) after paragraph (2) insert—

"(3) The Authority may provide and supply or make arrangements with others for the provision and supply of fuel (of whatever type), electricity, ice, water, chandlery, marine equipment for the bunkering and service of vessels using the Port and may lay down and maintain or make arrangements for the laying down and maintenance of pipelines, cables, storage tanks, plant, equipment and other apparatus and, the execution of ancillary and necessary works, for that purpose within the Port.".

(9) In section 13(2)—

(a) for "Secretary of State for Trade and Industry" substitute "Scottish Ministers", and

(b) for "he" substitute "the Scottish Ministers".

(10) In section 14(2) omit "and the Queen's harbour master of the dockyard Port of Cromarty".

(11) For section 15 substitute—

"Licensing of the works

15.—(1) The Authority may upon such terms and conditions as they think fit grant to any person a licence (in this Order referred to as a works licence) to construct, maintain, alter, renew or extend any works on under or over tidal waters or tidal land below the level of high water in the Port including a licence to place, lay down, maintain, retain, renew, use and have existing and future moorings, for vessels in the Port notwithstanding any interference with public rights of navigation or other public rights by such works as constructed, maintained, altered, renewed or extended.

(2) Application for a works licence shall be made in writing to the Authority and shall—

(a) be accompanied by plans, sections and particulars of the works to which the application relates,

(b) specify whether the applicant holds such rights in, under or over land as are necessary to enable him to enjoy the benefits of the licence and, if not, the action taken to enable him to obtain such rights if the licence is granted; and in granting such licence the Authority may require modifications in the places, sections and particulars so submitted.

(3) If within three months from the date of the making of an application under paragraph (2) of this section the Authority does not grant a works licence in accordance with the application, they shall be deemed to have refused the application.

(4) The Authority may require an applicant for a works licence, on making the application, to pay a reasonable charge in respect of the administrative expenses of dealing with the application and may demand, take and recover such reasonable charges in respect of the grant, and maintenance, of a works licence as they think fit.

(5) As a condition of the granting of a works licence, the Authority may require a licensee, being an applicant to whom a works licence has been granted or the applicant's successor, where works are constructed pursuant to the works licence, to pay such reasonable fees in respect of the Authority's administrative expenses and overheads in supervising or inspecting where necessary the construction or maintenance of the works.

(6) Other than when paragraph (3) above applies, where the Authority refuses to grant a works licence which has been applied for it must give reasons in writing for its refusal.

(7) Where the Authority grants a works licence upon terms or conditions or require any modification in the plans and particulars, it must give reasons in writing for the terms and conditions imposed or the modifications required.".

(12) In section 16—

(a) in paragraph (5)(ii) for "Secretary of State for Trade and Industry" substitute "Scottish Ministers",

(b) for paragraph (6) substitute—

"(6) The Authority may require an applicant for a dredging licence, on making the application, to pay a reasonable charge in respect of the administrative expenses of dealing with the application and may demand, take and recover such reasonable charges in respect of the grant, and maintenance, of a dredging licence as they think fit.".

(c) after paragraph (6) insert—

"(7) As a condition of the granting of a dredging licence, the Authority may require a licensee, being an applicant to whom a dredging licence has been granted or the applicant's successor, where dredging is carried out pursuant to the dredging licence, to pay such reasonable fees in respect of the Authority's administrative expenses and overheads in supervising or inspecting where necessary the construction or maintenance of the dredging.

(8) Where the Authority refuses to grant a dredging licence which has been applied for it must give reasons in writing for its refusal.

(9) Where the Authority grants a dredging licence upon terms or conditions or require any modification in the plans and particulars, it must give reasons in writing for the terms and conditions imposed or the modifications required.".

(13) In section 17—

(a) in paragraph (1)—

(i) after "works licence" insert "(other than a works licence in respect of moorings)",

(ii) after "the application, appeal" insert "to the Scottish Ministers.", and

(iii) omit sub-paragraphs (i) and (ii),

(b) in paragraph (2) for "Secretary of State for Trade and Industry or the Secretary of State" substitute "Scottish Ministers" in both places where it occurs,

(c) in paragraph (3) for "Secretary of State for Trade and Industry or the Secretary of State, as the case may be," substitute "Scottish Ministers" in both places where it occurs,

(d) in paragraph (4) for "Secretary of State for Trade and Industry or the Secretary of State" substitute "Scottish Ministers".

(14) In section 18(1)(a) after the words "in the Port" insert "including placing, laying down, maintaining, retaining, using and having existing and future moorings, for vessels in the Port".

(15) For section 18(2) substitute—

"(2) Any person who—

(a) fails to comply with any provisions of this section,

(b) intentionally obstructs any person acting under the authority of the Authority in setting out moorings,

(c) intentionally and without lawful authority pulls up or removes any mooring in the Port or any part thereof,

(d) without reasonable excuse causes or permits a vessel to be moored in the Port except at a mooring provided or licensed by the Authority undersection 15,

(e) places, lays down, maintains, retains, renews or has in the Port any mooring not provided or licensed by the Authority under section 15,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.".

(16) After section 18(2) insert—

"(3) The Authority may by notice require a person who contravenes this section to remove, abate or rectify, within a reasonable time specified in the notice, any work, operation or omission to which the contravention relates and to restore the site thereof to its former condition; and if that person fails to comply with the notice, the Authority may carry out the works so required and may recover from that person the cost of so doing.".

(17) In section 18(2) and 22(2)(a) for words "one hundred pounds" substitute "level 4 on the standard scale".

(18) In section 19—

(a) in paragraph (1) for "sections 530 and 532 of the Merchant Shipping Act 1894 (which confer powers on the Authority with respect to, and with respect to anything in or on, any vessel sunk, stranded or abandoned in such manner as to be an obstruction or danger to navigation in the Port or in or near any approach thereto)" substitute "section 252 of the Merchant Shipping Act 1995 (c. 21) (powers of harbour and conservancy authorities in relation to wrecks)",

(b) in paragraph (2) for "530" substitute "252",

(c) in paragraph (3) for "530" substitute "252".

(19) In section 20—

(a) in paragraph (1)—

(i) for "741 of the Merchant Shipping Act 1894 (c. 6)" substitute "308(1) of the Merchant Shipping Act 1995 (c. 21)",

(ii) for "Her" substitute "His" wherever it occurs,

(iii) omit "as modified by any Order in Council made under section 80 of the Merchant Shipping Act 1906 (c. 48),",

(iv) for "sections 530 and 532" substitute "section 252", and

(v) for "1894" substitute "1995".

(b) in paragraph (2)—

(i) for "Secretary of State for Trade and Industry" substitute "Scottish Ministers" wherever they occur including in the item (ii) of the proviso, and

(ii) in sub-paragraph (b) for "530" substitute "252",

(c) in paragraph (3)—

(i) for "530" substitute "252", and

(ii) for "1894" substitute "1995",

(d) in paragraph (4)—

(i) for "Trinity House" substitute "Commissioners of Northern Lighthouses",

(ii) for "531" substitute "252", and

(iii) for "1894" substitute "1995",

(e) after paragraph (4) insert—

"Power to deal with unserviceable vessels

20A.—(1) In addition to the powers conferred on the port manager by Section 57 of the Harbours, Docks and Piers Clauses Act 1847 and on the Authority by virtue of the Merchant Shipping Act 1995 (c. 21) and by the other provisions of this Order, the Authority may remove, sell, destroy or otherwise dispose of any vessel laid by or neglected as unserviceable in, or on land adjoining, the waters of the Port.

(2) The Authority may retain out of the proceeds of sale of any such vessel, or any part thereof, any expenses incurred by it in respect of the vessel or in marking, buoying, lighting or otherwise controlling the vessel or warning shipping of its presence and any expenses incurred by the port manager under section 57 of the Harbours, Docks and Piers Clauses Act 1847 , and shall pay the surplus, if any, to the person entitled thereto.

(3) If the proceeds of sale are insufficient to reimburse the Authority for the said expenses, or there is no sale, the Authority may recover the deficiency, or, where there is no sale, the whole of the expenses, from the owner as a debt.

(4) Except in the case of emergency the Authority shall before exercising its powers under this section give not less than 14 days' notice in writing of its intention to do so to the registered owner of the vessel, to the owner or occupier of any pier, landing place, jetty, wall, pontoon, pile, embankment, bridge, structure, groyne or other work in the Port or on land immediately adjoining the waters of the Port at which the vessel is situated (where the owner or occupier is known to the Authority after reasonable enquiry), and by advertisement in each of two successive weeks in a local newspaper circulating in the area of the Port, provided that, if the registered owner or their place of business or address is not known to the Authority or is outside of the United Kingdom, the notice may be given by displaying it at the principal office of the Authority and electronically on the Authority's website for two successive weeks.

Life-saving craft and appliances

20B.—(1) For the purpose of saving life the Authority may provide and maintain in or in the vicinity of the port premises—

(a) boats or other vessels together with all necessary apparatus and equipment and buildings, structures, slipways and moorings for their operation, maintenance or accommodation, and

(b) lifebuoys, lifelines and other life-saving appliances together with structures for their storage and safekeeping.

(2) The Authority may enter into arrangements with any person for the provision and maintenance of any of the facilities authorised by paragraph (1).".

(20) In section 21(7) for "Local Government (Scotland) Act 1947 (c. 43)" substitute "Local Government etc. (Scotland) Act 1994 (c. 39)".

(21) In section 22—

(a) in paragraph (1) for "a landing place or embankment" substitute "any quay, pier, landing place, jetty, wall, pontoon, pile, embankment, bridge, structure, groyne or other work in the Port or on land immediately adjoining the waters of the Port",

(b) in paragraph (2)(b) for "a landing place or embankment" substitute "any pier, landing place, jetty, wall, pontoon, pile, embankment, bridge, structure, groyne or other work in the Port or on land immediately adjoining the waters of the Port",

(c) in paragraph (4) for "to the sheriff." substitute "under section 50 of the Sheriff Courts (Scotland) Act 1907 to the sheriff by way of summary application and the sheriff may confirm, vary or quash the notice as the sheriff thinks just, and make such order in the matter as the sheriff considers equitable, and the determination of the sheriff on any such appeal shall be binding on all parties, and shall be final.".

(22) In section 24(1) for "ten pounds" substitute "level 2 on the standard scale".

(23) In section 24(2) for "Her Majesty's Customs and Excise" substitute "HM Revenue and Customs".

(24) For section 28 substitute—

"Power to appropriate parts of the Port, etc.

28.—(1) Notwithstanding anything in this or any other statutory provision of local application, other than the provisions of section 85 of this Order, the Authority may from time to time set apart or appropriate any part of (a) the port premises, machinery, equipment or other property of the Authority in the Port, and (b) any particular berth or berths adjacent to the port premises and within port limits, for the exclusive, partial or preferential use or accommodation of any particular trade, activity, person, vessel or class of vessels or goods.

(2) The Authority may demand, take or recover such charges as it sees fit, including reservation charges, (other than ship, passenger and goods dues) subject always to such charges being reasonable for the appropriation and subject to such terms, conditions or regulations as the Authority thinks fit.

(3) No person or vessel shall, otherwise than in accordance with the setting apart or appropriation, make use of any part of the Port, or any lands, works, buildings, machinery, equipment or other property, so set apart or appropriated without the consent of the port manager or other duly authorised officer of the Authority.

(4) The port manager, or as the case may be, any such authorised officer may order any person or vessel contravening paragraph (2) to leave or be removed from the site of the contravention.

(5) Section 58 of the Harbours, Piers and Docks Clauses Act 1847 shall extend and apply with appropriate modifications to any vessel moored or otherwise positioned in contravention of paragraph (2) above.

(6) In exercising its powers to appropriate or set apart any part of the Port under paragraph (1), the Authority shall have regard to the facilitation of—

(a) the public right of navigation in the Port, and

(b) any public rights of way affecting the Port,

such that the Authority shall not restrict such rights more than is necessary for the purpose for which the part of the Port is appropriated or set apart.".

(25) In section 36—

(a) for "Her" substitute "His" wherever it occurs, and

(b) for "the Crown Estate Commissioners" substitute "Crown Estate Scotland".

(26) In section 37 for "2" substitute "6".

(27) In sections 38(2), 47(3), 52(3)(i), 53(1), 70(2), 73(2) and paragraphs 7(b) and 15 of Schedule 3 for "one hundred pounds" substitute "level 3 on the standard scale".

(28) In section 39—

(a) for paragraph (1) substitute—

"**39.**—(1) The Authority may, after consultation with the Chamber of Shipping of the United Kingdom, the Commissioners of Northern Lighthouses, the Royal Yachting Association Scotland and such other persons as the Authority consider are representative of users of the Port (including operators of any private marine facilities within the Port which are likely to be affected by a proposed general direction) and in order to promote or secure conditions conducive to the ease, convenience, or safety of navigation or the safety of persons and property in the Port, and, without prejudice to the generality of the foregoing, give directions for any of the following purposes—

(a) for designating areas, routes or channels in the Port which vessels are to use or refrain from using for movement, mooring or anchorage,

(b) for securing that vessels move only at certain times, at certain speeds or during certain periods,

(c) requiring the master of a vessel to give to the port manager information relating to the vessel reasonably required by the port manager in order to effect the objects of this subsection,

(d) for securing that vessels make use of descriptions of aids to navigation specified in the direction,

(e) for prohibiting entry into or navigation within any of the main channels during any temporary obstruction thereof,

(f) prohibiting entry into or movement in the Port by vessels at times of poor visibility due to the weather or to the presence of dust or smoke provided that no such direction shall prevent the entry into the Port or the approaches of any vessel seeking refuge from stress of weather.",

(b) in paragraph (2) for "Directions" substitute "A general direction",

(c) for paragraph (3) substitute—

"(3) The Authority may after consultation with the UK Chamber of Shipping, the Commissioners of Northern Lighthouses, the Royal Yachting Association Scotland and such other persons as the Authority consider are representative of users of the Port (including operators of any private marine facilities within the Port which are likely to be affected by a proposed general direction), revoke or amend any general direction.",

(d) after paragraph (3) insert—

"(4) The consultation requirements in paragraphs (1) and (3) do not apply where in the interests of navigational safety, or safety of persons, the Authority proposes to give, amend or revoke a general direction—

(a) in an emergency, or

(b) relating to an intended, potential or actual activity or operation within the Port,

and the Authority considers that the giving, amending or revocation of that general direction is required, taking into account other activities or operations in the Port which may be affected.

(5) Any general direction made or amended without consultation will be in force only for the period of the emergency, activity or operation in question.".

(29) In section 40—

(a) for paragraph (2) substitute—

"(2) The port manager may give a special direction—

(a) requiring a vessel anywhere within the Port to comply with a requirement made in or under a general direction,

(b) for regulating the time at which and the manner in which a vessel shall enter into, go out of, or lie in or at the Port,

(c) for securing that a vessel moves in the Port only at certain times or during certain periods,

(d) prohibiting the mooring or anchoring of a vessel in any particular part or parts of the Port,

(e) regulating or requiring the movement (including ship to ship), berthing, mooring or unmooring, anchoring or de-anchoring of a vessel in the Port, and

(f) regulating the manner in which a vessel takes in or discharges (from ship to shore or shore to ship or ship to ship) passengers, cargo, fuel, water, ship's stores or ballast in the Port.",

(b) after paragraph (3) insert—

"(4) The port manager may revoke or amend a special direction.".

(30) In section 42—

(a) in paragraph (1)—

(i) omit ", and except in an emergency, notice of a general direction and of the amendment or revocation of a general direction", and

(ii) omit "or the making or amendment of a general direction".

(b) for paragraph (2) substitute—

"(2) Notice of the giving of a general direction and of any amendment or revocation of a general direction shall, except in case of emergency, be published by the Authority as soon as practicable, once in the Edinburgh Gazette and in one or more newspapers circulating in the locality in which the Port is situated.".

(c) after paragraph (2) insert—

"(3) The Authority shall also make the notice available for inspection on a web-site maintained by the Authority together with, if the notice relates to the giving or amendment of a general direction, a copy of the direction or the direction as amended.

(4) If the notice relates to the giving or amendment of a general direction, the notice shall state a place at which copies may be obtained and particulars of the website where a copy of the direction or the direction as amended may be viewed.

(5) In an emergency, notice of the giving of a general direction or of any amendment or revocation of a general direction may be given in any manner the Authority considers appropriate.".

(31) In section 43—

(a) in paragraph (1), paragraph (2) for "fifty pounds" substitute "level 4 on the standard scale",

(b) after paragraph (2) insert—

"Vessels adrift

43A.—(1) The owner, charterer or master of a vessel adrift in the Port shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(2) It shall be a defence for the owner, charterer or master of a vessel charged with an offence under paragraph (1) to prove that the vessel did not become adrift as the result of any neglect or default on his or her part.".

(32) In section 46—

(a) in paragraph (1) for "by byelaws confirmed in accordance with this Order make" substitute "make byelaws for the efficient management and regulation of the Port including making".

(b) after sub-paragraph (g) insert—

"(h) to regulate the use, operation, maintenance and superintendence of the berths, quays, piers, landing places, works, moorings or anchoring in the Port,

(i) to regulate the admission to, and the movement within, and the departure of vessels from, the Port, or the removal of vessels, and for the good order and government of the Port,

(j) regulating the placing and maintenance of moorings within the Port,

(k) to regulate the navigation, berthing, mooring and anchoring of vessels within the Port, their speed and the use of tugs or other craft for ship or craft towage within the Port,

(l) to prevent damage or injury to any vessel within the Port,

(m) to prohibit or regulate the discharge or deposit of ballast, ashes, refuse, rubbish or other material (including any polluting liquid) in or into the Port (other than from any vessel within the meaning of section 255 of the Merchant Shipping Act 1995),

(n) to regulate the launching of vessels within the Port,

(o) to prohibit persons entering the Port from smoking therein,

(p) to regulate the use of fires, fireworks and lights within the harbour and within any vessel within the Port (other than from any vessel within the meaning of section 255 of the Merchant Shipping Act 1995),

(q) to regulate the type of vehicles which may enter or be within the Port and the movement, parking, use, loading or unloading of vehicles within the harbour, and giving powers to officers or employees of the Authority in relation to such regulation,

(r) to regulate the holding of regattas and other public events in the Port,

(s) to prohibit or regulate the sale of articles or the provision of services within the Port,

(t) to make the carrying out of specified harbour operations, or the conduct of persons in the Port, subject to the approval (with or without conditions), control or direction of the port manager, and

(u) for the conservation of the fauna, avifauna and flora in the Port.",

(c) for paragraph (2) substitute—

"(2) For the purposes of this paragraph (2) only, Port shall mean the Port, excepting any part of the Port which is above the level of high water vested in or belonging to any person other than the Authority.

(2A) Where byelaws under this section make the carrying out of specified activities, or the conduct of persons in the Port, subject to the approval (with or without conditions), control or direction of the port manager as mentioned in paragraph (t) of paragraph (1), the port manager may take such action as may be reasonably required in default of compliance with any such approval, condition, control or direction.",

(d) for paragraph (3) substitute—

"(3) Byelaws made under this section may—

(a) provide for imposing upon persons offending against them fines on summary conviction not exceeding in any one case level 3 on the standard scale for breach of any approval, condition, direction or requirement under the byelaws,

(b) relate to the whole of the Port or to any part of it, and

(c) make different provision for different parts of the Port or in relation to different classes of vessels or vehicles or different specified activities.".

(33) For section 48 substitute—

"Confirmation of byelaws

48.—(1) Byelaws made by the Authority under this Order shall not come into operation until they have been confirmed by the Scottish Ministers.

(2) Not later than one month before an application for confirmation of byelaws is made by the Authority to the Scottish Ministers, notice of the intention to apply for confirmation and details of the Authority's website where the byelaws can be viewed or, as the case may be, the place at which and the times during which a copy of the byelaws shall be open to inspection shall be published as follows—

(a) once in the Edinburgh Gazette, and

(b) once in each of two successive weeks in a newspaper circulating in the area in which the Port is situated.

(3) Not later than the first date on which the notice under sub-paragraph (a) of paragraph (2) of this is published, the Authority shall send a copy of the notice to the Scottish Ministers.

(4) For a period of at least one month before application is made for confirmation of the byelaws, the Authority shall keep a copy of the byelaws open to public inspection, without payment, at their principal office of the Authority at all reasonable hours and publish a copy of the byelaws in a prominent place on the Authority's website.

(5) The Authority shall supply an electronic copy of the unconfirmed byelaws or of part of the unconfirmed byelaws to a person on request.

(6) During the period of one month beginning with the last date of publication of any notice required by sub-paragraph (a) of paragraph (2) of this section, any person may make, in writing to the Scottish Ministers, any objection to or representation about the byelaws to which the notice relates.

(7) The Scottish Ministers may confirm the byelaws (with or without modifications) or may refuse to confirm them.

(8) Where the Scottish Ministers propose to make a modification that appears to them to substantially affect the character of the byelaws, they shall inform the Authority and require them to take any steps the Scottish Ministers consider necessary for informing persons likely to be concerned with the modification.

(9) For the purposes of paragraph (8), the Scottish Ministers shall give the Authority and any person who is to be informed of a proposed modification the opportunity to make representations in writing about that proposed modification during a period determined by the Scottish Ministers and the Scottish Ministers shall take such representations into account before making a decision under paragraph (7).

(10) The Authority shall—

(a) either keep a copy of the confirmed byelaws on their website or keep a copy of them open to public inspection at all reasonable hours, without payment, at the Authority's principal office, and

(b) provide an electronic copy of the confirmed byelaws to a person on request.".

(34) For section 54 substitute—

"**Charges for floating plant, etc.**

54.—(1) The Authority may demand, take and recover in respect of any vessel entering, using, occupying or leaving the Port such charge as they think fit.

(2) The provisions of sections 30 and 31 of the said Act of 1964 (c. 40) shall with any necessary modifications apply to any charges authorised by section 54(1) as they apply to ship, passenger and goods dues as defined by section 57 of the 1964 Act.".

(35) For section 55 substitute—

"**Charges for services and facilities, etc.**

55.—(1) The Authority may demand, take and recover such reasonable charges for services and facilities provided by them as they may from time to time determine.

(2) In paragraph (1) "charges" does not include ship, passenger and goods dues as defined by section 57 of the Harbours Act 1964.

(3) Should any court of competent jurisdiction hold that any charge levied by the Authority which is to be reasonable is not in fact reasonable, then the Authority shall be entitled to demand, take and recover such proportion of the sum charged as such court may determine constitutes a reasonable charge.".

(36) In section 57—

(a) in paragraph (1)—

(i) for "Her" substitute "His"; and

(ii) for "Commissioners of Customs and Excise" substitute "HM Revenue and Customs" in both places where it occurs.

(b) in paragraph (2) for "Department of Trade and Industry" substitute "Department of Transport and of the Scottish Ministers".

(37) For section 59 substitute—

"**Other commercial activities**

59.—(1) The Authority may, in addition to any other powers conferred on the Authority—

(a) carry on at any place a trade or business of any kind including a trade or business carried on in conjunction with another person,

(b) form, invest in and promote, or join with another person in forming, investing in and promoting a body corporate, and subscribe for or acquire shares or securities in, or become a member of, any body corporate, for,

(i) carrying on any part of the undertaking,

(ii) carrying on at any place a trade or business of any kind, or

(iii) using or developing for any purpose, and dealing with, any land within or in the vicinity of the Port,

provided that it is conducive to the improvement, maintenance or management of the Port in an efficient and economical manner.

(2) Except as is otherwise provided by any enactment, the powers of a body corporate referred to in paragraph (1)(b) may include powers to do anything necessary or expedient for the purposes of the objects mentioned in that paragraph or for purposes incidental to those purposes, notwithstanding that the Authority would not itself have the power to do that thing.

(3) The powers of the Authority under this section are additional to the powers of the Authority under section 37 of the Docks and Harbours Act 1966 (powers of harbour authorities to acquire a harbour business or shares in a harbour business).

(4) Subject to paragraph 9B of Schedule 2 to the Harbours Act 1964 (functions which cannot be delegated under a power conferred by a harbour revision order), the Authority may delegate the performance of any of its functions to be carried out by any person or body corporate operating a business within the port or from port premises, including any such body corporate as is referred to in paragraph (1).

(5) The Authority for the purposes of the undertaking may give guarantees and enter into contracts of indemnity or suretyship of all kinds for the benefit of any person or body corporate as is referred to in paragraph (1) and, the Authority may, if they see fit, give such guarantees and enter into such contracts upon the security of their assets for the time being or of their revenues or of both their assets and their revenues.

(6) The Authority may apply for the purposes of this section any of their capital or funds for the time being available.

(7) The Authority may in respect of any shares and securities for the time being held by them for the purposes of this section exercise either by themselves or through some person nominated by them for the purpose all or any of the rights exercisable by an individual holder of such shares and securities.".

(38) In section 65 for "Secretary of State" substitute "Scottish Ministers".

(39) In section 67(3) for "Board of Trade for the purposes of paragraph (a) of subsection (l) of section 161 of the Companies Act 1948 (c. 38)." substitute "Scottish Ministers for the purposes of this section".

(40) After section 67 insert—

"**Payment of subscriptions, etc.**

67A. The Authority may pay or make reasonable subscriptions, payments or donations, whether annually or otherwise, to the funds of such local voluntary associations, schools or charities as the Authority think fit.".

(41) In section 71—

(a) for "Secretary of State" substitute "Scottish Ministers" on each occasion it occurs.

(b) in paragraph (3)—

(i) for "him" substitute "them", and

(ii) for "a debt due from the Authority to the Secretary of State and recoverable accordingly" substitute "recoverable from the Authority".

(iii) omit paragraph (4).

(42) In section 72—

(a) for "Secretary of State" substitute "Scottish Ministers",

(b) for "a debt due to him from the Authority and recoverable accordingly" substitute "recoverable from the Authority", and

(43) In section 77—

(a) in paragraph (1) for "Section 274 of the Town and Country Planning (Scotland) Act 1972 (c. 52)" substitute "Section 276 of the Town and Country Planning (Scotland) Act 1997 (c. 8)" in both places where it occurs,

(b) in paragraphs (2) and (3) for the words "article 3 of, and class XI in Schedule 1 to, the Town and Country Planning (General Development) (Scotland) Order 1950" substitute "article 3 of, and class 29 in Schedule 1 to, the Town and Country Planning (General Permitted Development) (Scotland) Order 1992", and

(c) in paragraph (3) after "1972" insert "or under section 30 of the Town and Country Planning (Scotland) Act 1997 (c. 8)".

(44) In section 78 for "Secretary of State" substitute "Scottish Ministers".

(45) In section 79 for "Countryside Commission for Scotland" substitute "Scottish Natural Heritage" in every place it occurs.

(46) In section 80 for "the North of Scotland Hydro Electric Board" substitute "Scottish & Southern Energy Network" in both places where they occur and in the title.

(47) In section 82 for "Her" substitute "His" in both places where it occurs.

(48) In section 84(2) for "Countryside Commission" substitute "Scottish Natural Heritage".

(49) In section 85—

(a) for "Her" substitute "His" wherever it occurs, and

(b) for "the Crown Estate Commissioners" substitute "Crown Estate Scotland" wherever it occurs.

(50) In Schedule 1—

(a) In paragraph 2 of after "seaward limit" insert "as shown delineated in black on the port limits plan and shall include the port premises",

(b) after paragraph 2 insert—

"**3.** The port premises shall be deemed to be operational land within the meaning and for the purposes of the Town and Country Planning (Scotland) Act 1997.

4. In the event of any discrepancy between the descriptions of the limits of the Port referred to in this Schedule 1 and the boundaries shown on the port limits plan the plan shall prevail over the description in question.

5. Notwithstanding anything in this or any other statutory provision of local application, the Authority may not demand, take or recover any charge in respect of any vessel for using the dry dock at Nigg which is shown cross-hatched black on the port limits plan in respect of any period when such dry dock is fully dewatered.".

(51) For paragraph 2 of Schedule 3 substitute—

"**2.** Charges payable to the Authority on or in respect of—

(a) a vessel, shall be payable by the owner, charterer or master of the vessel,

(b) goods, shall be payable by the owner, consignee or shipper of the goods, and

(c) a vehicle, shall be payable by the owner.".

(52) After paragraph 3 of Schedule 3 insert—

"**Power to grant exemptions, rebates, etc, in respect of charges**

3A. The Authority may confer total or partial exemptions from, allow rebates to or make compositions with any person with respect to charges, and may vary or extinguish any such exemption or composition.

Account of goods

3B.—(1) When goods are to be unshipped within the Port the master of the vessel containing them shall—

(a) within 24 hours of the arrival of the vessel within the Port, deliver to the port manager the name of the consignee of the goods and a copy of the bill of lading or manifest or, if part only of the cargo is to be unshipped, a sufficient account in writing of the goods to be unshipped;

(b) if required so to do by the port manager, give to the port manager 24 hours' notice of the time at which any such goods are to be unshipped.

(2) Before any person ships goods on board of a vessel within the Port, that person shall give to the port manager a true account signed by that person, of the kinds, quantities and weights of the goods.

(3) If any difference arises between the port manager and a master or the owner of goods or consignee concerning the weight or quantities of goods in respect of which charges may be payable, the port manager may cause the goods to be weighed or measured and may detain a vessel containing such goods until the goods have been so weighed or measured.

(4) Any person who contravenes or fails to comply with the provisions of sub-paragraph (1)(a) or (2), or with any requirement made under sub-paragraph (1)(b), shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Arrestment etc.

3C.—(1) If, by the expiry of the period of seven days immediately following the date upon which the Authority first demanded of him the payment of that charge, the full amount of any charge made by the Authority under any power to charge accorded it by any provision of this Order shall not have been made by the owner of the vessel or goods in respect of which, or (where facilities or services have been provided) in connection with which those facilities and services were provided by the Authority, (or, if not paid by such owner, by any other person who may by virtue of paragraph 3 of this Schedule also be liable to pay such charge), the port manager may, on producing, if so required, his authority so to do, board the vessel in respect of which, or in connection with which that charge was made or on which such cargo is to be found, and demand payment thereof; And, if such charge be not then immediately paid to him for behoof of the Authority in full, he may take, seize or arrest that vessel, her tackle and any cargo then laden aboard her which may belong to that owner or (as the case may be in the case of charges applying to cargo) may arrest any cargo then laden aboard her which may belong to the person liable to pay said charge.

(2) In the event that either or both of a vessel or cargo is arrested in virtue of the powers granted in paragraph 3C (1) above, the Authority may detain that arrested until the earlier of—

(a) the date upon which the said charge (in the sum demanded by the Authority) together with such sums as may have been incurred by the Authority in connection with such arrestment or arrestments in the period down to the date of payment of the charge as aforesaid, shall have been made in full, and

(b) the date on which, following the sale pursuant to paragraph 33C (3) below, of either or both of that vessel and cargo arrested as aforesaid, there shall be paid to the Authority the aggregate of the full amount of said charge so demanded, the full amount of the sums incurred by the Authority in connection with the said arrestment or arrestments in the period down to the date of sale of that arrested as aforesaid and the expenses of achieving such sale.

(3) In the event that the said charge shall remain unpaid by the said owner or other person as may be liable to pay that charge for the period of seven days after the date on which the said arrestment took place, the Authority may cause anything so arrested to be sold and the surplus (if any) of the proceeds of sale over the aggregate of the amount of the charge as aforesaid, the sums incurred by the Authority in connection with the said arrestment or arrestments in the period down to the date of sale of that arrested as aforesaid and the expenses of achieving such sale shall be paid to the owner thereof on demand.

(4) Should any dispute arise between the owner or the said vessel or cargo or such other person as may be liable to pay such charge and sums incurred as aforesaid (together, and separately, as the case may require, referred to as "the paying party") on the one hand and the Authority on the other, as to the true amount of the said charge or sums so incurred, that dispute shall be brought for a decision before the sheriff. Should that sheriff to any extent decide that dispute in favour of the paying party, the difference between the amount

actually paid by the paying party in relation to the disputed amount and the value which the sheriff shall have decided ought to have been paid by the paying party instead of the disputed amount shall be repayable by the Authority to the paying party as set out in paragraph 8 of this Schedule 3.

(5) Sub-paragraphs (1), (2) and (3) above shall not apply if, within the period of 7 days referred to in sub-paragraph (1) above, the paying party (a) disputes his liability to pay, or to pay the full billed amount of, the said charge; (b) commences proceedings before the sheriff mentioned in sub-paragraph (4), which he thereafter prosecutes to a conclusion in order to secure the decision of that sheriff as to the existence of that liability and, if challenged, the sum which ought to be paid on account of that charged for; and (c) furnishes the Authority with a bond from a bank, P & I Club or other financial institution acceptable to the Authority and drawn in terms acceptable to the Authority , whereunder there is guaranteed by the guarantor payment to the Authority of the aggregate of the amount of the said charge as billed and a reasonable allowance for the interest thereon and expenses which may be awarded to the Authority in the said proceedings.".

(53) In paragraph 4 of Schedule 3 after "rebate" insert "or exemption".

(54) In sub-paragraph (2) of paragraph 6 of Schedule 3 for "fifty pounds" substitute "level 4 on the standard scale".

(55) After sub-paragraph (2) of paragraph 7 of Schedule 3 insert—

"(3) For the purposes of this paragraph 7, a person shall not be held to be refusing to pay a charge merely because he has not paid it on account of the fact that he is challenging in proceedings under sub-paragraph 3C(4), either or both of his liability to pay that charge and the amount of the charge payable by him.".

(56) For paragraph 10 of Schedule 3 substitute—

"**10.** Subject to any conditions as to the date for payment thereof which may from time to time be laid down by the Authority in its published list of charges, the several charges which the authority is authorised under this Order to charge shall in all cases be paid no later than the date on which any vessel or goods in respect of which, or in connection with which, that charge has been incurred shall leave, or be removed from, the Port, and subject to the other provisions of this Order, they may be demanded, taken and recovered by such persons, at such places and times and under such regulations as the Authority may from time to time appoint.".

(57) For paragraph 12 of Schedule 3 substitute—

"**12.**—(1) In addition to any other remedy given by this Order (including those sections of the Harbours Docks, and Piers Clauses Act, 1847 which are incorporated into this Order) or by any other enactment, the Authority may recover any charges or other sums payable to it as a debt in any court of competent jurisdiction.

(2) Sub-paragraph (1) applies whether or not the Authority's collector has gone on board the vessel and demanded the charge pursuant to section 44 of the Act of 1847 (recovery of tonnage rates by distraint of ship and tackle) or the port manager has gone on board the vessel and taken, seized or arrested the vessel and its tackle and cargo pursuant to paragraph 3C(1) of Schedule 3 to this Order.".

(58) In sub-paragraph (2) of paragraph 14 of Schedule 3 for "fifty pounds" substitute "level 4 on the standard scale".

(59) After paragraph 16 of Schedule 3 insert—

"**Prevention of sailing of vessels**

17. A duly authorised officer of the Authority may, on producing written authority signed by the port manager prevent the removal or sailing from the Port of any vessel until evidence has been produced to the port manager of the payment of any charges payable in respect of—

(a) the vessel,

(b) passengers of the vessel, or

(c) goods imported or exported on the vessel.".

Amendment of the 2003 Order

4.—(1) The 2003 Order shall be amended in accordance with paragraph (2) to (5).

(2) In article 4—

(a) in paragraph 1(a) for "seven" substitute "eight".

(b) in paragraph (1)(b)—

(i) for "port manager" substitute "chief executive officer", and

(ii) omit "and",

(c) for paragraph (1)(c) substitute—

"(c) another senior officer of the Authority, as may from time to time, be specified by the members appointed under sub paragraph (a),

(d) if they so decide, a person co-opted by the members referred to in sub-paragraphs (a) and (b) and (c) above to serve as a member during such period not exceeding two years as may be specified by those members at the time of co-option.",

(d) in paragraph (2)(d) after the words "oil industry" insert "or the offshore energy industry including offshore wind".

(3) In Schedule 1, paragraph 2(a), paragraph 2(b), Attestation and the Note for "the port manager" substitute "chief executive officer" wherever they occur.

(4) In paragraphs 10, 19 and 20 of Schedule 2 for "the port manager" substitute "chief executive officer" wherever they occur.

PART 2

Miscellaneous and general

Repeals

5. The enactments mentioned in the first and second columns of the schedule are repealed to the extent specified in the third column of that schedule.

CHRIS WILCOCK
A member of staff of the Scottish Ministers

St Andrew's House,
Edinburgh
3rd October 2025

SCHEDULE

Article 5

Repeals

Number	*Short Title*	*Extent of Repeal*
1973 c. 16	The Cromarty Firth Port Authority Order 1973	Section 64 Section 66 Section 71(4) Section 75 Section 76
1996 No. 1419	The Cromarty Firth Port Authority Harbour Revision Order 1996	Article 4 Article 5

EXPLANATORY NOTE

(This note is not part of the Regulations)

This Order defines the harbour limits and confers updated powers on the Cromarty Firth Port Authority, including powers to lease, the making of byelaws and issuing of general and special directions. It also amends or repeals obsolete or otherwise unnecessary statutory provision affecting the port.

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