

Consultation Report

Harbours (Scotland) Bill

Consultation Report

Harbours (Scotland) Bill

EXECUTIVE SUMMARY

Introduction

This report provides an analysis of responses to the Scottish Government's "Consultation on proposals for a Harbours (Scotland) Bill". This consultation was taken forward to seek views on providing an improved legislative framework for Trust Ports.

The Harbours (Scotland) Bill was launched on 21 August 2014 and closed on 13 November 2014. It contained 3 questions - two "open" questions and one "closed" question.

Background

The primary purpose of this Bill is to effect the repeal of section 10 of the Ports Act 1991 as it applies to Scotland. This would remove Scottish Ministers' power to compel Trust Ports (over the relevant turnover threshold) to bring forward privatisation proposals. This proposal is founded on two premises: firstly, a policy aim to remove Trust Ports from classification as Public Bodies by Office for National Statistics (ONS), and secondly, to remove a level of uncertainty for those ports affected and thus reaffirm Scottish Ministers' support for the Trust Port model as part of the diverse range of ports ownership structures operating in Scotland.

Classification means that any borrowing by the affected harbours would score upon the budgets of the Scottish Government in the year of borrowing – despite the fact that the Scottish Government have no control over what is a private financial transaction.

Overview of the Responses

A total of 10 responses were received; all from organisations.

Summary of Responses

Question 1: Do you agree with the Government's plan to repeal section 10 of the Ports Act 1991 (which gives Scottish Ministers' powers to require Trust Ports over a certain turnover threshold to prepare privatisation proposals)

Response	In favour	90%	Opposed	10%	Mixed Views	0%
----------	-----------	-----	---------	-----	-------------	----

Question 2: Do you have any comments on the proposed introduction of a mediation step in section 31 of the Harbours Act 1964

Response	In favour	40%	Opposed	30%	Mixed Views	30%
----------	-----------	-----	---------	-----	-------------	-----

Question 3: Do you have any comments on the proposal to remove the requirement for six copies of a draft Harbour Order to be submitted along with the application for the Order (Schedule 3 to the Harbours Act 1964)

Response	In favour	100%	Opposed	0%	Mixed Views	0%
----------	-----------	------	---------	----	-------------	----

Conclusions

The majority of responses 9 out of 10 supported the plan to repeal section 10 of the Ports Act 1991.

Prior to the consultation engagement was made with representatives from the maritime industry around the proposals in the Harbours (Scotland) Bill and in particular the plan to repeal section 10 of the Ports Act 1991.

This was evidenced by responses to the consultation from organisations representing the sector that provided the following comments:

“It very much welcomes the proposal which as the consultation itself points out, would remove uncertainty for those ports above the privatisation threshold and confirm support for the Trust Port model as a vital part of the ownership mix”

“we see absolutely no requirement for the power to be retained, it has no current relevance”

“we have no objection in principle to such a change being brought in as part of a Scottish parliamentary bill provided that this does not represent any change in overall ports policy in Scotland”

There were mixed views on the introduction of a mediation step in the section 31 of the Harbours Act 1964. 4 responders were supportive, 3 responders were neither supportive or against the introduction

Comments included:

“can be useful”,

“not enough info current system appears to be an adequately functioning method and proposal lacks any detail of how a mediation step might work”,

” need assurance proposed mediation process will be quick and effective”

All responders were supportive of the proposal to remove the requirements for six copies of a draft Harbour Order to be submitted along with the application for the Order (Schedule 3 to the Harbours Act 1964)

Next Steps

Cognisance of the consultation responses will be taken in deciding the provisions to be included in the Harbours (Scotland) Bill.

Respondent List

Associated British Ports

British Ports Association

Port of Cromarty Firth

Dumfries and Galloway Council

The Highland Council

Lerwick Port Authority

Royal Yachting Association Scotland

UK Chamber of Shipping

UK Major Ports Group

One organisation asked that their response is not published.

The consultation responses can be viewed on the Scottish Government's website

<http://www.scotland.gov.uk/Publications/2014/12/6549/0>



© Crown copyright 2015

OGL

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.scotland.gov.uk

Any enquiries regarding this publication should be sent to us at
The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-78544-083-0 (web only)

Published by The Scottish Government, January 2015

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS43796 (01/15)

w w w . s c o t l a n d . g o v . u k