



Department  
for Transport

# Consultation on the draft Designation Orders implementing the Port Security Regulations 2009 (S.I. 2009/2048) at the Ports of: Barrow, Cardiff, Falmouth, Glasgow (now "Clyde"), Hull, Goole, Immingham and Grimsby, Liverpool, the Manchester Ship Canal, Newhaven, Southampton, Sullom Voe, Swansea, ("the Listed Ports")

DfT-2012-40

*Please note that this is a revised consultation document because revised plans are being supplied for Falmouth, Liverpool, Hull, Goole, Immingham and Grimsby, Southampton and Swansea*

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# Contents

Foreword

Executive summary

How to respond

The proposals

Consultation questions

What will happen next

Annexes A - K Draft Designation Orders

Annex L Impact assessment

Annex M Consultation Principles

Annex N List of those consulted

# Foreword

The purpose of this consultation document is to:

- explain the background and purpose of EU Directive 2005/65/EC on enhancing port security which extended the previous port security regime in the UK to include the wider port area and to
- explain how it is being implemented within the UK and to
- provide an opportunity for all those likely to be affected to put their views and comments to the Department for Transport so that they can be considered as part of the implementation process.

Links to relevant legislation:

[Directive 2005/65/EC](#) of 26 October 2005 on enhancing port security transposed by:

[Statutory Instrument 2009 No.2048](#) the Port Security Regulations 2009

[Regulation \(EC\) 725/2004](#) of 31 March 2004 on enhancing ship and port facility security

# Executive summary

- 1.1 This consultation seeks views and any comments from those who may be affected by the contents of the draft Designation Orders for each of the following:

Port of Barrow and the Port of Barrow Security Authority  
Port of Cardiff and the Port of Cardiff Security Authority  
Port of Glasgow (now “Clyde”) and the Port of Glasgow (Clyde) Security Authority  
Port of Falmouth and the Port of Falmouth Security Authority  
Port of Hull, Goole, Immingham and Grimsby, and the Humber Port Security Authority  
Port of Liverpool and the Port of Liverpool Security Authority  
Manchester Ship Canal and the Manchester Ship Canal Security Authority  
Port of Newhaven and the Port of Newhaven Security Authority  
Port of Southampton and the Port of Southampton Security Authority  
Port of Sullom Voe and the Port of Sullom Voe Security Authority  
Port of Swansea and the Port of Swansea Security Authority

- 1.2 The policy objective is to enhance security at ports in accordance with Directive 2005/65/EC and in so doing supplement existing measures with formal arrangements to ensure security co-ordination across the wider port area to help prevent successful maritime terrorist incidents.
- 1.3 The boundaries shown on the plans are approximate only, to be finalised in the final designation orders. If you have any queries about the boundary, please contact us.
- 1.4 Additional points are made for certain ports below.

## Cardiff

- 1.5 Barry – The boundary it is proposed to designate is the inner edge of the red line shown on the plan.

- 1.6 Newport – The triangle bounded in red towards the top of the picture marks out a proposed excluded area. A more detailed plan will be published during the consultation period.

### Falmouth

- 1.7 In the final version of the Designation Order the plan for Falmouth will, in addition to any changes as a result of consultation, change in two ways: it will be in portrait rather than landscape form; and it will show either co-ordinates, or numbers with a key showing co-ordinates, but not (as on the current draft) both numbers and co-ordinates. **Update: The draft Designation Order has been revised (attached) to correct the longitude coordinate of point 13 on the plan.**

### Glasgow

- 1.8 During informal consultation with Peel Ports, the Port of Glasgow, as referred to in the Impact Assessment and in the title of this document, has been renamed the Port of Clyde. It is referred to as such in the draft Designation Order.

### Hull, Goole, Immingham and Grimsby

- 1.9 For the purposes of implementing the Directive, it is proposed to treat the ports of Hull and Goole and Immingham and Grimsby as one port. The draft Designation Order reflects this. Your views are invited as to whether all four should be treated as one port for the purpose of implementing the Directive, and if not, why not? and are you able to propose a viable alternative that is compatible with the Directive, cost effective and supported by the majority of stakeholders? **Update: The draft Designation Order has been revised (attached) to include a key plan showing the full extent of the proposed boundary.**

- 1.10 In addition, your views are invited on whether to include additional port facilities within the boundary to be designated (and so within the area over which the Port Security Authority will have jurisdiction). Additional port facilities for such inclusion might for example include those at New Holland (that is, New Holland Dock and New Holland Bulk Services), Humber Sea Terminal, the Port of Keadby, Flixborough Wharf, Guiness Wharf, the facility owned by Groveport Logistics Ltd, Kingsferry Wharf and Old Ferry Wharf.

## Liverpool and the Manchester Ship Canal

- 1.11 The draft Designation Orders annexed to this consultation document include a separate draft order for Liverpool and a separate draft order for the Manchester Ship Canal.
- 1.12 The Port of Liverpool was the subject of a consultation on an earlier batch of ports. However, Peel Ports have since confirmed a preference for a Port Security Authority (PSA) combining the Port of Liverpool with the Manchester Ship Canal. Consultees, including those with an interest in the prospective PSAs, are invited to comment on the merits of either two separate PSAs or a single PSA combining the two.
- 1.13 There is a port facility at Tranmere. It is proposed that that facility be included within the boundary which covers the Port of Liverpool. The draft Designation Order for Liverpool has previously been consulted on. But given the proposal in this paragraph and in paragraph 1.12 above, a revised draft Designation Order is attached to the present consultation document. **Update: The draft Designation Order for Liverpool has been further revised (attached) to include a new key plan showing the full extent of the proposed boundary.**

## Poole

- 1.14 Subsequent to the carrying out of the Impact Assessment, the Department is revisiting the port security assessment for Poole. Poole is not therefore included in this consultation.

## Rosyth

- 1.15 The port of Rosyth is not now included in this consultation, although it was included in the Impact Assessment. It will be included in the consultation for a later batch of ports.

## Southampton

- 1.16 The pink area on the plan for Southampton shows the landside areas owned by ABP. This is included for information only and may not be included in the final version of the Designation Order. **Update: The draft Designation Order for Southampton has been revised (attached) to include a new key plan and detailed inset plans.**

- 1.17 In addition, the red line on the plan is thicker in some parts than in others. On all parts of the plan, the inside of the red line is the proposed boundary to be designated.
- 1.18 Your views are invited on whether to include additional port facilities within the boundary to be designated (and so within the area over which the Port Security Authority will have jurisdiction). Additional port facilities for such inclusion might for example include Hythe Marine Park, Hamble Terminal, Solent Aggregates Burnley Wharf, Dibles Wharf, Fawley Marine Terminal, DP World Southampton and Huelin-Renouf Shipping.

### Sullom Voe and Lerwick

- 1.19 Originally, the ports of Sullom Voe and Lerwick were to be combined to form a single PSA at Shetland. But during informal consultations the ports asked to be treated separately, which is permitted by the Directive. Since then, and subsequent to the carrying out of the Impact Assessment, Lerwick asked to merge their port facilities to take account of business changes at the port. These facilities have since been merged. This has resulted in a facility boundary that covers the port. This means that the relevant provisions of Regulation (EC) No 725/2004 (on enhancing ship and port facility security) take precedence over those of the Directive, effectively exempting the port from the requirements of the Directive. Accordingly, a draft Designation Order for the Port of Lerwick and the Port of Lerwick Security Authority has not been included in this document.

### Swansea

- 1.20 The draft order for Swansea currently shows a key plan but no inset plan. An inset plan showing the port facility in Swansea will however be published as part of this consultation during the consultation period. In addition, the key plan for Swansea will be shown as portrait rather than in landscape form in the final version of the Designation Order. **Update: the draft Designation Order for Swansea has been revised (attached) to show waterside plans (with location of inset shown) for Swansea and Port Talbot together with detailed inset plans for each.**

## How to respond

**The consultation period began on 19 November 2012 and will run until 4 January 2013.** Please ensure that your response reaches us before the closing date. If you would like further copies of this consultation document, it can be found at [www.gov.uk](http://www.gov.uk) or you can contact Caroline Wall if you would like alternative formats (Braille, audio CD, etc).

Please send consultation responses to:

**By e-mail**

**[MARITIMESECURITY@dft.gsi.gov.uk](mailto:MARITIMESECURITY@dft.gsi.gov.uk)**

**Please quote “Port Security Directive DfT-2012-40” and the name of the relevant port(s) in the subject box**

**or**

**By post to:**

Caroline Wall  
Zone 2/31  
Department for Transport  
Great Minster House  
33 Horseferry Road  
London  
SW1P 4DR  
020 7944 6251

When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled. If you wish you may use the Consultation Response Form uploaded with this consultation.

A list of those consulted is attached at Annex N. **If you have any suggestions of others who may wish to be involved in this process please contact us.**

## **Freedom of Information**

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004.

If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the Data Protection Act (DPA) and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

# The proposals

## Background

1. The EU Directive on enhancing port security (2005/65/EC) was agreed in 2005. It extends the existent port security regime for EU Member States (Regulation (EC) No 725/2004) from the ship/port interface to include the wider port area and any port-related areas. It takes into account any areas adjacent to the port that have an impact on security in the port. This Directive was transposed into UK law by the Port Security Regulations 2009 (S.I. 2009/2048) which came into force on 1 September 2009.
2. The Port Security Regulations 2009 require the establishment of Port Security Authorities (PSAs) for qualifying ports across the UK. Each PSA will have responsibility for carrying out a port security risk assessment for the port. It will also be responsible for developing, implementing and maintaining an agreed port security plan based on that risk assessment.
3. The boundary of the port and the designation of the Port Security Authority are set out in a Designation Order (DO) to allow the relevant provisions of the Port Security Regulations 2009 to be applied. The port security risk assessment that is to be carried out will identify any sub-areas within the port which may require further security and mitigation measures. These will be included in the port security plan.
4. Following the coming into force of the DO, the PSA must meet to appoint a chairperson and a Port Security Officer, along with agreeing the membership. The appointment of the PSA members will then need to be agreed by Maritime Transport Security Division (MTS) at the Department for Transport on behalf of the Secretary of State for Transport. Under the regulations, the port security risk assessment must then be completed and submitted for approval by the Secretary of State within nine months of the DO coming into force. Within twelve months of the DO coming into force, the PSA must also submit a port security plan, based on the assessment, to MTS for approval. However, to assist PSAs, the Department is making resource available from the maritime security compliance team. This will be made available if PSAs commit to

delivery of the port security risk assessment and port security plan for approval soon after the DO coming into force, significantly ahead of the deadlines in the regulations, such that the respective approvals can be given by December 2013. That is the date by which the European Commission is due to submit an evaluation report to the European Parliament and the Council.

## **Port Boundary**

5. The draft Designation Orders attached at Annexes A to K seek to designate the port boundary and Port Security Authority for each of the Listed Ports for the purposes of the Port Security Regulations 2009.
6. Once the Designation Order comes into force, the Port Security Regulations 2009 will have effect. The port security risk assessment will then cover all commercial maritime operations within the boundary delineated in that order.

## **Port Security Authority (PSA)**

7. The EU Directive on enhancing port security (2005/65/EC) requires the setting up of Port Security Authorities which will then have responsibility for carrying out the port security risk assessment and for developing and maintaining the port security plan. This Directive was transposed into UK law by the Port Security Regulations 2009.
8. The proposed PSA membership is not set out in the draft Designation Order. However, it must consist of at least three members, whose membership must be approved by the Secretary of State. The Port Facility Security Officers (PFSOs) for port facilities within the boundary either will need to be members of the PSA themselves, or must nominate a representative to be a member. A member of the PSA could represent the owner or operator of a port facility, or the directed party of an AMSA facility (i.e. a party subject to a direction by the Secretary of State under Part III of the Aviation and Maritime Security Act 1990), or a port related area, or other person who has an interest in the security of the port.

9. The PSA must meet at least twice a year and will include other key local stakeholders such as the police and the UK Border Agency (although this will in most cases be with 'advisor' status rather than full membership of the PSA). The chairperson will be elected by the PSA although in many cases the chairperson may be the Port Security

Officer, as also elected by the PSA and approved by the Secretary of State. The costs of these and the other measures are included in an Impact Assessment published separately on the Department's website for all listed ports bar the Port of Liverpool which was the subject of a consultation on an earlier batch of ports (28 March to 9 May 2012). The relevant impact assessment can be found [here](#) (third listed document).

10. For each of the Listed Ports, the draft Designation Order looks to designate the "Port Security Authority" as the Port Security Authority for the purposes of regulation 5 of the Port Security Regulations 2009.

## **Port Related Areas**

11. It may be desirable or necessary to include sites or facilities within a "port related area" (as defined in regulation 2 of the regulations) in the overall port security plan. Where there is a perceived benefit to the security of the commercial maritime transport operations within a port, it is possible to apply some measures to sites that otherwise fall outside the scope of the regulations or direction under AMSA. An example might be designating the port related area so as to include the premises of a freight forwarder. The aim would be that its containers or trailers could then be fast-tracked through a particular port's security measures, to mutual advantage.

12. If a site is designated by the DO as a port related area then, even if it is not involved in a commercial maritime operation, the Port Security Regulations 2009 will have effect in relation to that site. This means that for the purposes of the regulations a security manager must be a member of the Port Security Authority, to provide input to the risk assessment for the port and to develop and maintain a port related area security plan. The full requirements for the port related area and security managers are set out in Schedule 1 to the Port Security Regulations 2009.

13. None of the Listed Ports at present includes any port related areas. However, the Port Security Regulations 2009 allow for the establishment of port related areas, should they be deemed necessary (regulations 2 and 4, and Schedule 1). We would therefore welcome views on whether you consider that there should be any port related area(s) included in the Designation Order for a Listed Port.

## **Working procedures of the Port Security Authority**

14. Schedule 2 to the draft Designation Order sets out the proposed working procedures and the proposed constitution of the Port Security Authority. We would welcome your comments on the proposals and on whether there is anything that you feel should be amended. It is for the PSA to agree at its first meeting on the detailed terms of reference and working practices of the PSA. A suggested template will be made available to members of the PSA from MTS in advance of the first meeting.

## **Impact on Small Firms**

15. We would like to hear from any small business, that is one employing 50 or less, that will be directly affected by these draft Designation Orders.

# Consultation questions

- Q1. For each of the Listed Ports: are you content with the proposed boundaries as set out in the draft Designation Order (DO)?**  
If not, please set out your reasons for disagreement and any suggested amendments.
  
- Q2. For each of the Listed Ports: are you content for the relevant Port Security Authority to be designated at that port for the purposes of the Port Security Regulations 2009?**  
If not, please set out your reasons for disagreement.
  
- Q3. For each of the Listed Ports: are you content with the proposal that there are no port related areas for that port?**  
If not, please set out your reasons for disagreement and suggest any port related areas you consider should be included with reasons.
  
- Q4. For each of the Listed Ports: are you content with the proposed working procedures for the Port Security Authority in Schedule 2 to the draft DO?**  
If not, please set out your reasons for disagreement and suggest possible amendments to the Schedule.
  
- Q5. For each of the Listed Ports: are there other port facilities nearby that should be included within the PSA for that port?**  
If so, please explain which facility / facilities and why?
  
- Q6. For each of the Listed Ports: will the establishment of a Port Security Authority at that port affect a small or medium sized business?**  
If so, please explain how?
  
- Q7. For each of the Listed Ports: are you content with the start-up and per annum cost estimates provided in the Impact Assessment for the Port Security Authority, Port Security Officer, Port Security Assessment and Port Security Plan?**

If not, please set out your reasons and suggest alternative costs.

- Q8. For each of the Listed Ports: do you have any general comments about the draft Designation Order not covered in the above questions?**

If so, please provide below.

- Q9 For Hull and Goole and Immingham and Grimsby: it is proposed to designate a single PSA covering all four ports (the Humber PSA) for the purposes of implementing the Directive. Do you agree?**

If not, please set out your reasoning. And can you propose a viable alternative that is compatible with the Directive, cost effective and supported by the majority of stakeholders?

- Q10 For Hull and Goole and Immingham and Grimsby: do you consider that additional port facilities in the vicinity should be included in the area over which the proposed Humber Port Security Authority will have jurisdiction – for example New Holland (that is, New Holland Dock and New Holland Bulk Services), Humber Sea Terminal, the Port of Keadby, Flixborough Wharf, Guiness Wharf, the facility owned by Groveport Logistics Ltd, Kingsferry Wharf and Old Ferry Wharf?**

Please set out your views and reasoning for agreeing or disagreeing.

- Q11 For Southampton: do you consider that additional port facilities in the vicinity should be included in the area over which the proposed Southampton Port Security Authority will have jurisdiction – for example Hythe Marine Park, Hamble Terminal, Solent Aggregates Burnley Wharf, Dibles Wharf, Fawley Marine Terminal, DP World Southampton and Huelin-Renouf shipping?**

Please set out your views and reasoning for agreeing or disagreeing.

- Q12. For the Manchester Ship Canal: Peel Ports would prefer a single Port Security Authority (PSA) combining the Port of Liverpool and the Manchester Ship Canal. Would you prefer two separate PSAs or a single PSA combining the two?**

Please indicate any preference below, giving your reasoning.

- Q13 For Liverpool: it is proposed that the port facility at Tranmere be included in the boundary that covers the Port of Liverpool as incorporated in the draft Designation Order annexed to this document. Do you agree?**

If not, please set out your reasoning.

- Q14. For each of the Listed Ports: would you like Departmental assistance with the preparation of the port security risk assessment and the port security plan? If so, can you commit to delivery of the assessment and the plan for approval soon after the DO coming into force, such that the respective approvals can be given by December 2013?**

Please provide your response.

When responding you may prefer to use the Consultation Response Form uploaded with this consultation document, but are not required to do so.

## What will happen next

A summary of responses, including the next steps, will be published within three months of the consultation 4 January 2013. Paper copies will be available on request.

# Annex A Barrow

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S T A T U T O R Y I N S T R U M E N T S

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**2013 No. 0000**

**MERCHANT SHIPPING**

**MARITIME SECURITY**

**The Port Security (Port of Barrow) Designation Order 2013**

<i>Made</i>	- - - - -	<i>2013</i>
<i>Laid before Parliament</i>		<i>2013</i>
<i>Coming into force</i>	- - -	<i>2013</i>

The Secretary of State for Transport makes this Order in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(<sup>1</sup>):

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to port security, measures relating to the safety of ships and the health and safety of persons on them, and maritime transport(<sup>2</sup>).

**Citation and commencement**

1. This Order may be cited as the Port Security (Port of Barrow) Designation Order 2013 and comes into force on [INSERT DATE] 2013.

**Port boundary**

2.—(1) For the purposes of regulation 3(2)(a) of the Port Security Regulations 2009(<sup>3</sup>) the boundary of the Port of Barrow is delineated by the red line on the plan in Schedule 1.

(2) Where the red line runs along a beach or foreshore, the boundary runs along the edge of the land on that beach or foreshore which is below the level of mean high water springs.

**The Barrow Port Security Authority**

3.—(1) For the purposes of the Port Security Regulations 2009, the Barrow Port Security Authority is designated as the port security authority for the port of Barrow.

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(1) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).

(2) S.I. 1993/595, 1994/757 and 2004/706.

(3) S.I. 2009/2048.

(2) Schedule 2 has effect with respect to the Barrow Port Security Authority.

Review

- 4.—(1) The Secretary of State must from time to time—

  - (a) carry out a review of this Order,
  - (b) set out the conclusions of the review in a report, and
  - (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how Directive 2005/65/EC of the European Parliament and of the Council of 26th October 2005 (which is implemented by means of the Port Security Regulations 2009<sup>(4)</sup>) is implemented in other member States.

- (3) The report must in particular—

  - (a) set out the objectives intended to be achieved by the regulatory system established by those Regulations and this Order,
  - (b) assess the extent to which those objectives are achieved, and
  - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this article must be published before 1st January 2014.

(5) Reports under this article are afterwards to be published at intervals not exceeding five years.

Signed by authority of the Secretary of State for Transport

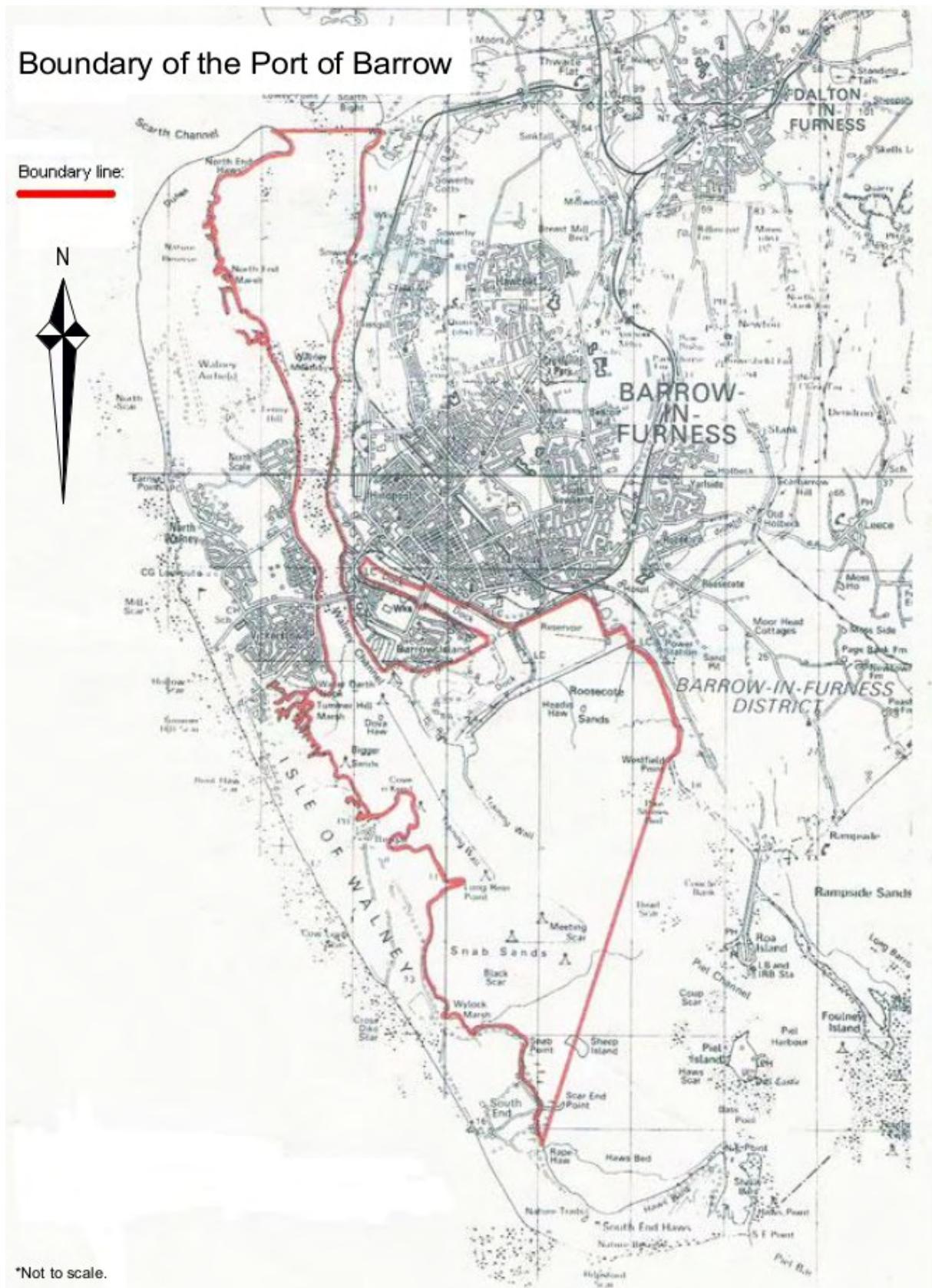
*Name*  
Parliamentary Under Secretary of State  
Department for Transport

(<sup>4</sup>) S.I. 2009/2048

## SCHEDULE 1

Article 2(1)

## Boundary of the Port of Barrow



## SCHEDULE 2

### The Barrow Port Security Authority

Article 3(2)

#### **Members**

1.—(1) The Barrow Port Security Authority (in this Schedule called “the Authority”) is to consist of three or more members, each of them appointed by the Secretary of State.

(2) Subject to the following provisions of this paragraph, each member of the Authority—

- (a) holds and vacates office in accordance with the terms of the member’s appointment; and
- (b) on ceasing to be a member is eligible for re-appointment.

(3) A member of the Authority may resign the office of member by giving notice to that effect to the Secretary of State and will cease to hold office—

- (a) on the date specified for the purpose in the notice; or
- (b) if that date falls before the expiration of the period of 21 days beginning with the date on which the notice is served, on the date immediately following the expiration of that period.

(4) The Secretary of State may give notice to a member to the effect that the member will cease to hold office on a date specified for the purpose in the notice.

(5) A notice under subparagraph (4) may be given only in one or more of the following circumstances—

- (a) the member has failed to attend four or more consecutive meetings of the Authority without the permission of the Secretary of State;
- (b) the member has a financial interest and it appears to the Secretary of State that the interest is likely to influence or to be capable of being seen as influencing the performance of the member’s functions;
- (c) the member has been adjudged bankrupt, the member’s estate has been sequestrated or the member has made a composition with creditors or granted a trust deed for creditors;
- (d) there has been misconduct on the part of the member relevant to his or her position as a member of the Authority; or
- (e) the member is unable or unfit to perform the functions of the office.

(6) It is the duty of every member of the Authority, so far as is reasonably practicable, to attend all meetings of the Authority.

(7) If it be impracticable for a member to attend a meeting, the member must appoint another member to act as a proxy.

(8) A proxy must speak and vote at the meeting on behalf of the absent member as that member may direct.

#### **Proceedings of the Authority**

2.—(1) The Authority must hold at least two meetings in any 12-month period.

(2) Subject to the provisions of this Order, it is for the Authority to regulate its own procedure (including quorum).

(3) The Authority must appoint one of its members as chair of the Authority.

(4) The person appointed remains the chair of the Authority until that person—

- (a) is replaced as chair by another member; or
- (b) ceases to be a member of the Authority, in which case it becomes the duty of the Authority to appoint a new chair as soon as reasonably practicable.

(5) The validity of any proceedings of the Authority is not affected by a vacancy amongst the members or by a defect in the appointment of a member.

(6) Other than in exceptional circumstances which require a meeting of the Authority to be held at short notice, the Authority must give the Secretary of State at least three days clear notice of a meeting of the Authority together with a copy of the agenda for the meeting.

(7) A representative of the Secretary of State may attend any meeting as an observer.

(8) Minutes must be kept of the proceedings of the Authority.

(9) The Authority must provide the Secretary of State with a copy of the minutes of a meeting before the end of the period of thirty days beginning with the day of the meeting.

## **Members' interests**

**3.—(1)** A member who has any pecuniary interest, direct or indirect, in any matter that is brought up for consideration at a meeting of the Authority (which expression in this paragraph includes any committee or subcommittee of the Authority) must disclose the nature of the interest to the meeting.

(2) Where such a disclosure is made—

- (a) the disclosure must be recorded in the minutes of the meeting;
- (b) the member must not take any part in any deliberation or decision of the Authority with respect to that matter; and
- (c) the member may be excluded from the meeting whilst the matter is under consideration.

(3) For the purposes of this paragraph, a general notification given at a meeting of the Authority by a member to the effect that the member—

- (a) is a member, director or employee of, or partner in, a specified company or firm, and
- (b) is to be regarded as interested in any matter involving that company or firm,

is a sufficient disclosure of the member's interest in any such matter for the purposes of any meeting where the matter comes up for discussion.

(4) A member need not attend in person at a meeting of the Authority in order to make a disclosure required to be made under this paragraph, provided that the member takes reasonable steps to secure that the disclosure is made by a notice which is read and considered at the meeting.

(5) Subject to sub-paragraph (6), a member of the Authority is to be treated for the purposes of this paragraph as having an indirect pecuniary interest in a contract, proposed contract or other matter if—

- (a) the member, or a proxy of the member, is a director of a company or other body (not being a public body) with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration, or
- (b) the member is in partnership with, or is in the employment of, a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration,

and in the case of two persons living together as a couple (whether married or not) an interest of one, if known to the other, is deemed for the purposes of this paragraph also to be an interest of the other.

(6) A member is not to be treated as having a pecuniary interest in any contract, proposed contract or other matter by reason only—

- (a) of membership of a company or other body if the member has no beneficial interest in the securities of that company or other body; or
- (b) of an interest which is so remote or insignificant that it cannot reasonably be regarded as likely to influence the member in the consideration or discussion of, or voting on, any question with respect to that matter.

(7) The Secretary of State may, subject to such conditions as appear to the Secretary of State to be appropriate, remove any prohibition imposed by virtue of this paragraph in any case where the prohibition is impeding or likely to impede the ability of the Authority to perform its functions under this Order or under the Port Security Regulations 2009.

(8) The power of the Secretary of State under subparagraph (7) includes power to remove, either indefinitely or for any period, a prohibition which would otherwise attach to any member, or members of

any description, by reason of such interests and in respect of such matters, as may be specified or described by the Secretary of State.

(9) Nothing in this paragraph precludes any member from taking part in the consideration or discussion of, or voting on, any question whether an application should be made to the Secretary of State for the exercise of the power conferred by subparagraph (7).

(10) Any person who fails to comply with the provisions of subparagraph (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(11) A person shall not be convicted of an offence under subparagraph (10) if it is proved that that person did not know that the contract, proposed contract or other matter in which that person had a pecuniary interest was the subject of consideration at the meeting concerned.

## The Crown

**4.** The Authority is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown and its property is not to be regarded as property of, or held on behalf of, the Crown.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order is one of a series of Orders implementing Directive 2005/65/EC of the European Parliament and of the Council of 26th October 2005 (OJ L 310, 25.11.2005, p28-39) on enhancing port security at individual ports in the United Kingdom. The Directive was transposed in relation to the United Kingdom as a whole by the Port Security Regulations 2009 (S.I. 2009/2048).

*Article 2* and *Schedule 1* identify the boundaries of the Port of Barrow for the purposes of regulation 3(2)(a) of the Port Security Regulations 2009. *Article 3(1)* designates the Barrow Port Security Authority, for the purposes of regulation 5 of those Regulations, as the port security authority for the Port of Barrow. *Article 3(2)* and *Schedule 2* make provision with respect to the Authority's membership and proceedings, to members' interests and to the Authority's status as a non-Crown body. *Article 4* requires the Secretary of State to review the operation and effect of this Order and publish a report before 1st January 2014 and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Order should remain as it is, or be revoked or be amended. A further instrument would be needed to revoke the Order or to amend it.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from Caroline Wall at Zone 2/31, 33 Horseferry Road, London SW1P 4DR (Tel: 020 7944 6251; email: <mailto:caroline.wall@dft.gsi.gov.uk>) and is published with the Explanatory Memorandum alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).

## Annex B Cardiff

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S T A T U T O R Y I N S T R U M E N T S

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**2013 No. 0000**

**MERCHANT SHIPPING**

**MARITIME SECURITY**

**The Port Security (Ports of Cardiff, Barry and Newport) Designation Order 2013**

<i>Made</i>	- - - - -	2013
<i>Laid before Parliament</i>		2013
<i>Coming into force</i>	- - -	2013

The Secretary of State for Transport makes this Order in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(1)</sup>:

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to port security, measures relating to the safety of ships and the health and safety of persons on them, and maritime transport<sup>(2)</sup>.

**Citation and commencement**

1. This Order may be cited as the Port Security (Ports of Cardiff, Barry and Newport) Designation Order 2013 and comes into force on [INSERT DATE] 2013.

**Port boundaries**

2.—(1) For the purposes of regulation 3(2)(a) of the Port Security Regulations 2009<sup>(3)</sup>—

- (a) the boundary of the Port of Cardiff is delineated by the red line on the plan in Part 1 of Schedule 1;
- (b) the boundary of the Port of Barry is delineated by the red line on the plan in Part 2 of Schedule 1; and
- (c) the boundary of the Port of Newport is delineated by the red line in Part 3 of Schedule 1.

(2) Where a red line runs along a beach or foreshore, the boundary runs along the edge of the land on that beach or foreshore which is below the level of mean high water springs.

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<sup>(1)</sup> 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).

<sup>(2)</sup> S.I. 1993/595, 1994/757 and 2004/706.

<sup>(3)</sup> S.I. 2009/2048.

## **The Cardiff, Barry and Newport Port Security Authority**

**3.**—(1) For the purposes of the Port Security Regulations 2009, the Cardiff Port Security Authority is designated as the port security authority for the ports of Cardiff, Barry and Newport.

(2) Schedule 2 has effect with respect to the Cardiff, Barry and Newport Port Security Authority.

### **Review**

**4.**—(1) The Secretary of State must from time to time—

- (a) carry out a review of this Order,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how Directive 2005/65/EC of the European Parliament and of the Council of 26th October 2005 (which is implemented by means of the Port Security Regulations 2009<sup>(4)</sup>) is implemented in other member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by those Regulations and this Order,
- (b) assess the extent to which those objectives are achieved, and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this article must be published before 1st January 2014.

(5) Reports under this article are afterwards to be published at intervals not exceeding five years.

Signed by authority of the Secretary of State for Transport

Date

*Name*  
Parliamentary Under Secretary of State  
Department for Transport

## SCHEDULE 2

Article 2

### PART 1 Boundary of the Port of Cardiff



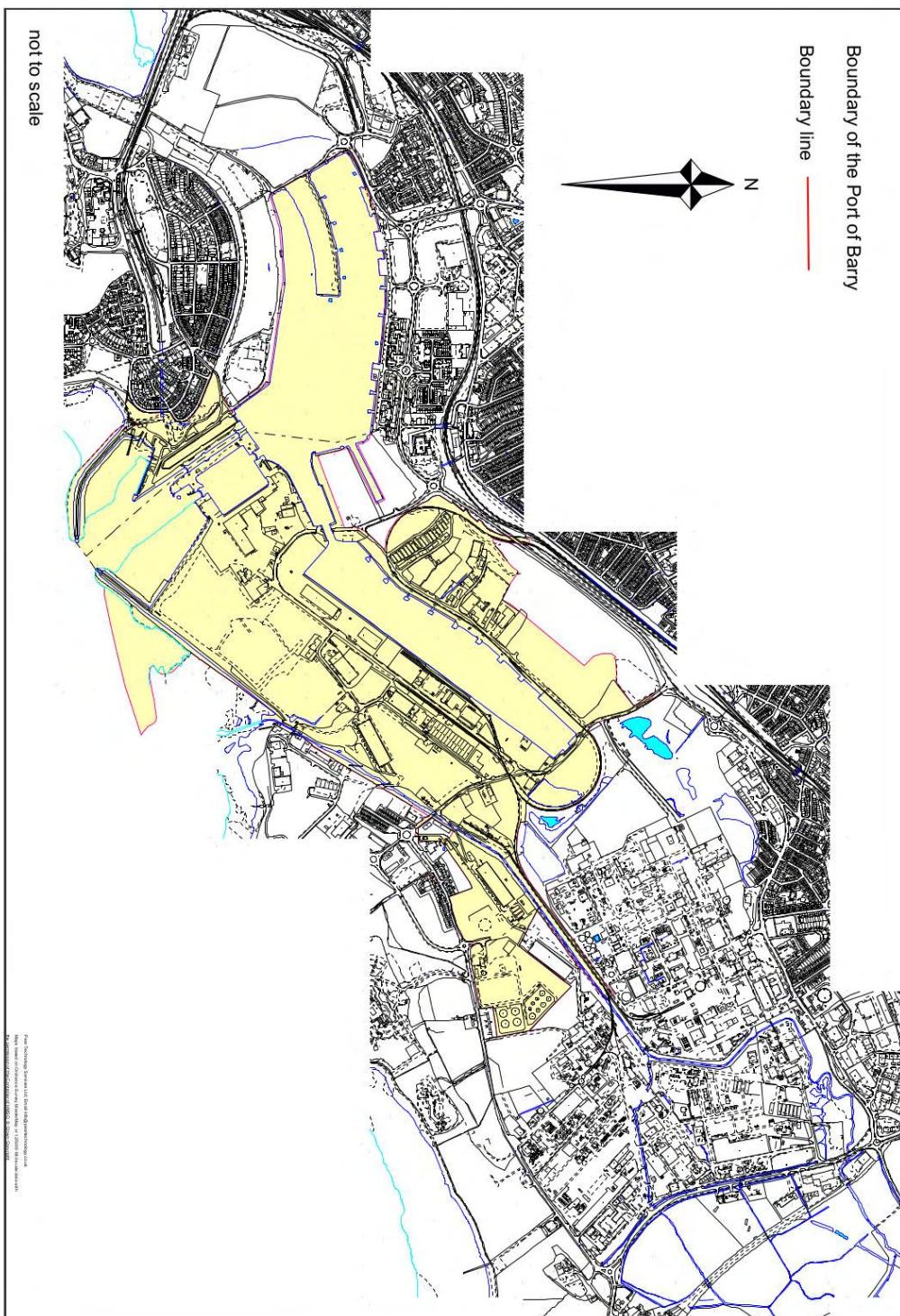
Boundary of the Port of Cardiff

Boundary line —

not to scale

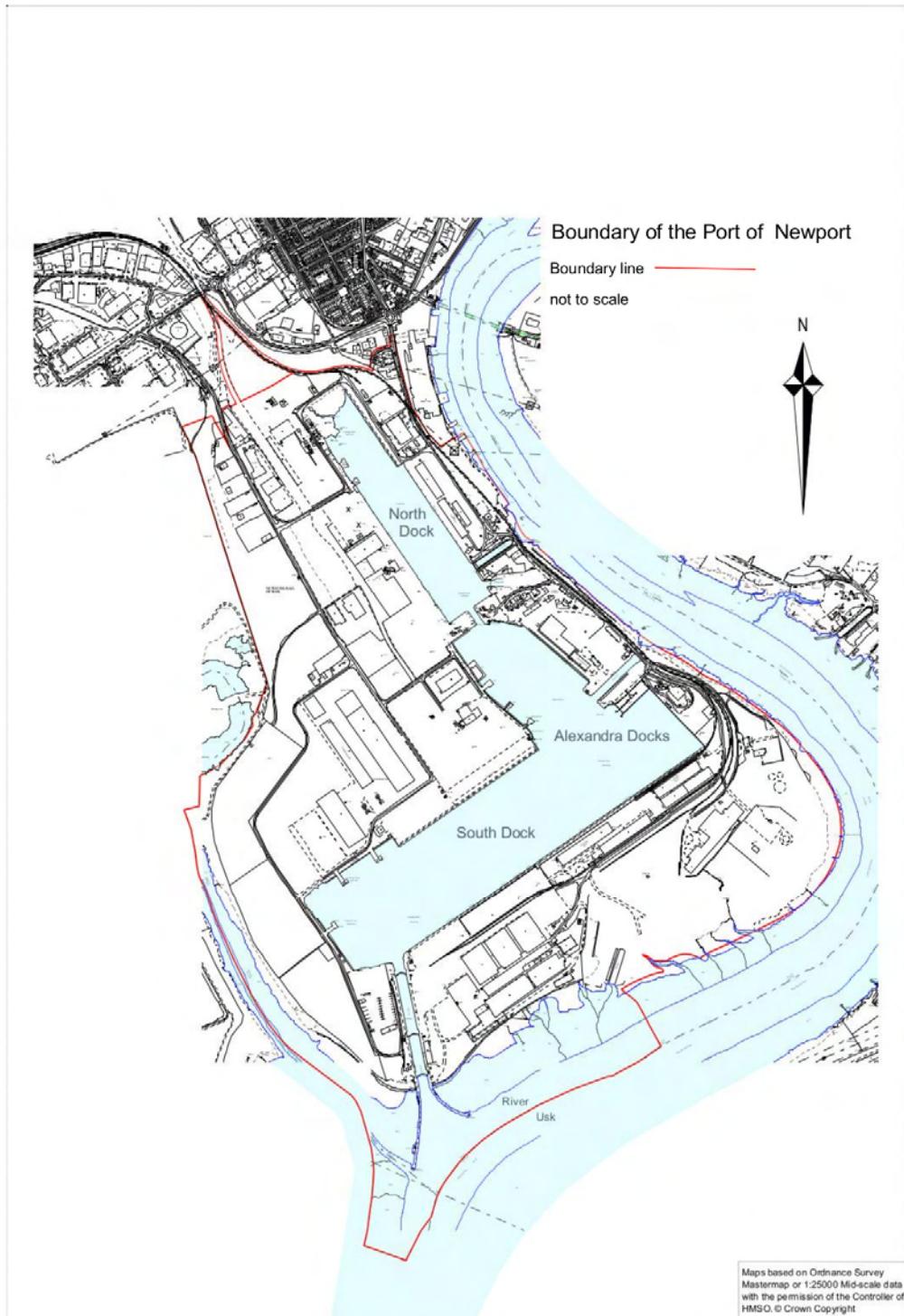
## PART 2

### Boundary of the Port of Barry



## PART 3

### Boundary of the Port of Newport



## SCHEDULE 3

Article 3(2)

### The Cardiff, Barry and Newport Port security Authority

#### Members

1.—(1) The Cardiff, Barry and Newport Port Security Authority (in this Schedule called “the Authority”) is to consist of three or more members, each of them appointed by the Secretary of State.

(2) Subject to the following provisions of this paragraph, each member of the Authority—

- (a) holds and vacates office in accordance with the terms of the member’s appointment; and
- (b) on ceasing to be a member is eligible for re-appointment.

(3) A member of the Authority may resign the office of member by giving notice to that effect to the Secretary of State and will cease to hold office—

- (a) on the date specified for the purpose in the notice; or
- (b) if that date falls before the expiration of the period of 21 days beginning with the date on which the notice is served, on the date immediately following the expiration of that period.

(4) The Secretary of State may give notice to a member to the effect that the member will cease to hold office on a date specified for the purpose in the notice.

(5) A notice under subparagraph (4) may be given only in one or more of the following circumstances—

- (a) the member has failed to attend four or more consecutive meetings of the Authority without the permission of the Secretary of State;
- (b) the member has a financial interest and it appears to the Secretary of State that the interest is likely to influence or to be capable of being seen as influencing the performance of the member’s functions;
- (c) the member has been adjudged bankrupt, the member’s estate has been sequestrated or the member has made a composition with creditors or granted a trust deed for creditors;
- (d) there has been misconduct on the part of the member relevant to his or her position as a member of the Authority; or
- (e) the member is unable or unfit to perform the functions of the office.

(6) It is the duty of every member of the Authority, so far as is reasonably practicable, to attend all meetings of the Authority.

(7) If it be impracticable for a member to attend a meeting, the member must appoint another member to act as a proxy.

(8) A proxy must speak and vote at the meeting on behalf of the absent member as that member may direct.

#### Proceedings of the Authority

2.—(1) The Authority must hold at least two meetings in any 12-month period.

(2) Subject to the provisions of this Order, it is for the Authority to regulate its own procedure (including quorum).

(3) The Authority must appoint one of its members as chair of the Authority.

(4) The person appointed remains the chair of the Authority until that person—

- (a) is replaced as chair by another member; or
- (b) ceases to be a member of the Authority, in which case it becomes the duty of the Authority to appoint a new chair as soon as reasonably practicable.

(5) The validity of any proceedings of the Authority is not affected by a vacancy amongst the members or by a defect in the appointment of a member.

(6) Other than in exceptional circumstances which require a meeting of the Authority to be held at short notice, the Authority must give the Secretary of State at least three days clear notice of a meeting of the Authority together with a copy of the agenda for the meeting.

(7) A representative of the Secretary of State may attend any meeting as an observer.

(8) Minutes must be kept of the proceedings of the Authority.

(9) The Authority must provide the Secretary of State with a copy of the minutes of a meeting before the end of the period of thirty days beginning with the day of the meeting.

## **Members' interests**

**3.—(1)** A member who has any pecuniary interest, direct or indirect, in any matter that is brought up for consideration at a meeting of the Authority (which expression in this paragraph includes any committee or subcommittee of the Authority) must disclose the nature of the interest to the meeting.

(2) Where such a disclosure is made—

- (a) the disclosure must be recorded in the minutes of the meeting;
- (b) the member must not take any part in any deliberation or decision of the Authority with respect to that matter; and
- (c) the member may be excluded from the meeting whilst the matter is under consideration.

(3) For the purposes of this paragraph, a general notification given at a meeting of the Authority by a member to the effect that the member—

- (a) is a member, director or employee of, or partner in, a specified company or firm, and
- (b) is to be regarded as interested in any matter involving that company or firm,

is a sufficient disclosure of the member's interest in any such matter for the purposes of any meeting where the matter comes up for discussion.

(4) A member need not attend in person at a meeting of the Authority in order to make a disclosure required to be made under this paragraph, provided that the member takes reasonable steps to secure that the disclosure is made by a notice which is read and considered at the meeting.

(5) Subject to sub-paragraph (6), a member of the Authority is to be treated for the purposes of this paragraph as having an indirect pecuniary interest in a contract, proposed contract or other matter if—

- (a) the member, or a proxy of the member, is a director of a company or other body (not being a public body) with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration, or
- (b) the member is in partnership with, or is in the employment of, a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration,

and in the case of two persons living together as a couple (whether married or not) an interest of one, if known to the other, is deemed for the purposes of this paragraph also to be an interest of the other.

(6) A member is not to be treated as having a pecuniary interest in any contract, proposed contract or other matter by reason only—

- (a) of membership of a company or other body if the member has no beneficial interest in the securities of that company or other body; or
- (b) of an interest which is so remote or insignificant that it cannot reasonably be regarded as likely to influence the member in the consideration or discussion of, or voting on, any question with respect to that matter.

(7) The Secretary of State may, subject to such conditions as appear to the Secretary of State to be appropriate, remove any prohibition imposed by virtue of this paragraph in any case where the prohibition is impeding or likely to impede the ability of the Authority to perform its functions under this Order or under the Port Security Regulations 2009.

(8) The power of the Secretary of State under subparagraph (7) includes power to remove, either indefinitely or for any period, a prohibition which would otherwise attach to any member, or members of

any description, by reason of such interests and in respect of such matters, as may be specified or described by the Secretary of State.

(9) Nothing in this paragraph precludes any member from taking part in the consideration or discussion of, or voting on, any question whether an application should be made to the Secretary of State for the exercise of the power conferred by subparagraph (7).

(10) Any person who fails to comply with the provisions of subparagraph (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(11) A person shall not be convicted of an offence under subparagraph (10) if it is proved that that person did not know that the contract, proposed contract or other matter in which that person had a pecuniary interest was the subject of consideration at the meeting concerned.

## The Crown

**4.** The Authority is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown and its property is not to be regarded as property of, or held on behalf of, the Crown.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order is one of a series of Orders implementing Directive 2005/65/EC of the European Parliament and of the Council of 26th October 2005 (OJ L 310, 25.11.2005, p28-39) on enhancing port security at individual ports in the United Kingdom. The Directive was transposed in relation to the United Kingdom as a whole by the Port Security Regulations 2009 (S.I. 2009/2048).

*Article 2* and *Schedule 1* identify the boundaries of the Port of Cardiff for the purposes of regulation 3(2)(a) of the Port Security Regulations 2009. *Article 3(1)* designates the Cardiff, Barry and Newport Port Security Authority, for the purposes of regulation 5 of those Regulations, as the port security authority for the Ports of Cardiff, Barry and Newport. *Article 3(2)* and *Schedule 2* make provision with respect to the Authority's membership and proceedings, to members' interests and to the Authority's status as a non-Crown body. *Article 4* requires the Secretary of State to review the operation and effect of this Order and publish a report before 1st January 2014 and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Order should remain as it is, or be revoked or be amended. A further instrument would be needed to revoke the Order or to amend it.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from Caroline Wall at Zone 2/31, 33 Horseferry Road, London SW1P 4DR (Tel: 020 7944 6251; email: [caroline.wall@dft.gsi.gov.uk](mailto:caroline.wall@dft.gsi.gov.uk)) and is published with the Explanatory Memorandum alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).

## Annex C Clyde

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S T A T U T O R Y I N S T R U M E N T S

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**2013 No. 0000**

**MERCHANT SHIPPING**

**MARITIME SECURITY**

**The Port Security (Port of Clyde) Designation Order 2013**

<i>Made</i>	- - - - -	<i>2013</i>
<i>Laid before Parliament</i>		<i>2013</i>
<i>Coming into force</i>	- - -	<i>2013</i>

The Secretary of State for Transport makes this Order in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(1)</sup>:

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to port security, measures relating to the safety of ships and the health and safety of persons on them, and maritime transport<sup>(2)</sup>.

**Citation and commencement**

1. This Order may be cited as the Port Security (Port of Clyde) Designation Order 2013 and comes into force on [INSERT DATE] 2013.

**Port boundary**

2.—(1) In this Order “the Port of Clyde” means the port of that name, the location of which is shown on the plan in Schedule 1 headed “Key Plan”.

(2) For the purposes of regulation 3(2)(a) of the Port Security Regulations 2009<sup>(3)</sup>—

- (a) the landward boundary of the Port of Clyde is shown on the key plan by continuous red line on the key plan and with respect to the areas known as—
  - (i) Yorkhill;
  - (ii) EMR;
  - (iii) Nustar;
  - (iv) Adams;
  - (v) KGV;
  - (vi) Christies;

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<sup>(1)</sup> 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).

<sup>(2)</sup> S.I. 1993/595, 1994/757 and 2004/706.

<sup>(3)</sup> S.I. 2009/2048.

- (vii) GOT;
- (viii) Holy Loch;
- (ix) Loch Striven;
- (x) Fairlie Quay; and
- (xi) Hunterston,

the landward boundary is more particularly shown by red line on the plans headed with those names in Schedule 1.

(3) Where a red line runs along a beach or foreshore, the boundary runs along the edge of the land on that beach or foreshore which is below the level of mean high water springs.

(4) The seaward boundary of the Port of Clyde consists of the boundary of the area of water lying between the Seaward Limit, the Landward Limit, the Inner Boundary and the Outer Boundary as defined by paragraph (5) and shown for the purposes of identification only by a continuous red line on the key plan.

(5) In paragraph (4)—

“the Seaward Limit” of the boundary means an imaginary line commencing at the intersection of the line of longitude 05° 06'W with the north shore of Loch Striven and then proceeding due south to the north shore of the Island of Bute and by the same line of longitude, from the south shore of the Island of Bute to the Latitude of Gull Point on the Little Cumbrae Island; thence by a line proceeding in the direction 143° (T) for a distance of seven nautical miles; and thence by a line proceeding in the direction 053° (T) to the northern boundary of the Harbour of Saltcoats;

“the Landward Limit” of the boundary means the west side of Albert Bridge in the City of Glasgow;

“the Inner Boundary” means that part of the river and Firth of Clyde including Greenock. The navigable river channels Gareloch, Loch Long and Loch Goil contained within an imaginary line from Kempock Point proceeding in the direction 295° (T) to Strone Point; and

“the Outer Boundary” means that part of the Firth of Clyde, Holy Loch and Loch Striven within the area bounded by an imaginary line from Kempock Point proceeding in the direction 295° (T) to Strone Point and The Seaward Limit of the boundary.

## The Clyde Port Security Authority

3.—(1) For the purposes of the Port Security Regulations 2009, the Clyde Port Security Authority is designated as the port security authority for the port of Clyde.

(2) Schedule 2 has effect with respect to the Clyde Port Security Authority.

## Review

4.—(1) The Secretary of State must from time to time—

- (a) carry out a review of this Order,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how Directive 2005/65/EC of the European Parliament and of the Council of 26th October 2005 (which is implemented by means of the Port Security Regulations 2009<sup>(4)</sup>) is implemented in other member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by those Regulations and this Order,
- (b) assess the extent to which those objectives are achieved, and

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(4) S.I. 2009/2048

- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.
- (4) The first report under this article must be published before 1st January 2014.
- (5) Reports under this article are afterwards to be published at intervals not exceeding five years.

Signed by authority of the Secretary of State for Transport

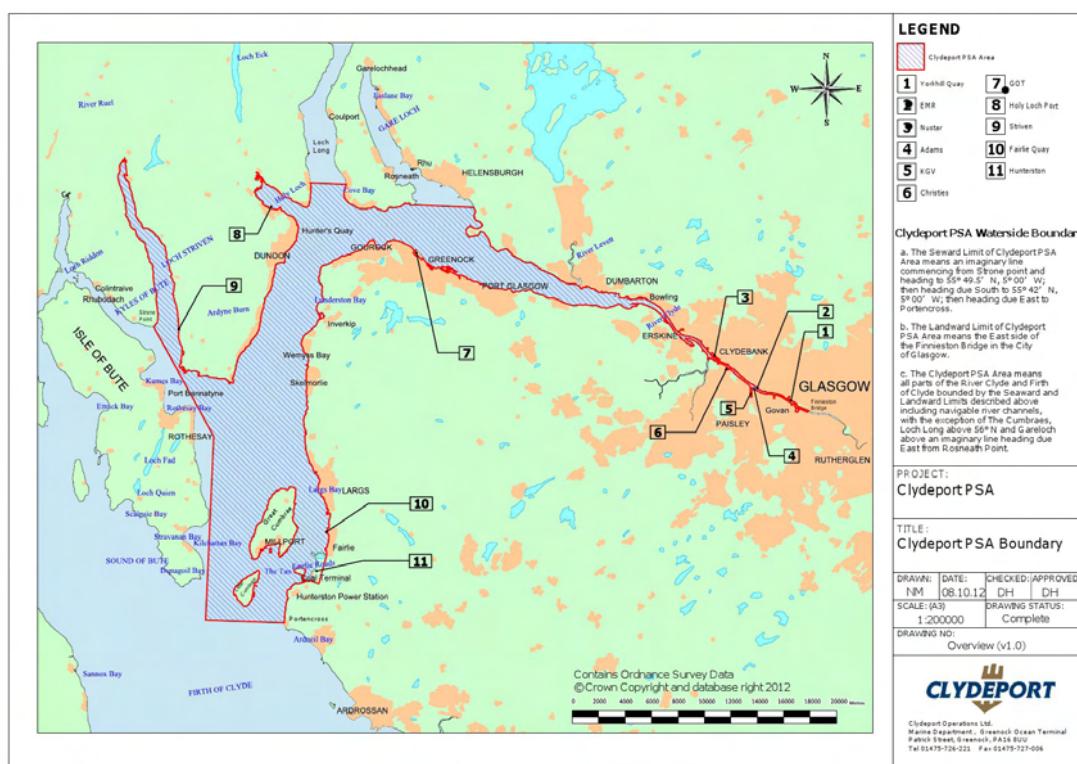
Date

Name  
Parliamentary Under Secretary of State  
Department for Transport

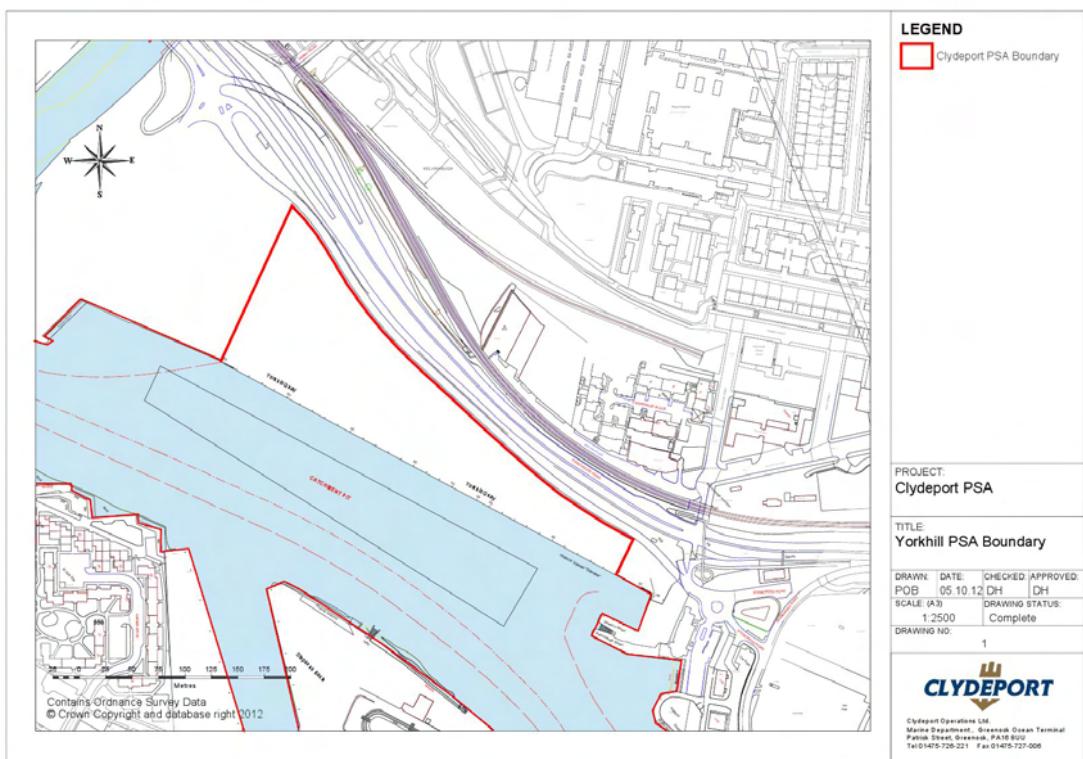
## SCHEDULE 4

### Boundary of the Port of Clyde

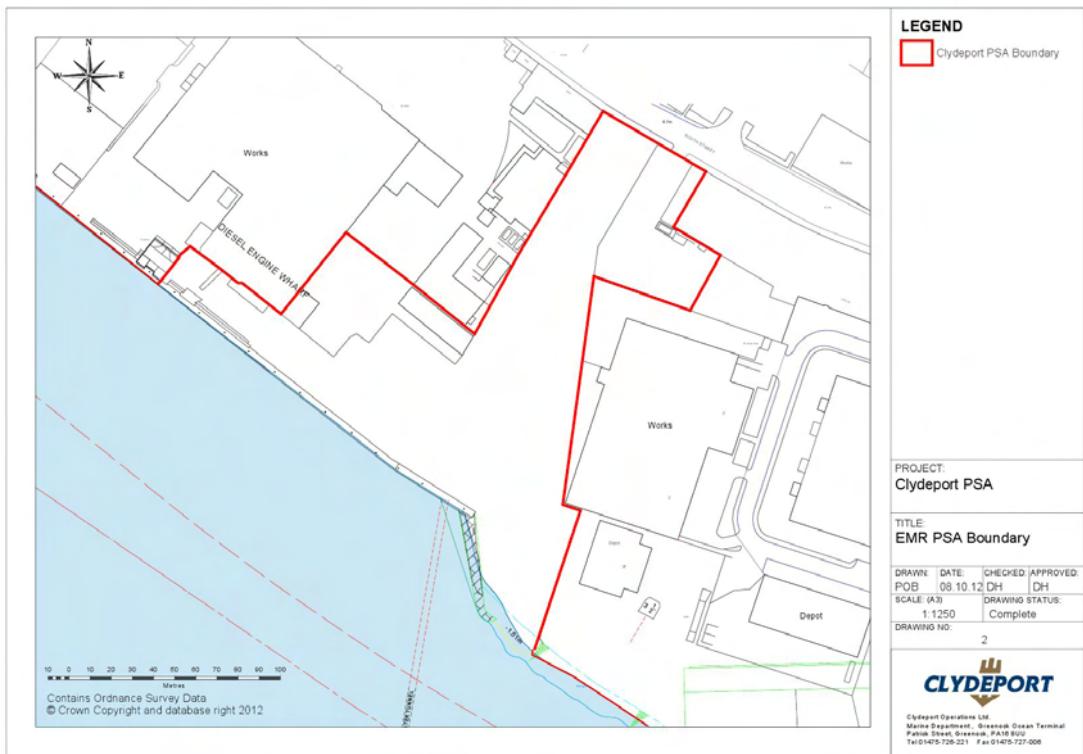
#### KEY PLAN



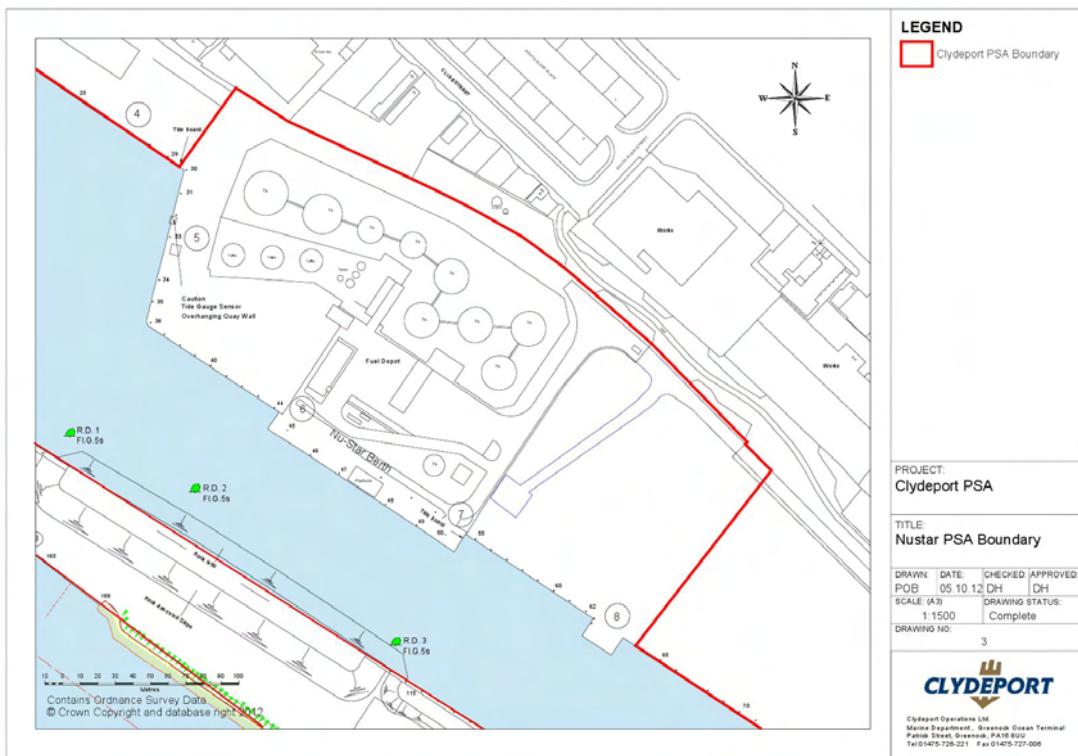
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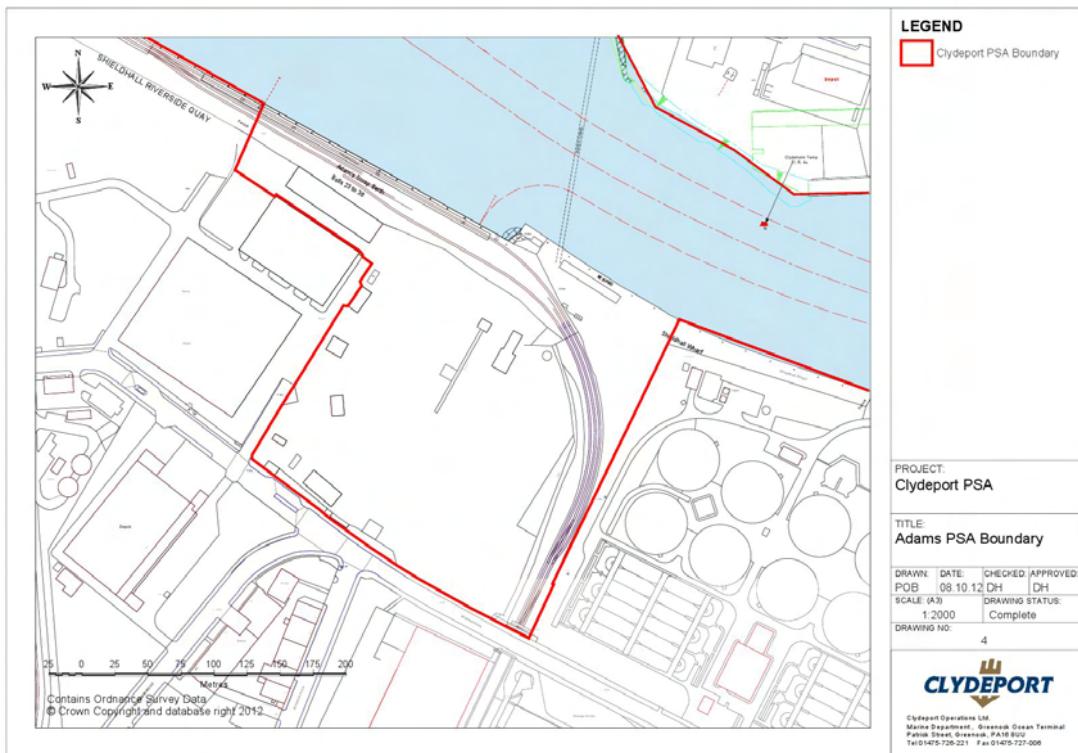
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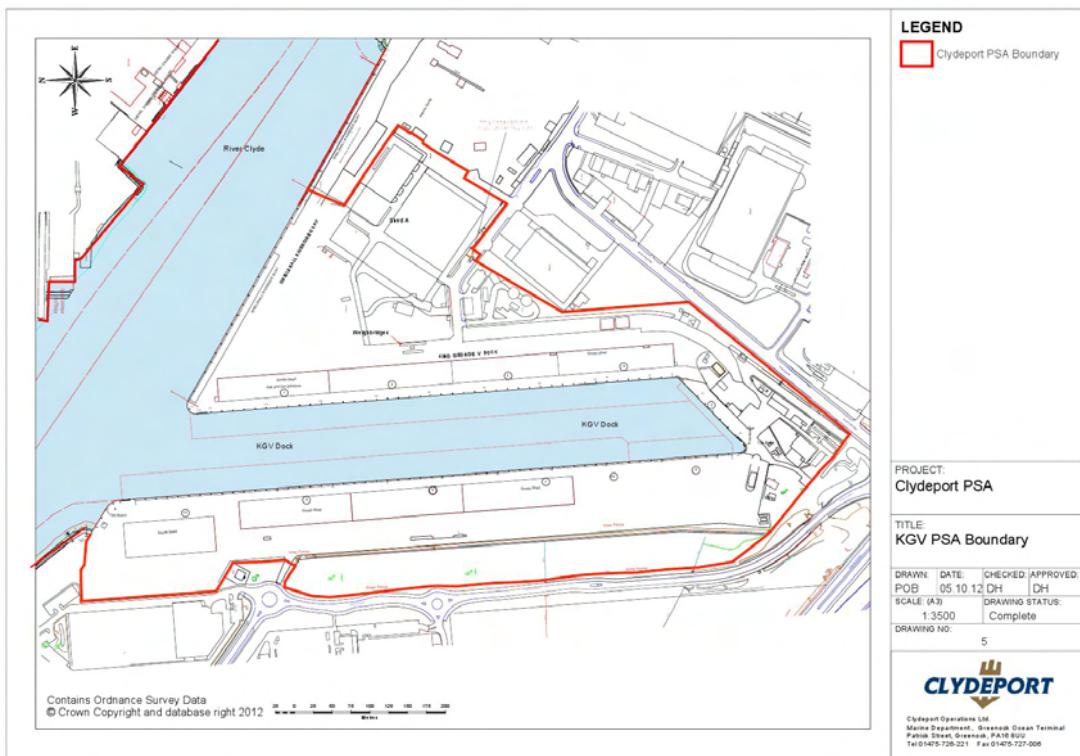
### 3. NUSTAR



### 4. ADAMS



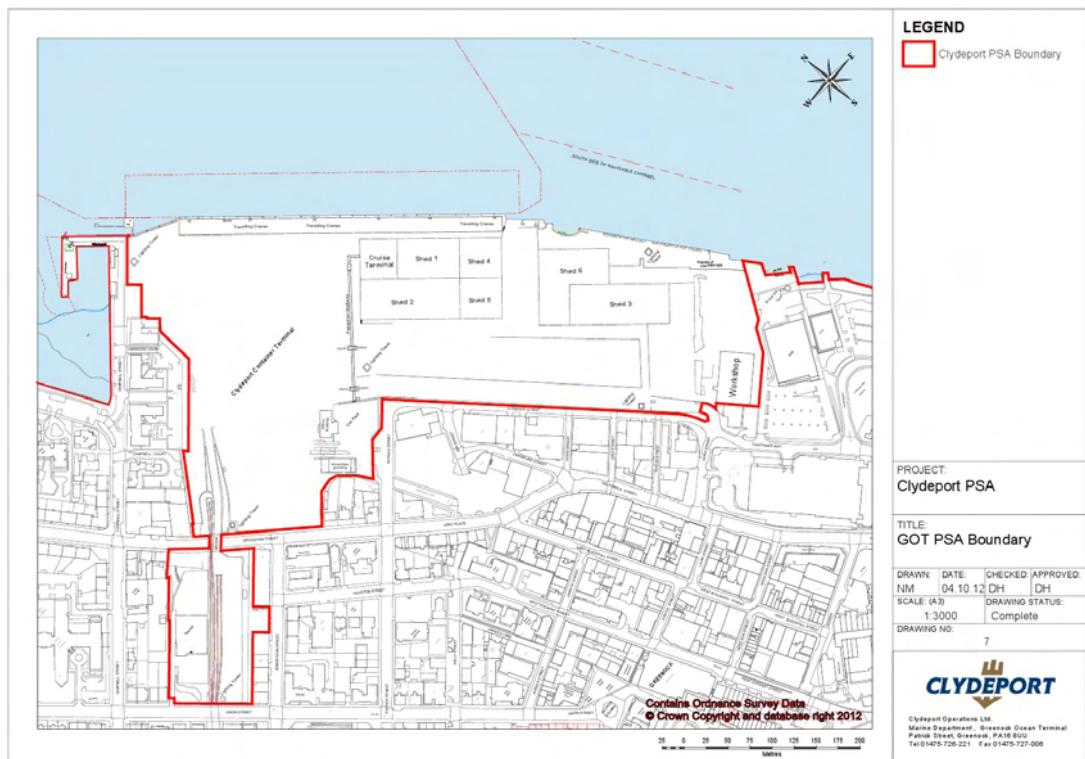
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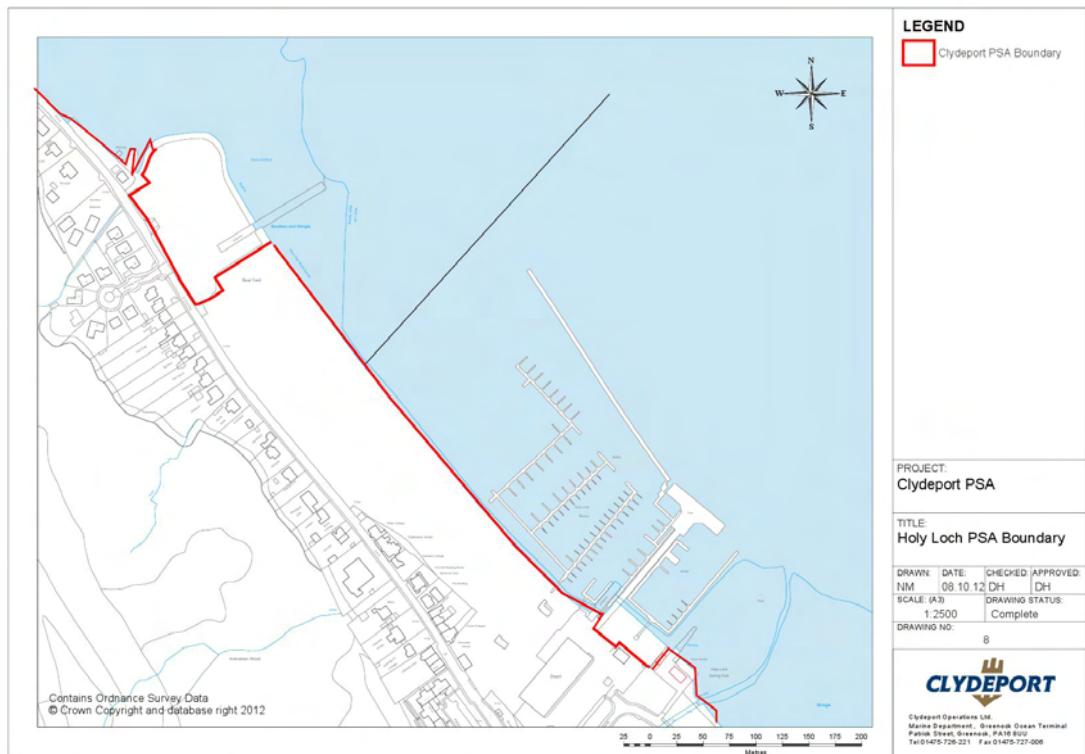
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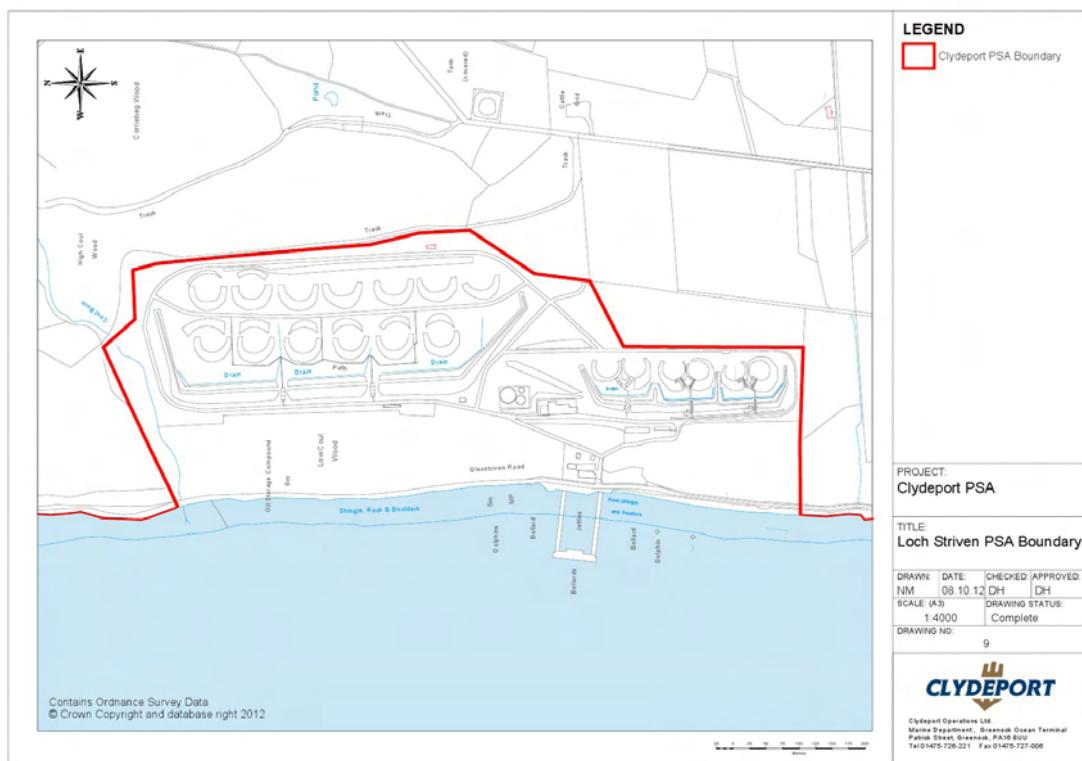
## 7. GOT



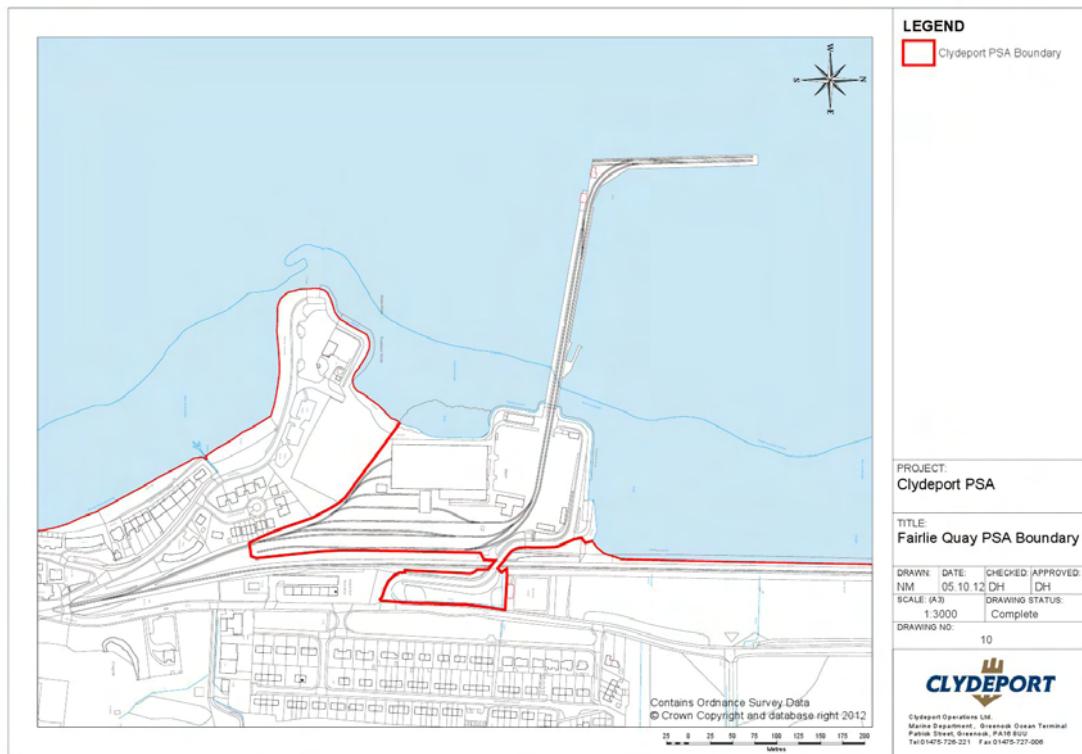
## 8. HOLY LOCH



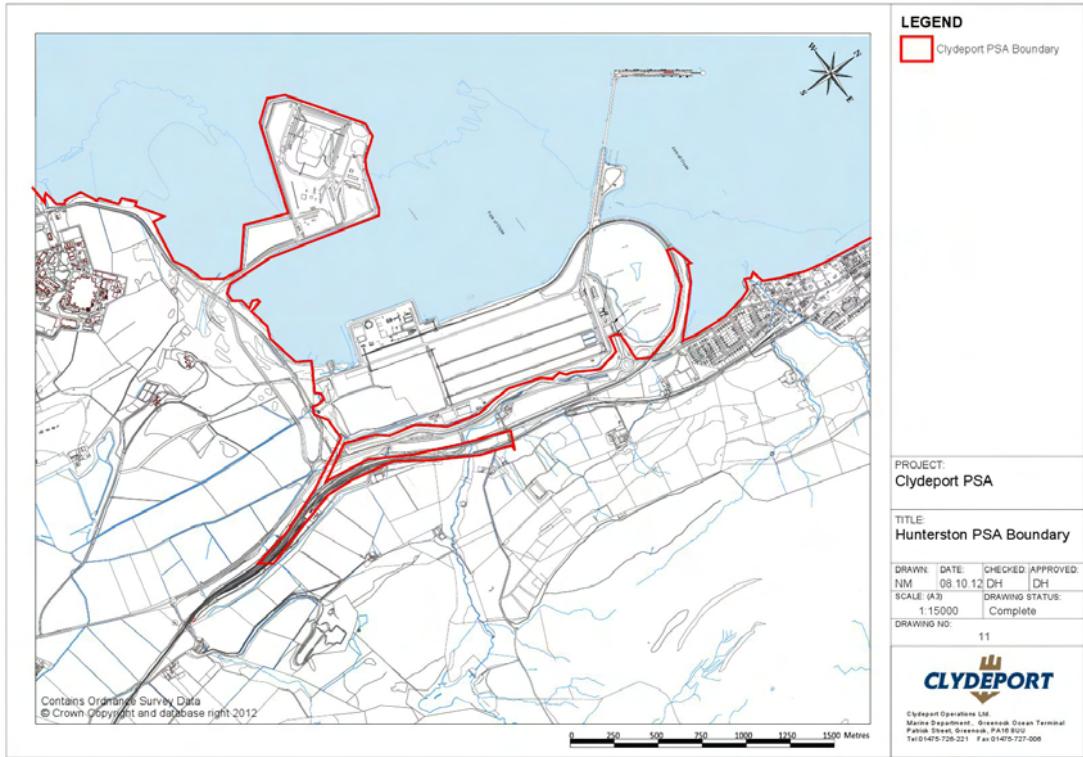
## 9. LOCH STRIVEN



## 10. FAIRLIE QUAY



## 11. HUNTERSTON



## SCHEDULE 2

### The Clyde Port Security Authority

Article 3(2)

#### Members

1.—(1) The Clyde Port Security Authority (in this Schedule called “the Authority”) is to consist of three or more members, each of them appointed by the Secretary of State.

(2) Subject to the following provisions of this paragraph, each member of the Authority—

- (a) holds and vacates office in accordance with the terms of the member’s appointment; and
- (b) on ceasing to be a member is eligible for re-appointment.

(3) A member of the Authority may resign the office of member by giving notice to that effect to the Secretary of State and will cease to hold office—

- (a) on the date specified for the purpose in the notice; or
- (b) if that date falls before the expiration of the period of 21 days beginning with the date on which the notice is served, on the date immediately following the expiration of that period.

(4) The Secretary of State may give notice to a member to the effect that the member will cease to hold office on a date specified for the purpose in the notice.

(5) A notice under subparagraph (4) may be given only in one or more of the following circumstances—

- (a) the member has failed to attend four or more consecutive meetings of the Authority without the permission of the Secretary of State;
- (b) the member has a financial interest and it appears to the Secretary of State that the interest is likely to influence or to be capable of being seen as influencing the performance of the member’s functions;

- (c) the member has been adjudged bankrupt, the member's estate has been sequestrated or the member has made a composition with creditors or granted a trust deed for creditors;
- (d) there has been misconduct on the part of the member relevant to his or her position as a member of the Authority; or
- (e) the member is unable or unfit to perform the functions of the office.

(6) It is the duty of every member of the Authority, so far as is reasonably practicable, to attend all meetings of the Authority.

(7) If it be impracticable for a member to attend a meeting, the member must appoint another member to act as a proxy.

(8) A proxy must speak and vote at the meeting on behalf of the absent member as that member may direct.

## **Proceedings of the Authority**

**2.**—(1) The Authority must hold at least two meetings in any 12-month period.

(2) Subject to the provisions of this Order, it is for the Authority to regulate its own procedure (including quorum).

(3) The Authority must appoint one of its members as chair of the Authority.

(4) The person appointed remains the chair of the Authority until that person—

- (a) is replaced as chair by another member; or
- (b) ceases to be a member of the Authority, in which case it becomes the duty of the Authority to appoint a new chair as soon as reasonably practicable.

(5) The validity of any proceedings of the Authority is not affected by a vacancy amongst the members or by a defect in the appointment of a member.

(6) Other than in exceptional circumstances which require a meeting of the Authority to be held at short notice, the Authority must give the Secretary of State at least three days clear notice of a meeting of the Authority together with a copy of the agenda for the meeting.

(7) A representative of the Secretary of State may attend any meeting as an observer.

(8) Minutes must be kept of the proceedings of the Authority.

(9) The Authority must provide the Secretary of State with a copy of the minutes of a meeting before the end of the period of thirty days beginning with the day of the meeting.

## **Members' interests**

**3.**—(1) A member who has any pecuniary interest, direct or indirect, in any matter that is brought up for consideration at a meeting of the Authority (which expression in this paragraph includes any committee or subcommittee of the Authority) must disclose the nature of the interest to the meeting.

(2) Where such a disclosure is made—

- (a) the disclosure must be recorded in the minutes of the meeting;
- (b) the member must not take any part in any deliberation or decision of the Authority with respect to that matter; and
- (c) the member may be excluded from the meeting whilst the matter is under consideration.

(3) For the purposes of this paragraph, a general notification given at a meeting of the Authority by a member to the effect that the member—

- (a) is a member, director or employee of, or partner in, a specified company or firm, and
- (b) is to be regarded as interested in any matter involving that company or firm,

is a sufficient disclosure of the member's interest in any such matter for the purposes of any meeting where the matter comes up for discussion.

(4) A member need not attend in person at a meeting of the Authority in order to make a disclosure required to be made under this paragraph, provided that the member takes reasonable steps to secure that the disclosure is made by a notice which is read and considered at the meeting.

(5) Subject to sub-paragraph (6), a member of the Authority is to be treated for the purposes of this paragraph as having an indirect pecuniary interest in a contract, proposed contract or other matter if—

- (a) the member, or a proxy of the member, is a director of a company or other body (not being a public body) with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration, or
- (b) the member is in partnership with, or is in the employment of, a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration,

and in the case of two persons living together as a couple (whether married or not) an interest of one, if known to the other, is deemed for the purposes of this paragraph also to be an interest of the other.

(6) A member is not to be treated as having a pecuniary interest in any contract, proposed contract or other matter by reason only—

- (a) of membership of a company or other body if the member has no beneficial interest in the securities of that company or other body; or
- (b) of an interest which is so remote or insignificant that it cannot reasonably be regarded as likely to influence the member in the consideration or discussion of, or voting on, any question with respect to that matter.

(7) The Secretary of State may, subject to such conditions as appear to the Secretary of State to be appropriate, remove any prohibition imposed by virtue of this paragraph in any case where the prohibition is impeding or likely to impede the ability of the Authority to perform its functions under this Order or under the Port Security Regulations 2009.

(8) The power of the Secretary of State under subparagraph (7) includes power to remove, either indefinitely or for any period, a prohibition which would otherwise attach to any member, or members of any description, by reason of such interests and in respect of such matters, as may be specified or described by the Secretary of State.

(9) Nothing in this paragraph precludes any member from taking part in the consideration or discussion of, or voting on, any question whether an application should be made to the Secretary of State for the exercise of the power conferred by subparagraph (7).

(10) Any person who fails to comply with the provisions of subparagraph (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(11) A person shall not be convicted of an offence under subparagraph (10) if it is proved that that person did not know that the contract, proposed contract or other matter in which that person had a pecuniary interest was the subject of consideration at the meeting concerned.

## The Crown

4. The Authority is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown and its property is not to be regarded as property of, or held on behalf of, the Crown.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order is one of a series of Orders implementing Directive 2005/65/EC of the European Parliament and of the Council of 26th October 2005 (OJ L 310, 25.11.2005, p28-39) on enhancing port security at individual ports in the United Kingdom. The Directive was transposed in relation to the United Kingdom as a whole by the Port Security Regulations 2009 (S.I. 2009/2048).

*Article 2* and *Schedule 1* identify the boundaries of the Port of Clyde for the purposes of regulation 3(2)(a) of the Port Security Regulations 2009. *Article 3(1)* designates the Clyde Port Security Authority, for the purposes of regulation 5 of those Regulations, as the port security authority for the Port of Clyde. *Article 3(2)* and *Schedule 2* make provision with respect to the Authority's membership and proceedings, to members' interests and to the Authority's status as a non-Crown body. *Article 4* requires the Secretary of State to review the operation and effect of this Order and publish a report before 1st January 2014 and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Order should remain as it is, or be revoked or be amended. A further instrument would be needed to revoke the Order or to amend it.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from Gary Kemp at Zone 2/31, 33 Horseferry Road, London SW1P 4DR (Tel: 020 7944 6242; email: [gary.kemp@dft.gsi.gov.uk](mailto:gary.kemp@dft.gsi.gov.uk)) and is published with the Explanatory Memorandum alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).

## Annex D Falmouth

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S T A T U T O R Y I N S T R U M E N T S

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**2013 No. 0000**

**MERCHANT SHIPPING**

**MARITIME SECURITY**

**The Port Security (Port of Falmouth) Designation Order 2013**

<i>Made</i>	- - - - -	<i>2013</i>
<i>Laid before Parliament</i>		<i>2013</i>
<i>Coming into force</i>	- - -	<i>2013</i>

The Secretary of State for Transport makes this Order in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(1)</sup>:

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to port security, measures relating to the safety of ships and the health and safety of persons on them, and maritime transport<sup>(2)</sup>.

**Citation and commencement**

1. This Order may be cited as the Port Security (Port of Falmouth) Designation Order 2013 and comes into force on [INSERT DATE] 2013.

**Port boundary**

2.—(1) For the purposes of regulation 3(2)(a) of the Port Security Regulations 2009<sup>(3)</sup> the boundary of the Port of Falmouth is delineated by the red line on the plan in Schedule 1.

(2) Where the red line runs along a beach or foreshore, the boundary runs along the edge of the land on that beach or foreshore which is below the level of mean high water springs.

**The Falmouth Port Security Authority**

3.—(1) For the purposes of the Port Security Regulations 2009, the Falmouth Port Security Authority is designated as the port security authority for the port of Falmouth.

(2) Schedule 2 has effect with respect to the Falmouth Port Security Authority.

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<sup>(1)</sup> 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).

<sup>(2)</sup> S.I. 1993/595, 1994/757 and 2004/706.

<sup>(3)</sup> S.I. 2009/2048.

## **Review**

**4.**—(1) The Secretary of State must from time to time—

- (a) carry out a review of this Order,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how Directive 2005/65/EC of the European Parliament and of the Council of 26th October 2005 (which is implemented by means of the Port Security Regulations 2009<sup>(4)</sup>) is implemented in other member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by those Regulations and this Order,
- (b) assess the extent to which those objectives are achieved, and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this article must be published before 1st January 2014.

(5) Reports under this article are afterwards to be published at intervals not exceeding five years.

Signed by authority of the Secretary of State for Transport

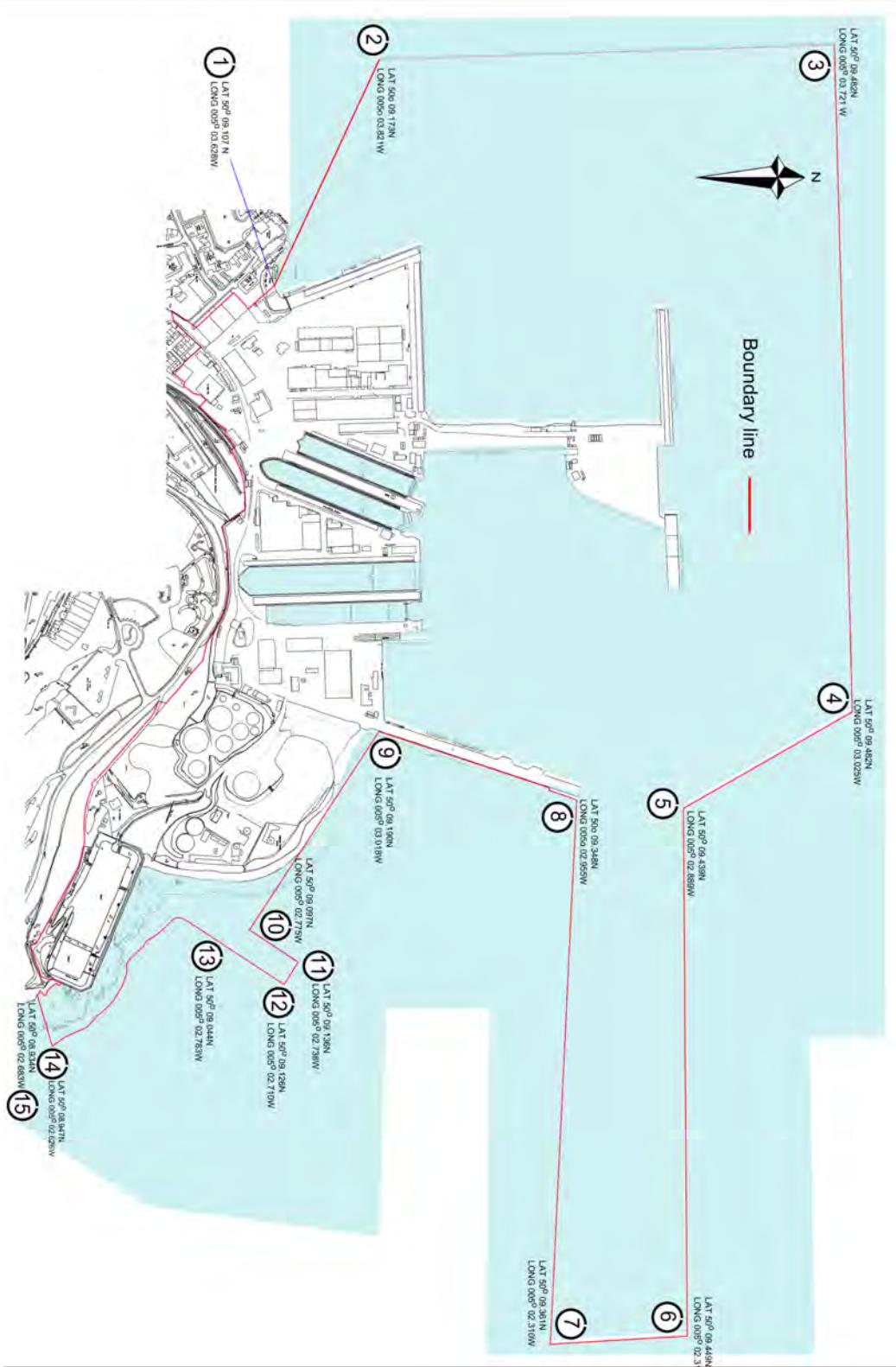
Date

*Name*  
Parliamentary Under Secretary of State  
Department for Transport

## SCHEDULE 5

### BOUNDARY OF THE PORT OF FALMOUTH

Article 2(1)



## SCHEDULE 2

### The Falmouth Port Security Authority

Article 3(2)

#### **Members**

**1.**—(1) The Falmouth Port Security Authority (in this Schedule called “the Authority”) is to consist of three or more members, each of them appointed by the Secretary of State.

(2) Subject to the following provisions of this paragraph, each member of the Authority—

- (a) holds and vacates office in accordance with the terms of the member’s appointment; and
- (b) on ceasing to be a member is eligible for re-appointment.

(3) A member of the Authority may resign the office of member by giving notice to that effect to the Secretary of State and will cease to hold office—

- (a) on the date specified for the purpose in the notice; or
- (b) if that date falls before the expiration of the period of 21 days beginning with the date on which the notice is served, on the date immediately following the expiration of that period.

(4) The Secretary of State may give notice to a member to the effect that the member will cease to hold office on a date specified for the purpose in the notice.

(5) A notice under subparagraph (4) may be given only in one or more of the following circumstances—

- (a) the member has failed to attend four or more consecutive meetings of the Authority without the permission of the Secretary of State;
- (b) the member has a financial interest and it appears to the Secretary of State that the interest is likely to influence or to be capable of being seen as influencing the performance of the member’s functions;
- (c) the member has been adjudged bankrupt, the member’s estate has been sequestrated or the member has made a composition with creditors or granted a trust deed for creditors;
- (d) there has been misconduct on the part of the member relevant to his or her position as a member of the Authority; or
- (e) the member is unable or unfit to perform the functions of the office.

(6) It is the duty of every member of the Authority, so far as is reasonably practicable, to attend all meetings of the Authority.

(7) If it be impracticable for a member to attend a meeting, the member must appoint another member to act as a proxy.

(8) A proxy must speak and vote at the meeting on behalf of the absent member as that member may direct.

#### **Proceedings of the Authority**

**2.**—(1) The Authority must hold at least two meetings in any 12-month period.

(2) Subject to the provisions of this Order, it is for the Authority to regulate its own procedure (including quorum).

(3) The Authority must appoint one of its members as chair of the Authority.

(4) The person appointed remains the chair of the Authority until that person—

- (a) is replaced as chair by another member; or
- (b) ceases to be a member of the Authority, in which case it becomes the duty of the Authority to appoint a new chair as soon as reasonably practicable.

(5) The validity of any proceedings of the Authority is not affected by a vacancy amongst the members or by a defect in the appointment of a member.

(6) Other than in exceptional circumstances which require a meeting of the Authority to be held at short notice, the Authority must give the Secretary of State at least three days clear notice of a meeting of the Authority together with a copy of the agenda for the meeting.

(7) A representative of the Secretary of State may attend any meeting as an observer.

(8) Minutes must be kept of the proceedings of the Authority.

(9) The Authority must provide the Secretary of State with a copy of the minutes of a meeting before the end of the period of thirty days beginning with the day of the meeting.

## Members' interests

3.—(1) A member who has any pecuniary interest, direct or indirect, in any matter that is brought up for consideration at a meeting of the Authority (which expression in this paragraph includes any committee or subcommittee of the Authority) must disclose the nature of the interest to the meeting.

(2) Where such a disclosure is made—

- (a) the disclosure must be recorded in the minutes of the meeting;
- (b) the member must not take any part in any deliberation or decision of the Authority with respect to that matter; and
- (c) the member may be excluded from the meeting whilst the matter is under consideration.

(3) For the purposes of this paragraph, a general notification given at a meeting of the Authority by a member to the effect that the member—

- (a) is a member, director or employee of, or partner in, a specified company or firm, and
- (b) is to be regarded as interested in any matter involving that company or firm,

is a sufficient disclosure of the member's interest in any such matter for the purposes of any meeting where the matter comes up for discussion.

(4) A member need not attend in person at a meeting of the Authority in order to make a disclosure required to be made under this paragraph, provided that the member takes reasonable steps to secure that the disclosure is made by a notice which is read and considered at the meeting.

(5) Subject to sub-paragraph (6), a member of the Authority is to be treated for the purposes of this paragraph as having an indirect pecuniary interest in a contract, proposed contract or other matter if—

- (a) the member, or a proxy of the member, is a director of a company or other body (not being a public body) with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration, or
- (b) the member is in partnership with, or is in the employment of, a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration,

and in the case of two persons living together as a couple (whether married or not) an interest of one, if known to the other, is deemed for the purposes of this paragraph also to be an interest of the other.

(6) A member is not to be treated as having a pecuniary interest in any contract, proposed contract or other matter by reason only—

- (a) of membership of a company or other body if the member has no beneficial interest in the securities of that company or other body; or
- (b) of an interest which is so remote or insignificant that it cannot reasonably be regarded as likely to influence the member in the consideration or discussion of, or voting on, any question with respect to that matter.

(7) The Secretary of State may, subject to such conditions as appear to the Secretary of State to be appropriate, remove any prohibition imposed by virtue of this paragraph in any case where the prohibition is impeding or likely to impede the ability of the Authority to perform its functions under this Order or under the Port Security Regulations 2009.

(8) The power of the Secretary of State under subparagraph (7) includes power to remove, either indefinitely or for any period, a prohibition which would otherwise attach to any member, or members of

any description, by reason of such interests and in respect of such matters, as may be specified or described by the Secretary of State.

(9) Nothing in this paragraph precludes any member from taking part in the consideration or discussion of, or voting on, any question whether an application should be made to the Secretary of State for the exercise of the power conferred by subparagraph (7).

(10) Any person who fails to comply with the provisions of subparagraph (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(11) A person shall not be convicted of an offence under subparagraph (10) if it is proved that that person did not know that the contract, proposed contract or other matter in which that person had a pecuniary interest was the subject of consideration at the meeting concerned.

## The Crown

**4.** The Authority is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown and its property is not to be regarded as property of, or held on behalf of, the Crown.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order is one of a series of Orders implementing Directive 2005/65/EC of the European Parliament and of the Council of 26th October 2005 (OJ L 310, 25.11.2005, p28-39) on enhancing port security at individual ports in the United Kingdom. The Directive was transposed in relation to the United Kingdom as a whole by the Port Security Regulations 2009 (S.I. 2009/2048).

*Article 2* and *Schedule 1* identify the boundaries of the Port of Falmouth for the purposes of regulation 3(2)(a) of the Port Security Regulations 2009. *Article 3(1)* designates the Falmouth Port Security Authority, for the purposes of regulation 5 of those Regulations, as the port security authority for the Port of Falmouth. *Article 3(2)* and *Schedule 2* make provision with respect to the Authority's membership and proceedings, to members' interests and to the Authority's status as a non-Crown body. *Article 4* requires the Secretary of State to review the operation and effect of this Order and publish a report before 1st January 2014 and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Order should remain as it is, or be revoked or be amended. A further instrument would be needed to revoke the Order or to amend it.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from Caroline Wall at Zone 2/31, 33 Horseferry Road, London SW1P 4DR (Tel: 020 7944 6251; email: [caroline.wall@dft.gsi.gov.uk](mailto:caroline.wall@dft.gsi.gov.uk)) and is published with the Explanatory Memorandum alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).



# Annex E The Humber Port Security Authority

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S T A T U T O R Y I N S T R U M E N T S

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**2013 No. 0000**

**MERCHANT SHIPPING**

**MARITIME SECURITY**

**The Port Security (Port of Hull, Goole, Immingham and Grimsby)  
Designation Order 2013**

<i>Made</i>	- - - - -	2013
<i>Laid before Parliament</i>		2013
<i>Coming into force</i>	- - -	2013

The Secretary of State for Transport makes this Order in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(1)</sup>:

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to port security, measures relating to the safety of ships and the health and safety of persons on them, and maritime transport<sup>(2)</sup>.

**Citation and commencement**

1. This Order may be cited as the Port Security (Port of Hull, Goole, Immingham and Grimsby) Designation Order 2013 and comes into force on [INSERT DATE] 2013.

**Port boundary**

2.—(1) For the purposes of regulation 3(2)(a) of the Port Security Regulations 2009<sup>(3)</sup>, the boundary of the Port of Hull, Goole, Immingham and Grimsby is determined in accordance with the following provisions.

(2) The general extent of the boundary is shown by red line on the key plan in Schedule 1.

(3) The western boundary is an imaginary line drawn across the River Ouse between the points on the north and south banks of the River Ouse having the coordinates specified on the key plan.

(4) The seaward boundary is in the position specified on the plan so marked in Schedule 1.

(5) As respects the areas known as “Port of Goole”, “Alexandra Dock”, “Albert and William Wright Docks”, “King George Dock and Saltend”, “Immingham” and “Grimsby”, the boundary is more particularly shown by red lines on the plans in that Schedule marked with the names of those places.

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<sup>(1)</sup> 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).

<sup>(2)</sup> S.I. 1993/595, 1994/757 and 2004/706.

<sup>(3)</sup> S.I. 2009/2048.

(6) Where a red line runs along a beach or foreshore, the boundary runs along the edge of the land on that beach or foreshore which is below the level of mean high water springs.

### **The Humber Port Security Authority**

3.—(1) For the purposes of the Port Security Regulations 2009, the Humber Port Security Authority is designated as the port security authority for the port of Hull, Goole, Immingham and Grimsby.

(2) Schedule 2 has effect with respect to the Humber Port Security Authority.

### **Review**

4.—(1) The Secretary of State must from time to time—

- (a) carry out a review of this Order,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how Directive 2005/65/EC of the European Parliament and of the Council of 26th October 2005 (which is implemented by means of the Port Security Regulations 2009<sup>(4)</sup>) is implemented in other member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by those Regulations and this Order,
- (b) assess the extent to which those objectives are achieved, and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this article must be published before 1st January 2014.

(5) Reports under this article are afterwards to be published at intervals not exceeding five years.

Signed by authority of the Secretary of State for Transport

Date

*Name*  
Parliamentary Under Secretary of State  
Department for Transport

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<sup>(4)</sup> S.I. 2009/2048

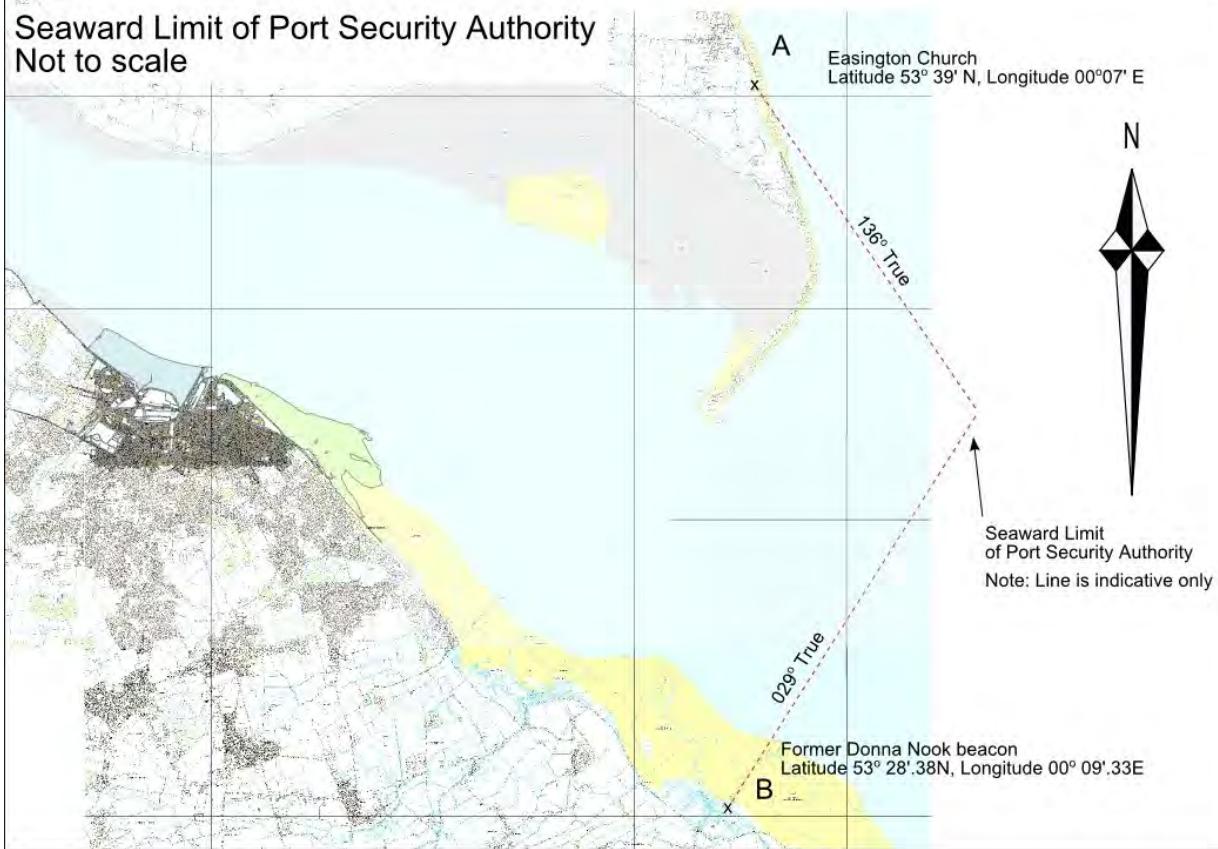
## SCHEDULE 6

Article 2

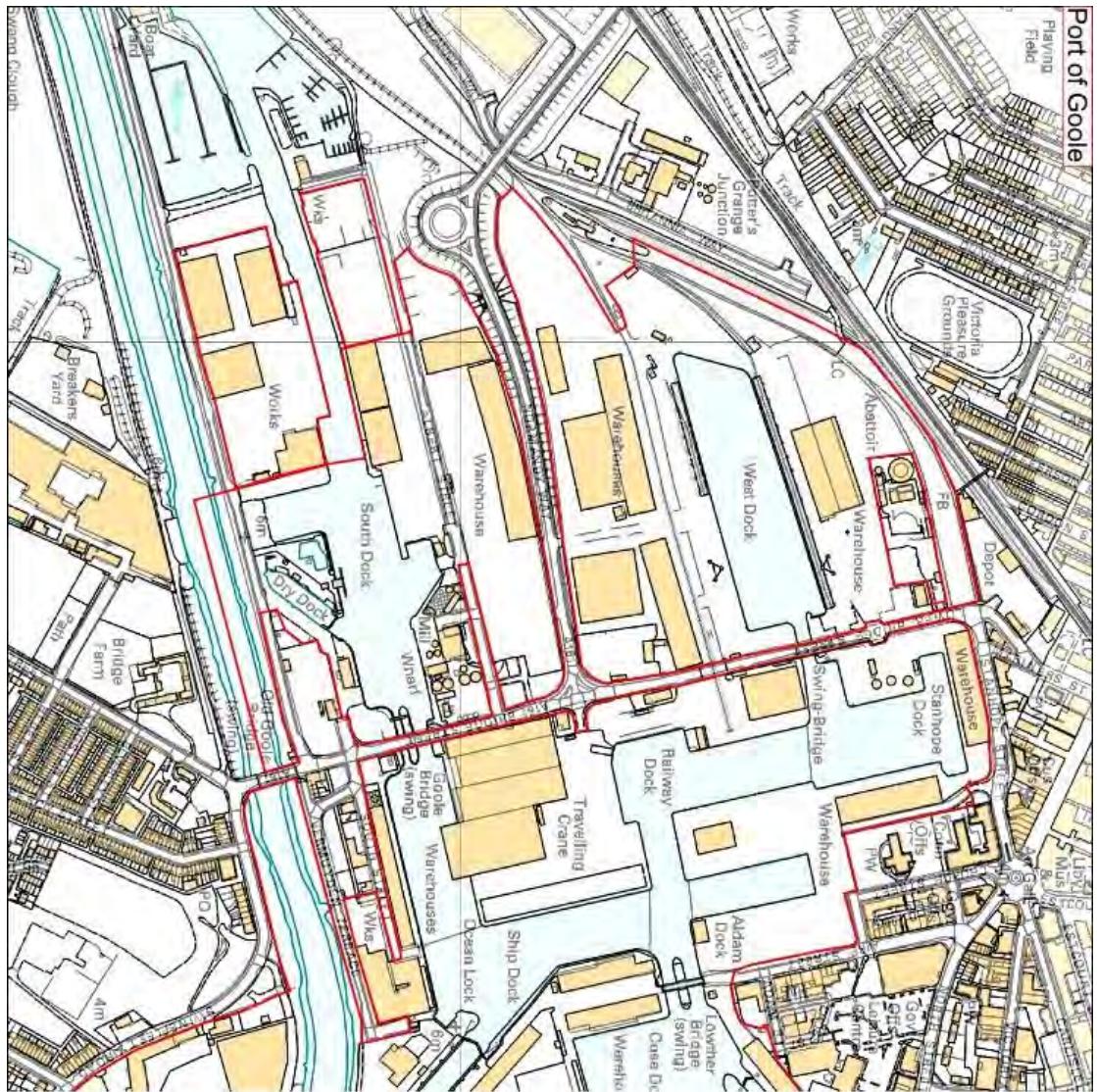
## Boundary of the Port of Hull, Goole, Immingham and Grimsby

## KEY PLAN





Port of Goole





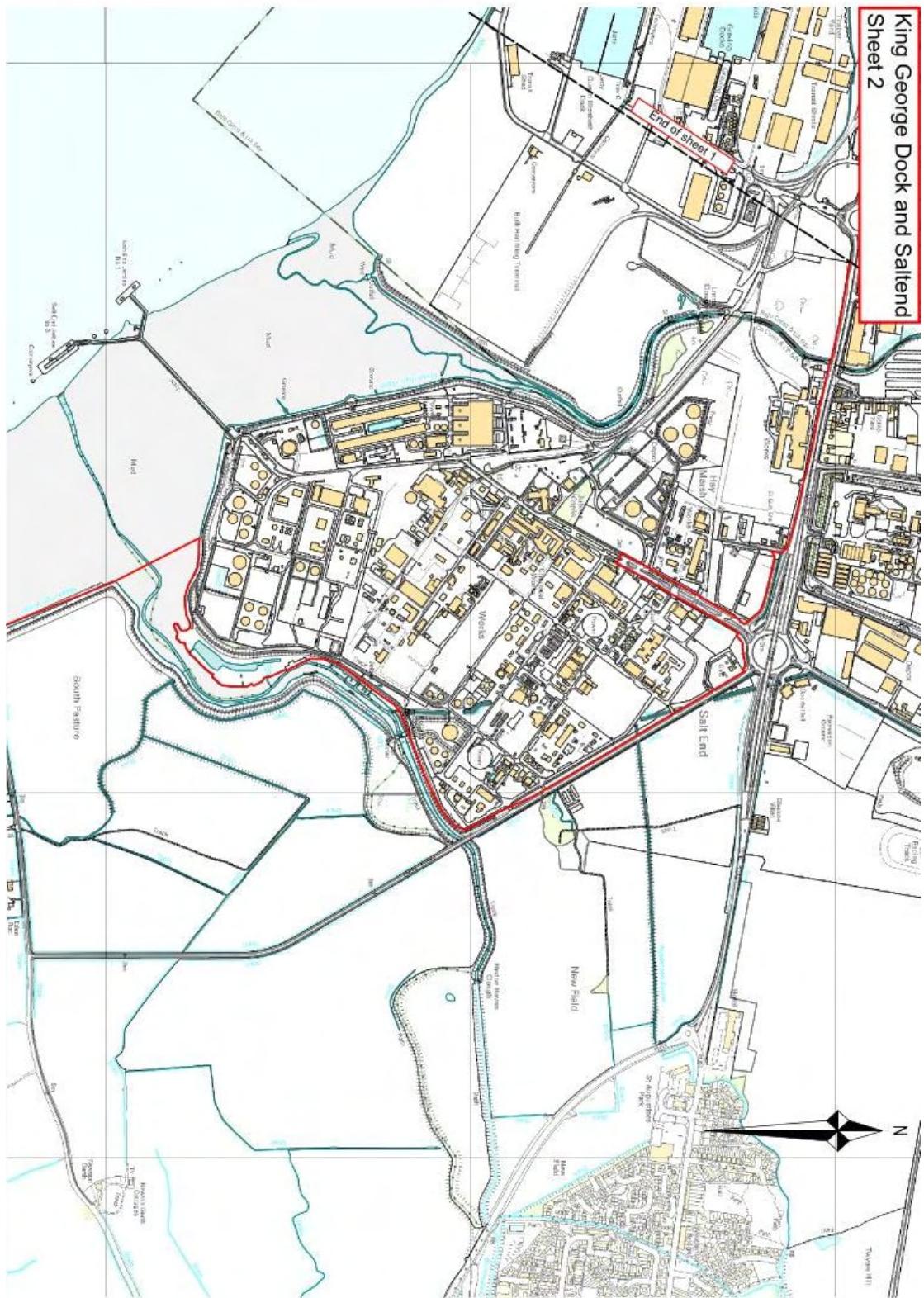
**Albert and William Wright Docks**

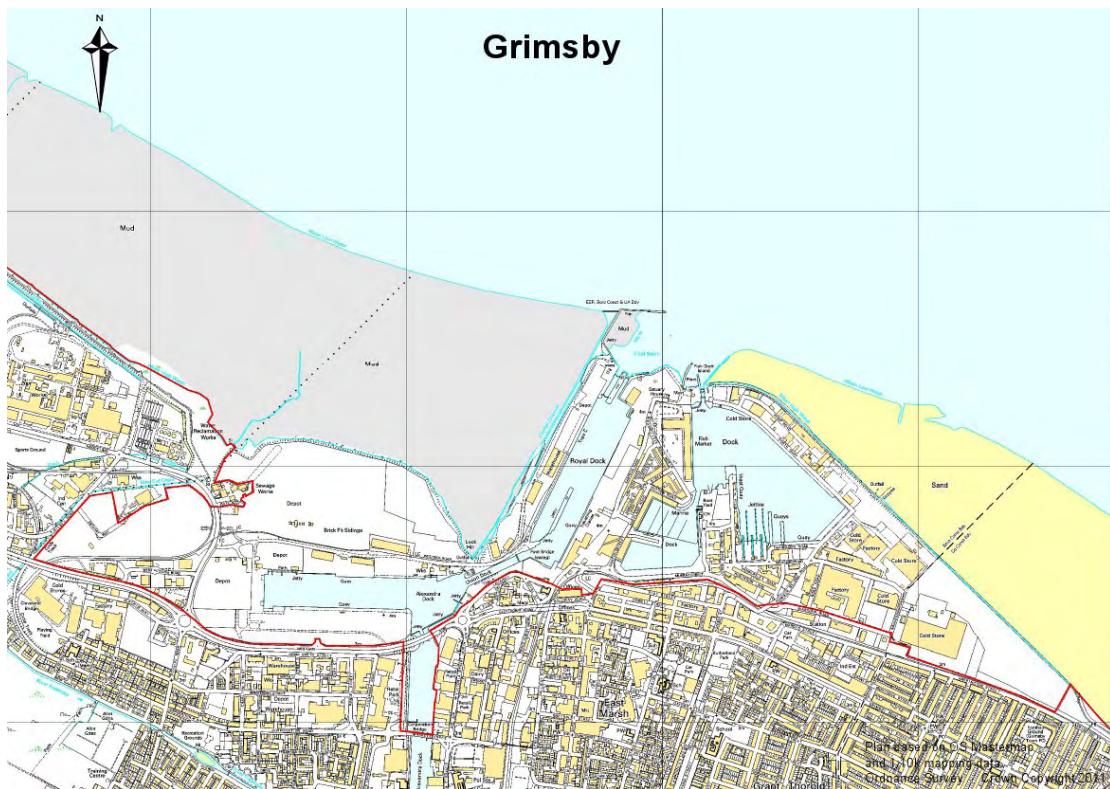
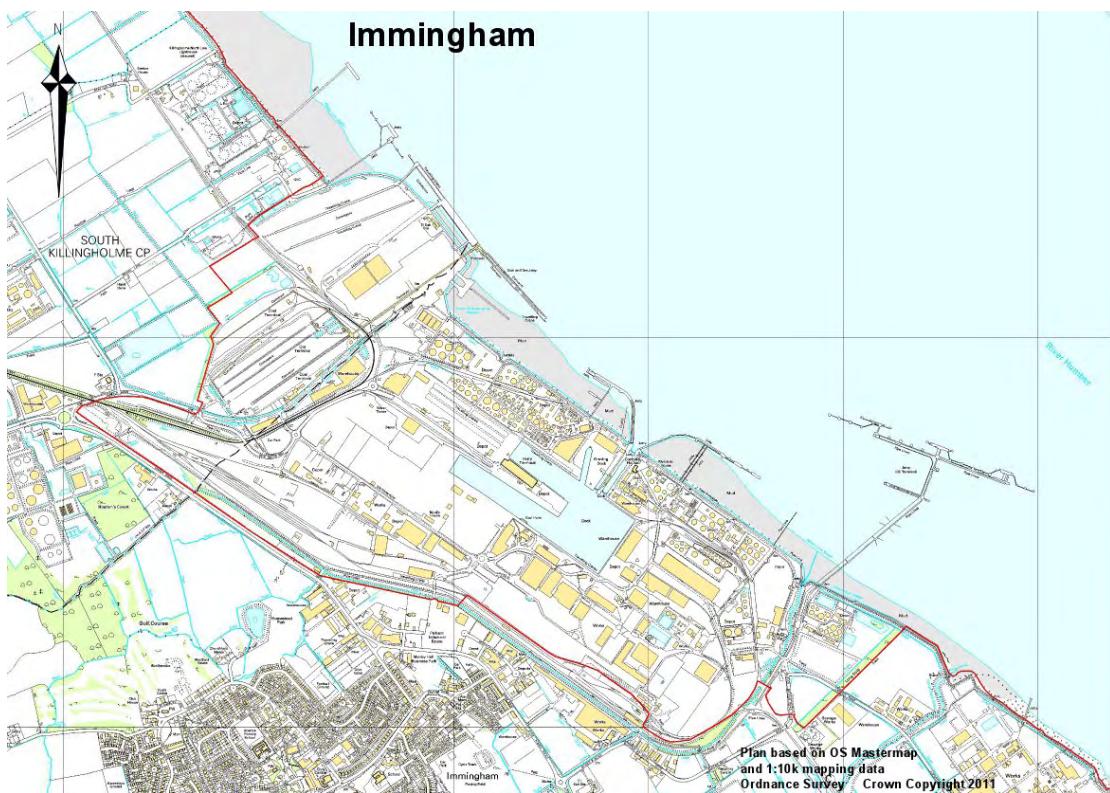


King George Dock and Saltend  
Sheet 1



King George Dock and Saltend  
Sheet 2





## SCHEDULE 7

### The Humber Port Security Authority

Article 3(2)

#### **Members**

- 1.—(1) The Humber Port Security Authority (in this Schedule called “the Authority”) is to consist of three or more members, each of them appointed by the Secretary of State.
- (2) Subject to the following provisions of this paragraph, each member of the Authority—
- (a) holds and vacates office in accordance with the terms of the member’s appointment; and
  - (b) on ceasing to be a member is eligible for re-appointment.
- (3) A member of the Authority may resign the office of member by giving notice to that effect to the Secretary of State and will cease to hold office—
- (a) on the date specified for the purpose in the notice; or
  - (b) if that date falls before the expiration of the period of 21 days beginning with the date on which the notice is served, on the date immediately following the expiration of that period.
- (4) The Secretary of State may give notice to a member to the effect that the member will cease to hold office on a date specified for the purpose in the notice.
- (5) A notice under subparagraph (4) may be given only in one or more of the following circumstances—
- (a) the member has failed to attend four or more consecutive meetings of the Authority without the permission of the Secretary of State;
  - (b) the member has a financial interest and it appears to the Secretary of State that the interest is likely to influence or to be capable of being seen as influencing the performance of the member’s functions;
  - (c) the member has been adjudged bankrupt, the member’s estate has been sequestrated or the member has made a composition with creditors or granted a trust deed for creditors;
  - (d) there has been misconduct on the part of the member relevant to his or her position as a member of the Authority; or
  - (e) the member is unable or unfit to perform the functions of the office.
- (6) It is the duty of every member of the Authority, so far as is reasonably practicable, to attend all meetings of the Authority.
- (7) If it be impracticable for a member to attend a meeting, the member must appoint another member to act as a proxy.
- (8) A proxy must speak and vote at the meeting on behalf of the absent member as that member may direct.

#### **Proceedings of the Authority**

- 2.—(1) The Authority must hold at least two meetings in any 12-month period.
- (2) Subject to the provisions of this Order, it is for the Authority to regulate its own procedure (including quorum).
- (3) The Authority must appoint one of its members as chair of the Authority.
- (4) The person appointed remains the chair of the Authority until that person—
- (a) is replaced as chair by another member; or
  - (b) ceases to be a member of the Authority, in which case it becomes the duty of the Authority to appoint a new chair as soon as reasonably practicable.
- (5) The validity of any proceedings of the Authority is not affected by a vacancy amongst the members or by a defect in the appointment of a member.

(6) Other than in exceptional circumstances which require a meeting of the Authority to be held at short notice, the Authority must give the Secretary of State at least three days clear notice of a meeting of the Authority together with a copy of the agenda for the meeting.

(7) A representative of the Secretary of State may attend any meeting as an observer.

(8) Minutes must be kept of the proceedings of the Authority.

(9) The Authority must provide the Secretary of State with a copy of the minutes of a meeting before the end of the period of thirty days beginning with the day of the meeting.

### **Members' interests**

3.—(1) A member who has any pecuniary interest, direct or indirect, in any matter that is brought up for consideration at a meeting of the Authority (which expression in this paragraph includes any committee or subcommittee of the Authority) must disclose the nature of the interest to the meeting.

(2) Where such a disclosure is made—

- (a) the disclosure must be recorded in the minutes of the meeting;
- (b) the member must not take any part in any deliberation or decision of the Authority with respect to that matter; and
- (c) the member may be excluded from the meeting whilst the matter is under consideration.

(3) For the purposes of this paragraph, a general notification given at a meeting of the Authority by a member to the effect that the member—

- (a) is a member, director or employee of, or partner in, a specified company or firm, and
- (b) is to be regarded as interested in any matter involving that company or firm,

is a sufficient disclosure of the member's interest in any such matter for the purposes of any meeting where the matter comes up for discussion.

(4) A member need not attend in person at a meeting of the Authority in order to make a disclosure required to be made under this paragraph, provided that the member takes reasonable steps to secure that the disclosure is made by a notice which is read and considered at the meeting.

(5) Subject to sub-paragraph (6), a member of the Authority is to be treated for the purposes of this paragraph as having an indirect pecuniary interest in a contract, proposed contract or other matter if—

- (a) the member, or a proxy of the member, is a director of a company or other body (not being a public body) with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration, or
- (b) the member is in partnership with, or is in the employment of, a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration,

and in the case of two persons living together as a couple (whether married or not) an interest of one, if known to the other, is deemed for the purposes of this paragraph also to be an interest of the other.

(6) A member is not to be treated as having a pecuniary interest in any contract, proposed contract or other matter by reason only—

- (a) of membership of a company or other body if the member has no beneficial interest in the securities of that company or other body; or
- (b) of an interest which is so remote or insignificant that it cannot reasonably be regarded as likely to influence the member in the consideration or discussion of, or voting on, any question with respect to that matter.

(7) The Secretary of State may, subject to such conditions as appear to the Secretary of State to be appropriate, remove any prohibition imposed by virtue of this paragraph in any case where the prohibition is impeding or likely to impede the ability of the Authority to perform its functions under this Order or under the Port Security Regulations 2009.

(8) The power of the Secretary of State under subparagraph (7) includes power to remove, either indefinitely or for any period, a prohibition which would otherwise attach to any member, or members of any

description, by reason of such interests and in respect of such matters, as may be specified or described by the Secretary of State.

(9) Nothing in this paragraph precludes any member from taking part in the consideration or discussion of, or voting on, any question whether an application should be made to the Secretary of State for the exercise of the power conferred by subparagraph (7).

(10) Any person who fails to comply with the provisions of subparagraph (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(11) A person shall not be convicted of an offence under subparagraph (10) if it is proved that that person did not know that the contract, proposed contract or other matter in which that person had a pecuniary interest was the subject of consideration at the meeting concerned.

## The Crown

**4.** The Authority is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown and its property is not to be regarded as property of, or held on behalf of, the Crown.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order is one of a series of Orders implementing Directive 2005/65/EC of the European Parliament and of the Council of 26th October 2005 (OJ L 310, 25.11.2005, p28-39) on enhancing port security at individual ports in the United Kingdom. The Directive was transposed in relation to the United Kingdom as a whole by the Port Security Regulations 2009 (S.I. 2009/2048).

*Article 2 and Schedule 1* identify the boundaries of the Port of Hull, Goole, Immingham and Grimsby for the purposes of regulation 3(2)(a) of the Port Security Regulations 2009. *Article 3(1)* designates the Humber Port Security Authority, for the purposes of regulation 5 of those Regulations, as the port security authority for the Port of Hull, Goole, Immingham and Grimsby. *Article 3(2)* and *Schedule 2* make provision with respect to the Authority's membership and proceedings, to members' interests and to the Authority's status as a non-Crown body. *Article 4* requires the Secretary of State to review the operation and effect of this Order and publish a report before 1st January 2014 and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Order should remain as it is, or be revoked or be amended. A further instrument would be needed to revoke the Order or to amend it.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from Caroline Wall at Zone 31/2, 33 Horseferry Road, London SW1P 4DR (Tel: 020 7944 6251; email: [caroline.wall@dft.gsi.gov.uk](mailto:caroline.wall@dft.gsi.gov.uk)) and is published with the Explanatory Memorandum alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).

## Annex F Liverpool

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S T A T U T O R Y I N S T R U M E N T S

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**2012 No. 0000**

**MERCHANT SHIPPING**

**MARITIME SECURITY**

**The Port Security (Port of Liverpool) Designation Order 2012**

<i>Made</i>	- - - - -	<i>2012</i>
<i>Laid before Parliament</i>		<i>2012</i>
<i>Coming into force</i>	- - -	<i>2012</i>

The Secretary of State for Transport makes this Order in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(<sup>1</sup>).

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to port security, measures relating to the safety of ships and the health and safety of persons on them, and maritime transport(<sup>2</sup>).

**Citation and commencement**

1. This Order may be cited as the Port Security (Port of Liverpool) Designation Order 2012 and comes into force on [INSERT DATE] November 2012.

**Port boundary**

2.—(1) For the purposes of regulation 3(2)(a) of the Port Security Regulations 2009(<sup>3</sup>) the boundary of the Port of Liverpool—

- (a) on the landward side of the broken red line on the key plan in Schedule 1, is shown—
  - (i) by the continuous red line on that plan; and
  - (ii) as respects the areas known as Liverpool Docks, Birkenhead Docks and Tranmere Oil Terminal, is more particularly shown by the red lines on the plans in that Schedule marked “Liverpool sheet 1”, “Liverpool Sheet 2”, “Birkenhead Port 1 Sheet 2”, “Birkenhead port sheet 2” and “Tranmere Oil Terminal” respectively;
- (b) on the seaward side of the broken red line on the key plan, consists of an imaginary line drawn around the area comprising all the sea channels leading to the River Mersey and drawn straight from the Redstones at Hoylake 53° 23.12.17N 003°11.55.42W to a position 53° 29.00 N 003°32.00W; thence in a true Northerly direction to a position 53° 33.00N 003° 32.00W and

(<sup>1</sup>) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).

(<sup>2</sup>) S.I. 1993/595, 1994/757 and 2004/706.

(<sup>3</sup>) S.I. 2009/2048.

thence drawn straight in a direction of 065° True to a point of intersection with, and thence along, an imaginary line bearing 157.5° true to a position on the beach at Formby point 53°34.00.55N 003° 05.57.75W and the River Mersey.

(2) Where the red line runs along a beach or foreshore, the boundary runs along the edge of the land on that beach or foreshore which is below the level of mean high water springs.

(3) The plans in Schedule 1 are not to scale.

## The Liverpool Port Security Authority

3.—(1) For the purposes of the Port Security Regulations 2009, the Liverpool Port Security Authority is designated as the port security authority for the port of Liverpool.

(2) Schedule 2 has effect with respect to the Liverpool Port Security Authority.

## Review

**4.—(1)** The Secretary of State must from time to time—

- (a) carry out a review of this Order,
  - (b) set out the conclusions of the review in a report, and
  - (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how Directive 2005/65/EC of the European Parliament and of the Council of 26th October 2005 (which is implemented by means of the Port Security Regulations 2009<sup>(4)</sup>) is implemented in other member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by those Regulations and this Order,
  - (b) assess the extent to which those objectives are achieved, and
  - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this article must be published before 1st January 2014.

(5) Reports under this article are afterwards to be published at intervals not exceeding five years.

Signed by authority of the Secretary of State for Transport

[INSERT DATE] October 2012

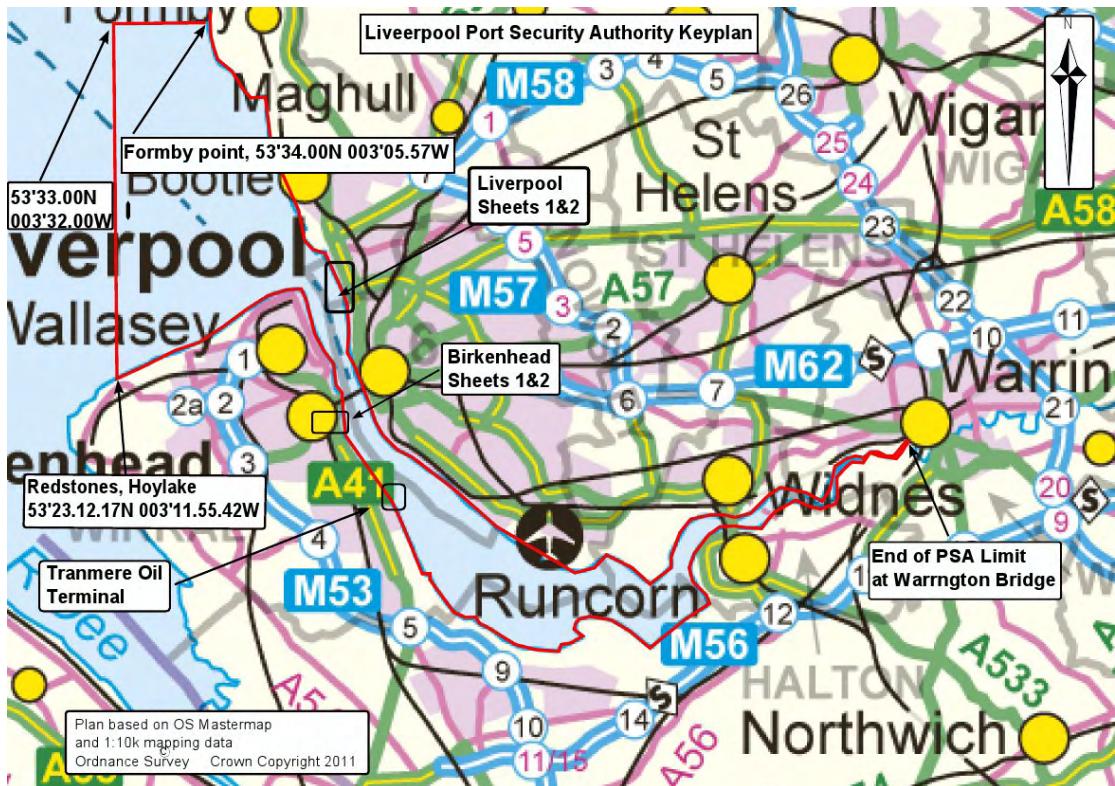
*Name*  
Parliamentary Under Secretary of State  
Department for Transport

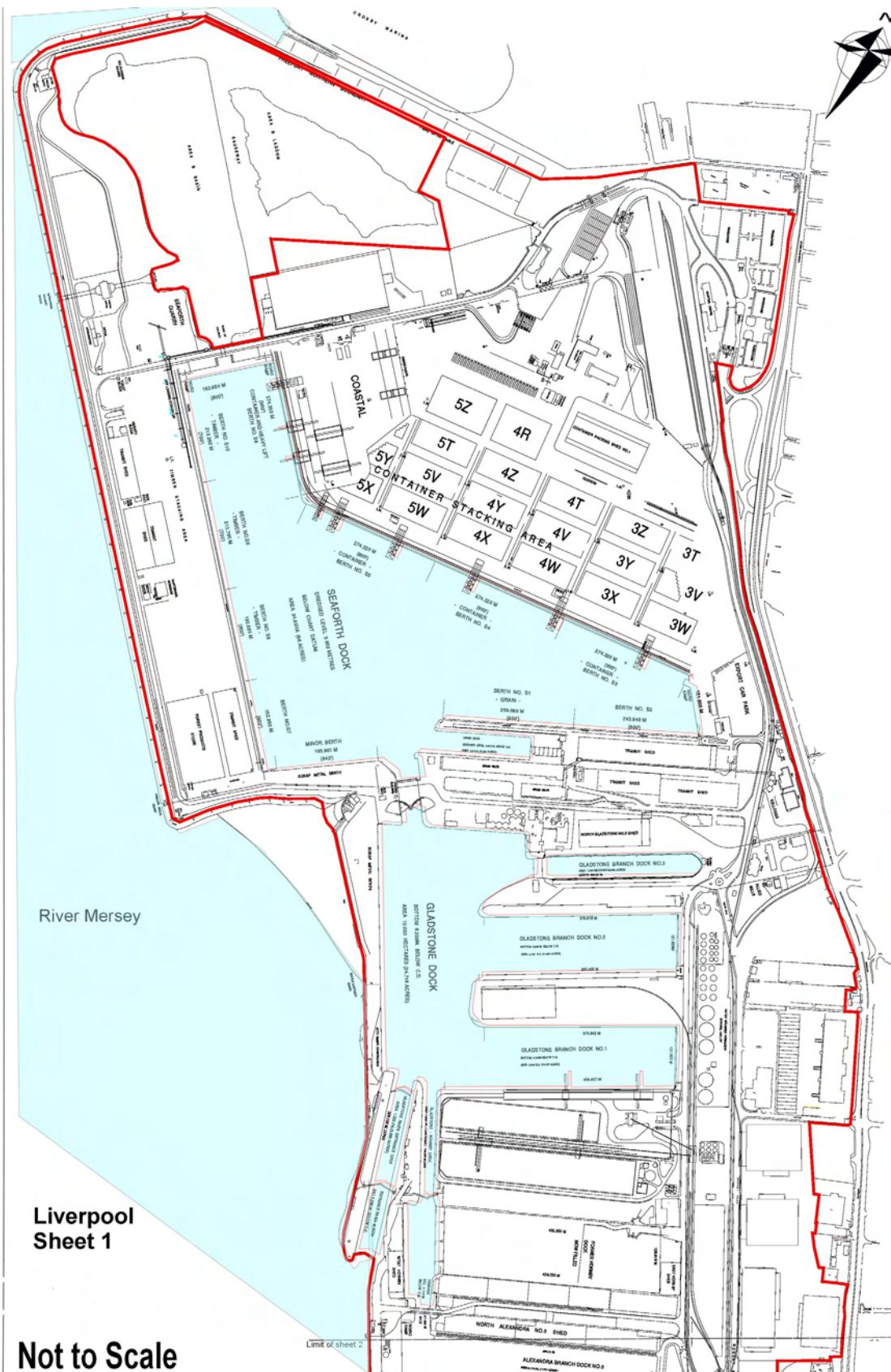
(<sup>4</sup>) S.I. 2009/2048.

# SCHEDULE 1

## Boundary of the Port of Liverpool

Article 2(1)





# Liverpool

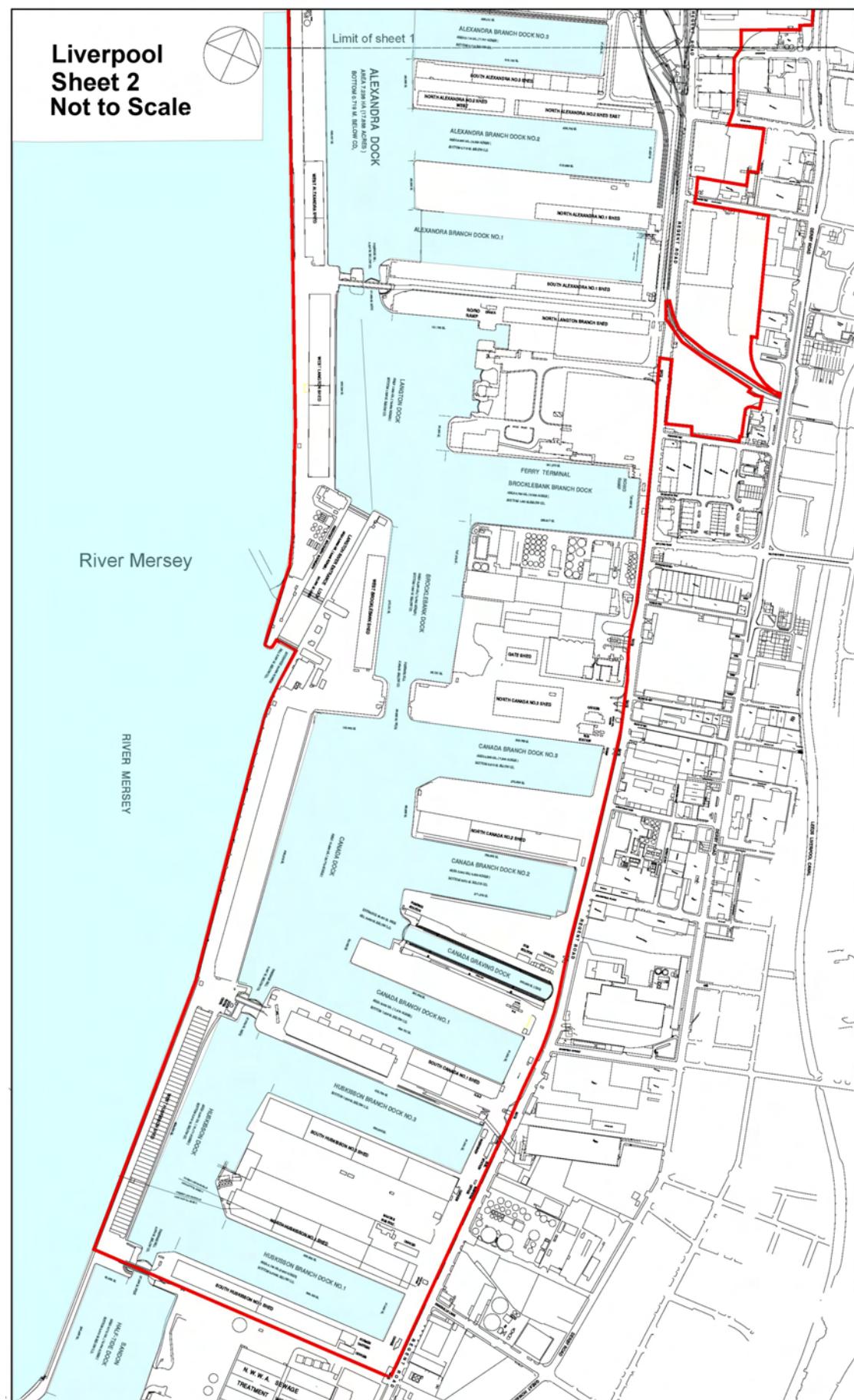
## Sheet 1

**Not to Scale**

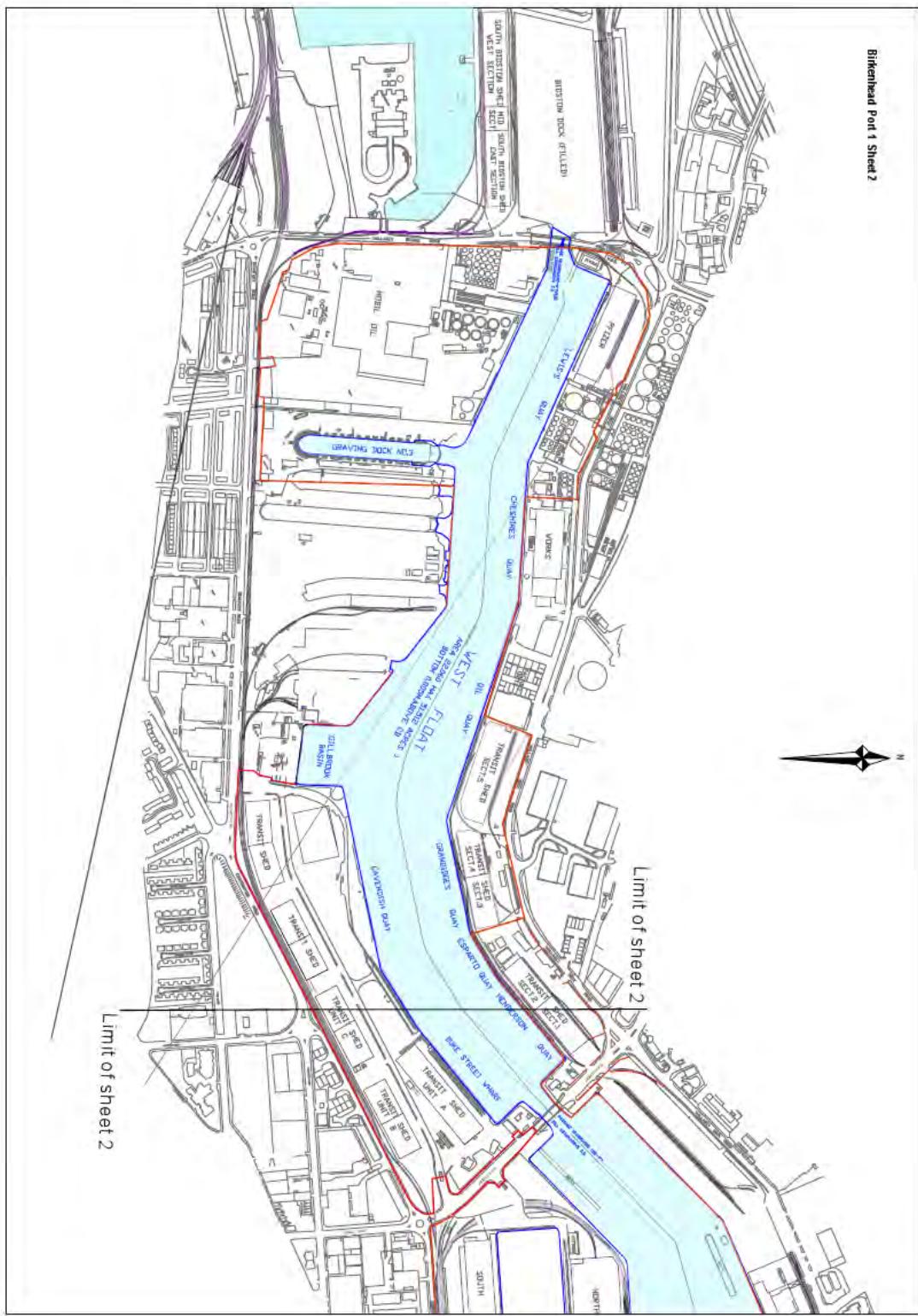
**Liverpool**  
**Sheet 2**  
**Not to Scale**



Limit of sheet 1



Birkenhead Port 1 Sheet 2

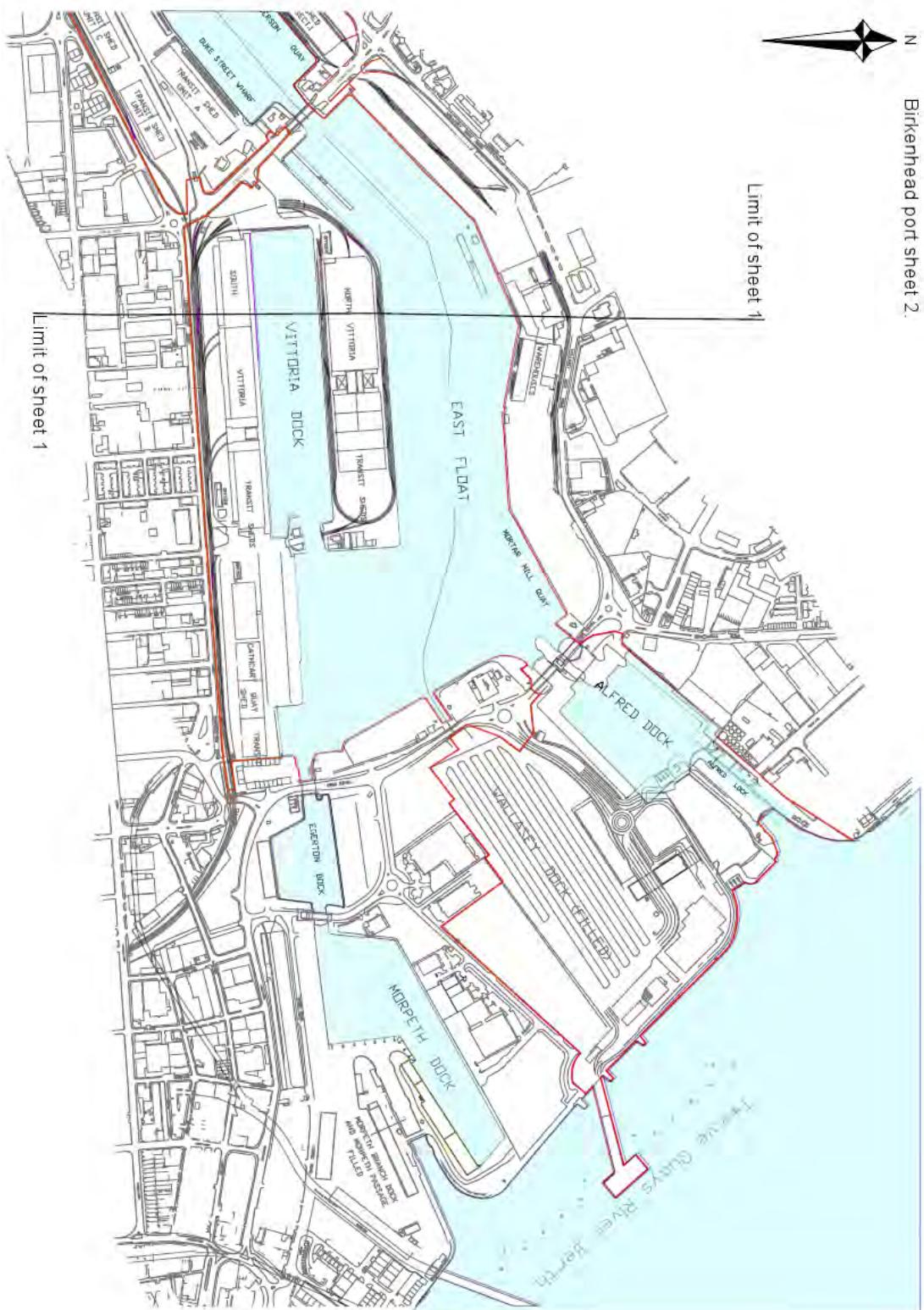


N

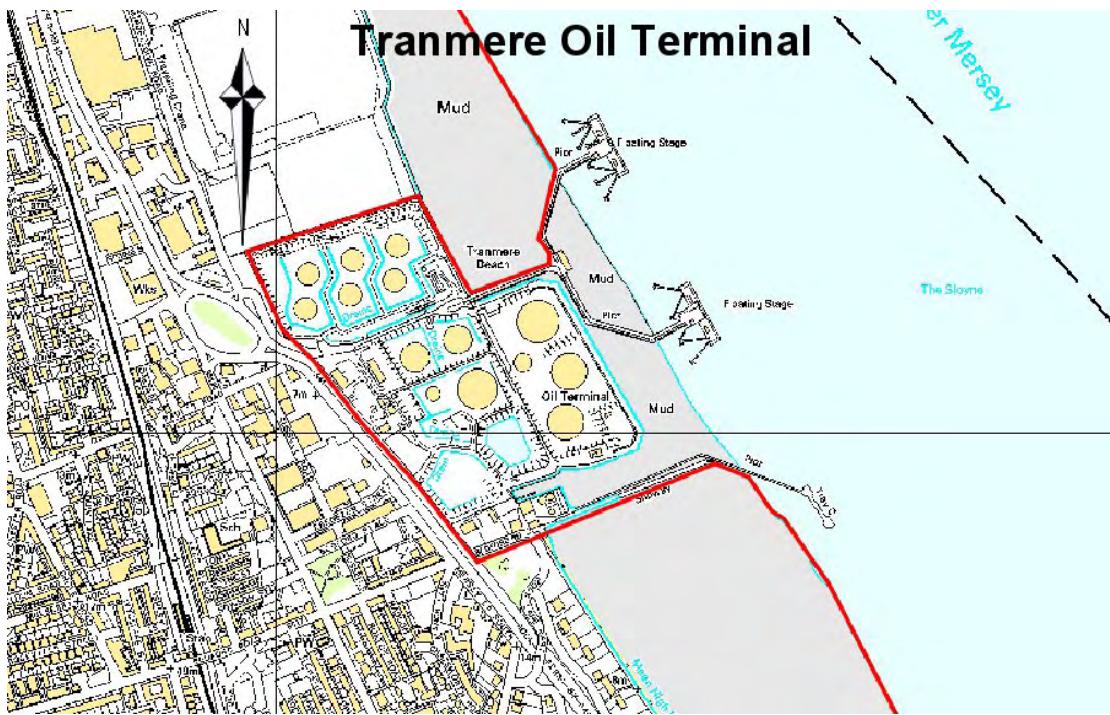


Birkenhead port sheet 2.

Limit of sheet 1



Limit of sheet 1



## SCHEDULE 2

### The Liverpool Port Security Authority

Article 3(2)

#### **Members**

1.—(1) The Liverpool Port Security Authority (in this Schedule called “the Authority”) is to consist of three or more members, each of them appointed by the Secretary of State.

(2) Subject to the following provisions of this paragraph, each member of the Authority—

- (a) holds and vacates office in accordance with the terms of the member’s appointment; and
- (b) on ceasing to be a member is eligible for re-appointment.

(3) A member of the Authority may resign the office of member by giving notice to that effect to the Secretary of State and will cease to hold office—

- (a) on the date specified for the purpose in the notice; or
- (b) if that date falls before the expiration of the period of 21 days beginning with the date on which the notice is served, on the date immediately following the expiration of that period.

(4) The Secretary of State may give notice to a member to the effect that the member will cease to hold office on a date specified for the purpose in the notice.

(5) A notice under subparagraph (4) may be given only in one or more of the following circumstances—

- (a) the member has failed to attend four or more consecutive meetings of the Authority without the permission of the Secretary of State;
- (b) the member has a financial interest and it appears to the Secretary of State that the interest is likely to influence or to be capable of being seen as influencing the performance of the member’s functions;
- (c) the member has been adjudged bankrupt, the member’s estate has been sequestered or the member has made a composition with creditors or granted a trust deed for creditors;
- (d) there has been misconduct on the part of the member relevant to that individual’s position as a member of the Authority; or

- (e) the member is unable or unfit to perform the functions of the office.
- (6) It is the duty of every member of the Authority, so far as is reasonably practicable, to attend all meetings of the Authority.
- (7) If it be impracticable for a member to attend a meeting, the member must appoint another member to act as a proxy.
- (8) A proxy must speak and vote at the meeting on behalf of the absent member as that member may direct.

## **Proceedings of the Authority**

- 2.—(1)** The Authority must hold at least two meetings in any 12-month period.
- (2) Subject to the provisions of this Order, it is for the Authority to regulate its own procedure (including quorum).
- (3) The Authority must appoint one of its members as chair of the Authority.
- (4) The person appointed remains the chair of the Authority until that person—
  - (a) is replaced as chair by another member; or
  - (b) ceases to be a member of the Authority, in which case it becomes the duty of the Authority to appoint a new chair as soon as reasonably practicable.
- (5) The validity of any proceedings of the Authority is not affected by a vacancy amongst the members or by a defect in the appointment of a member.
- (6) Other than in exceptional circumstances which require a meeting of the Authority to be held at short notice, the Authority must give the Secretary of State at least three days clear notice of a meeting of the Authority together with a copy of the agenda for the meeting.
- (7) A representative of the Secretary of State may attend any meeting as an observer.
- (8) Minutes must be kept of the proceedings of the Authority.
- (9) The Authority must provide the Secretary of State with a copy of the minutes of a meeting before the end of the period of thirty days beginning with the day of the meeting.

## **Members' interests**

- 3.—(1)** A member who has any pecuniary interest, direct or indirect, in any matter that is brought up for consideration at a meeting of the Authority (which expression in this paragraph includes any committee or subcommittee of the Authority) must disclose the nature of the interest to the meeting.
- (2) Where such a disclosure is made—
  - (a) the disclosure must be recorded in the minutes of the meeting;
  - (b) the member must not take any part in any deliberation or decision of the Authority with respect to that matter; and
  - (c) the member may be excluded from the meeting whilst the matter is under consideration.
- (3) For the purposes of this paragraph, a general notification given at a meeting of the Authority by a member to the effect that the member—
  - (a) is a member, director or employee of, or partner in, a specified company or firm, and
  - (b) is to be regarded as interested in any matter involving that company or firm,is a sufficient disclosure of the member's interest in any such matter for the purposes of any meeting where the matter comes up for discussion.
- (4) A member need not attend in person at a meeting of the Authority in order to make a disclosure required to be made under this paragraph, provided that the member takes reasonable steps to secure that the disclosure is made by a notice which is read and considered at the meeting.
- (5) Subject to sub-paragraph (6), a member of the Authority is to be treated for the purposes of this paragraph as having an indirect pecuniary interest in a contract, proposed contract or other matter if—

- (a) the member, or a proxy of the member, is a director of a company or other body (not being a public body) with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration, or
- (b) the member is in partnership with, or is in the employment of, a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration,

and in the case of two persons living together as a couple (whether married or not) an interest of one, if known to the other, is deemed for the purposes of this paragraph also to be an interest of the other.

(6) A member is not to be treated as having a pecuniary interest in any contract, proposed contract or other matter by reason only—

- (a) of membership of a company or other body if the member has no beneficial interest in the securities of that company or other body; or
- (b) of an interest which is so remote or insignificant that it cannot reasonably be regarded as likely to influence the member in the consideration or discussion of, or voting on, any question with respect to that matter.

(7) The Secretary of State may, subject to such conditions as appear to the Secretary of State to be appropriate, remove any prohibition imposed by virtue of this paragraph in any case where the prohibition is impeding or likely to impede the ability of the Authority to perform its functions under this Order or under the Port Security Regulations 2009.

(8) The power of the Secretary of State under subparagraph (7) includes power to remove, either indefinitely or for any period, a prohibition which would otherwise attach to any member, or members of any description, by reason of such interests and in respect of such matters, as may be specified or described by the Secretary of State.

(9) Nothing in this paragraph precludes any member from taking part in the consideration or discussion of, or voting on, any question whether an application should be made to the Secretary of State for the exercise of the power conferred by subparagraph (7).

(10) Any person who fails to comply with the provisions of subparagraph (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(11) A person shall not be convicted of an offence under subparagraph (10) if it is proved that that person did not know that the contract, proposed contract or other matter in which that person had a pecuniary interest was the subject of consideration at the meeting concerned.

## The Crown

**4.** The Authority is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown and its property is not to be regarded as property of, or held on behalf of, the Crown.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order is one of a series of Orders implementing Directive 2005/65/EC of the European Parliament and of the Council of 26th October 2005 (OJ L 310, 25.11.2005, p28-39) on enhancing port security at individual ports in the United Kingdom. The Directive was transposed in relation to the United Kingdom as a whole by the Port Security Regulations 2009 (S.I. 2009/2048).

*Article 2* and *Schedule 1* identify the boundaries of the Port of Liverpool for the purposes of regulation 3(2)(a) of the Port Security Regulations 2009. *Article 3(1)* designates the Liverpool Port Security Authority, for the purposes of regulation 5 of those Regulations, as the port security authority for the Port of Liverpool. *Article 3(2)* and *Schedule 2* make provision with respect to the Authority's membership and proceedings, to members' interests and to the Authority's status as a non-Crown body. *Article 4* requires the Secretary of State to review the operation and effect of this Order and publish a report before 1st January 2014 and within every five years after that. Following a review it will fall to the Secretary of State

to consider whether the Order should remain as it is, or be revoked or be amended. A further instrument would be needed to revoke the Order or to amend it.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from Gary Kemp at Zone 2/31, 33 Horseferry Road, London SW1P 4DR (Tel: 020 7944 5875; email: [gary.kemp@dft.gsi.gov.uk](mailto:gary.kemp@dft.gsi.gov.uk)) and is published with the Explanatory Memorandum alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).

## Annex G Manchester Ship Canal

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S T A T U T O R Y I N S T R U M E N T S

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**2012 No. 0000**

**MERCHANT SHIPPING**

**MARITIME SECURITY**

**The Port Security (Manchester Ship Canal) Designation Order 2012**

<i>Made</i>	- - - - -	<i>2012</i>
<i>Laid before Parliament</i>		<i>2012</i>
<i>Coming into force</i>	- - -	<i>2012</i>

The Secretary of State for Transport makes this Order in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(<sup>1</sup>).

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to port security, measures relating to the safety of ships and the health and safety of persons on them, and maritime transport(<sup>2</sup>).

**Citation and commencement**

**1.** This Order may be cited as the Port Security (Manchester Ship Canal) Designation Order 2012 and comes into force on [INSERT DATE] 2012.

**Port boundary**

**2.** For the purposes of regulation 3(2) of the Port Security Regulations 2009(<sup>3</sup>) the boundary of the Manchester Ship Canal follows the edges of that waterway between its junction with the River Mersey and Salford Quays, except at—

- (a) Eastham Locks;
- (b) Partington Basin North;
- (c) Partington Jetty; and
- (d) Stanlow Oil Terminal,

where the boundary in each case follows the red line shown on the appropriate plan in Schedule 1.

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(<sup>1</sup>) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).

(<sup>2</sup>) S.I. 1993/595, 1994/757 and 2004/706.

(<sup>3</sup>) S.I. 2009/2048.

## **The Manchester Ship Canal Port Security Authority**

**3.**—(1) For the purposes of the Port Security Regulations 2009, the Manchester Ship Canal Port Security Authority is designated as the port security authority for the Manchester Ship Canal.

(2) Schedule 2 has effect with respect to the Manchester Ship Canal Port Security Authority.

### **Review**

**4.**—(1) The Secretary of State must from time to time—

- (a) carry out a review of this Order,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how Directive 2005/65/EC of the European Parliament and of the Council of 26th October 2005 (which is implemented by means of the Port Security Regulations 2009<sup>(4)</sup>) is implemented in other member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by those Regulations and this Order,
- (b) assess the extent to which those objectives are achieved, and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this article must be published before 1st January 2014.

(5) Reports under this article are afterwards to be published at intervals not exceeding five years.

Signed by authority of the Secretary of State for Transport

*Name*  
Parliamentary Under Secretary of State,  
[INSERT DATE] 2012 Department for Transport

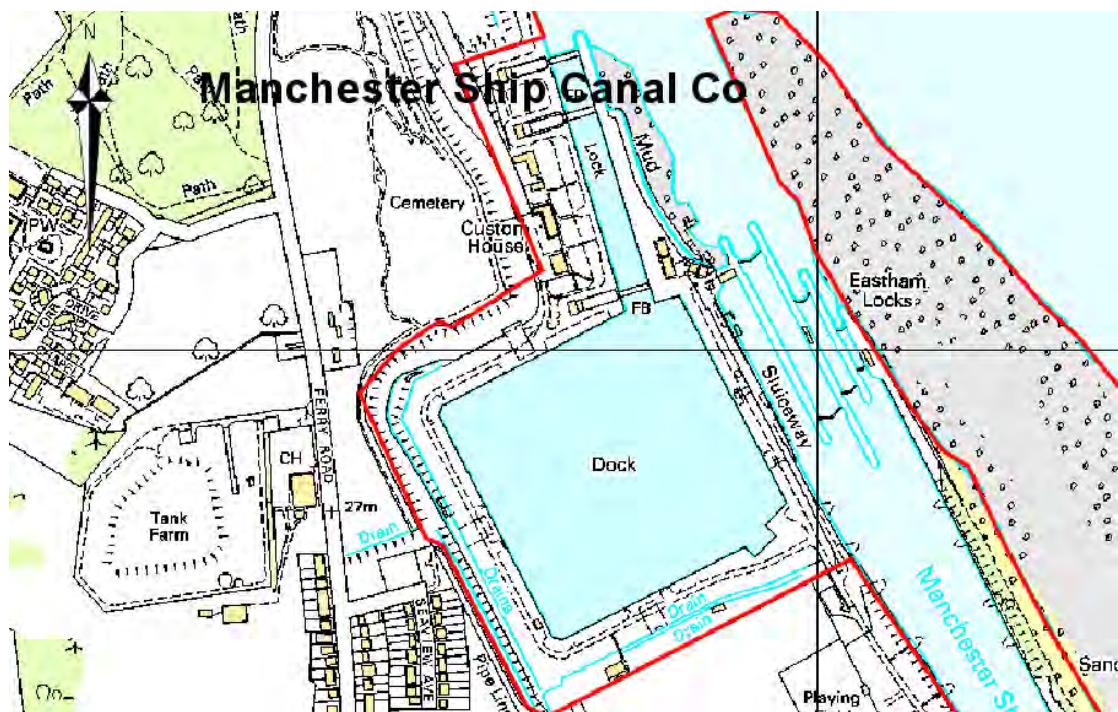
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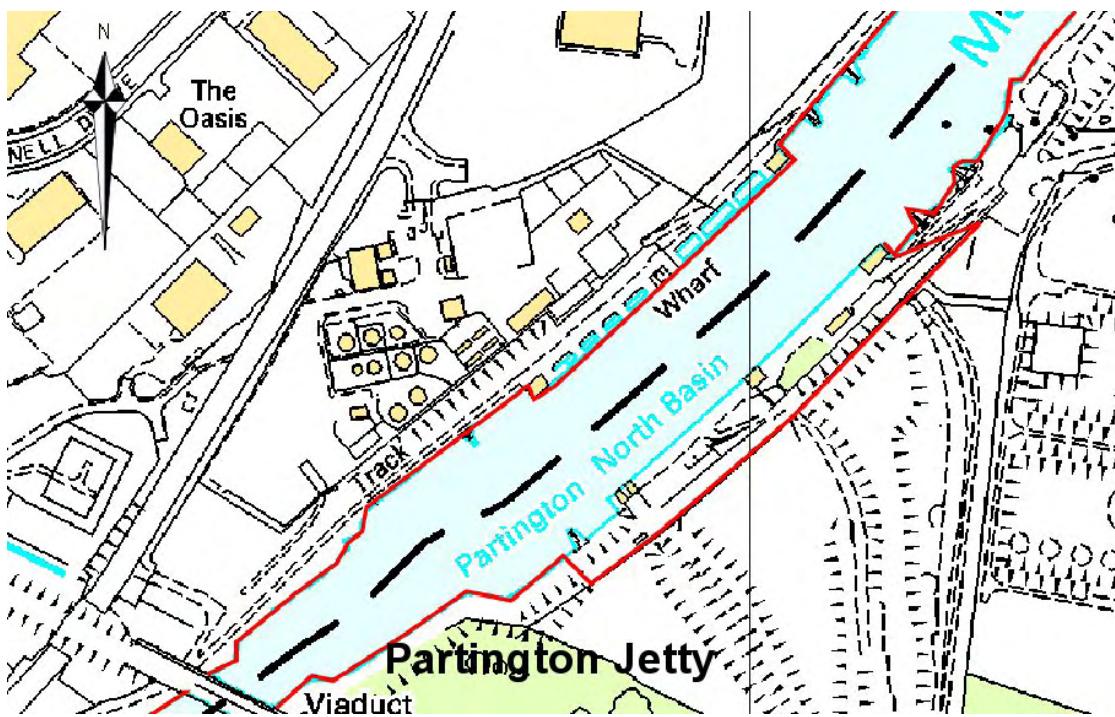
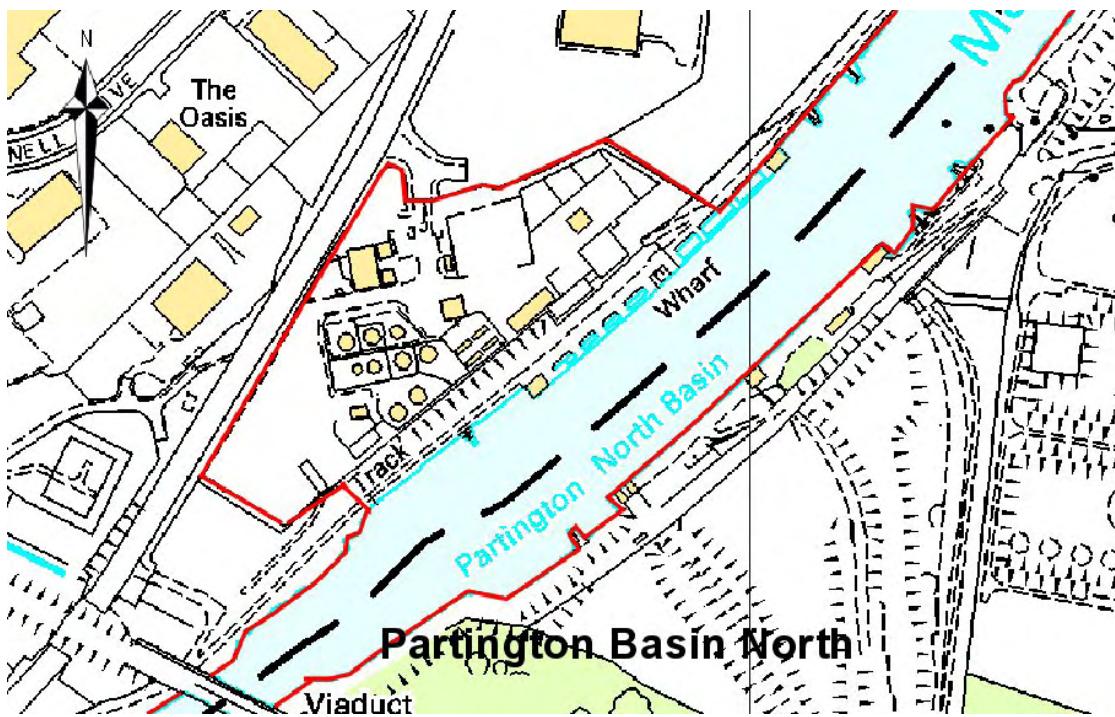
<sup>(4)</sup> S.I. 2009/2048.

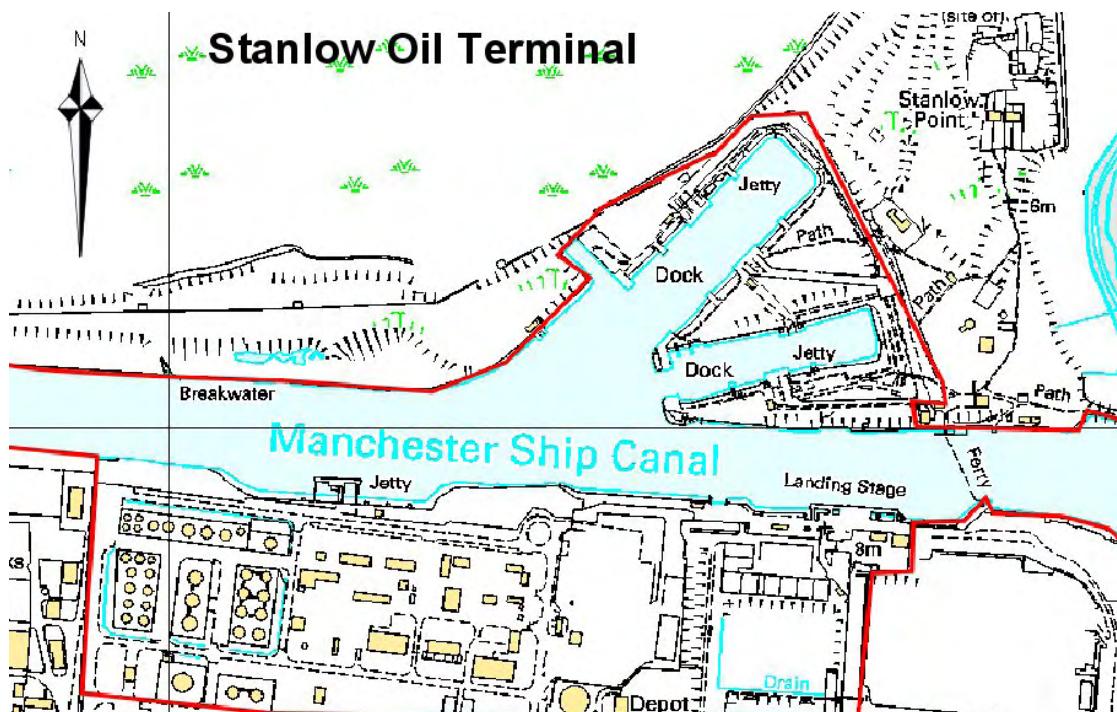
## SCHEDULE 1

Article 2(1)

Boundary of the Manchester Ship Canal at Eastham Locks, Partington Basin North, Partington Jetty and Stanlow Oil Terminal







## SCHEDULE 2

Article 3(2)

### The Manchester Ship Canal Port Security Authority

#### **Members**

- 1.—(1) The Manchester Ship Canal Port Security Authority (in this Schedule called “the Authority”) is to consist of three or more members, each of them appointed by the Secretary of State.
- (2) Subject to the following provisions of this paragraph, each member of the Authority—
  - (a) holds and vacates office in accordance with the terms of the member’s appointment; and
  - (b) on ceasing to be a member is eligible for re-appointment.
- (3) A member of the Authority may resign the office of member by giving notice to that effect to the Secretary of State and will cease to hold office—
  - (a) on the date specified for the purpose in the notice; or
  - (b) if that date falls before the expiration of the period of 21 days beginning with the date on which the notice is served, on the date immediately following the expiration of that period.
- (4) The Secretary of State may give notice to a member to the effect that the member will cease to hold office on a date specified for the purpose in the notice.
- (5) A notice under subparagraph (4) may be given only in one or more of the following circumstances—

- (a) the member has failed to attend four or more consecutive meetings of the Authority without the permission of the Secretary of State;
- (b) the member has a financial interest and it appears to the Secretary of State that the interest is likely to influence or to be capable of being seen as influencing the performance of the member's functions;
- (c) the member has been adjudged bankrupt, the member's estate has been sequestrated or the member has made a composition with creditors or granted a trust deed for creditors;
- (d) there has been misconduct on the part of the member relevant to that individual's position as a member of the Authority; or
- (e) the member is unable or unfit to perform the functions of the office.

(6) It is the duty of every member of the Authority, so far as is reasonably practicable, to attend all meetings of the Authority.

(7) If it be impracticable for a member to attend a meeting, the member must appoint another member to act as a proxy.

(8) A proxy must speak and vote at the meeting on behalf of the absent member as that member may direct.

## **Proceedings of the Authority**

2.—(1) The Authority must hold at least two meetings in any 12-month period.

(2) Subject to the provisions of this Order, it is for the Authority to regulate its own procedure (including quorum).

(3) The Authority must appoint one of its members as chair of the Authority.

(4) The person appointed remains the chair of the Authority until that person—

- (a) is replaced as chair by another member; or
- (b) ceases to be a member of the Authority, in which case it becomes the duty of the Authority to appoint a new chair as soon as reasonably practicable.

(5) The validity of any proceedings of the Authority is not affected by a vacancy amongst the members or by a defect in the appointment of a member.

(6) Other than in exceptional circumstances which require a meeting of the Authority to be held at short notice, the Authority must give the Secretary of State at least three days clear notice of a meeting of the Authority together with a copy of the agenda for the meeting.

(7) A representative of the Secretary of State may attend any meeting as an observer.

(8) Minutes must be kept of the proceedings of the Authority.

(9) The Authority must provide the Secretary of State with a copy of the minutes of a meeting before the end of the period of thirty days beginning with the day of the meeting.

## **Members' interests**

3.—(1) A member who has any pecuniary interest, direct or indirect, in any matter that is brought up for consideration at a meeting of the Authority (which expression in this paragraph includes any committee or subcommittee of the Authority) must disclose the nature of the interest to the meeting.

(2) Where such a disclosure is made—

- (a) the disclosure must be recorded in the minutes of the meeting;
- (b) the member must not take any part in any deliberation or decision of the Authority with respect to that matter; and
- (c) the member may be excluded from the meeting whilst the matter is under consideration.

(3) For the purposes of this paragraph, a general notification given at a meeting of the Authority by a member to the effect that the member—

- (a) is a member, director or employee of, or partner in, a specified company or firm, and

(b) is to be regarded as interested in any matter involving that company or firm, is a sufficient disclosure of the member's interest in any such matter for the purposes of any meeting where the matter comes up for discussion.

(4) A member need not attend in person at a meeting of the Authority in order to make a disclosure required to be made under this paragraph, provided that the member takes reasonable steps to secure that the disclosure is made by a notice which is read and considered at the meeting.

(5) Subject to sub-paragraph (6), a member of the Authority is to be treated for the purposes of this paragraph as having an indirect pecuniary interest in a contract, proposed contract or other matter if—

- (a) the member, or a proxy of the member, is a director of a company or other body (not being a public body) with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration, or
- (b) the member is in partnership with, or is in the employment of, a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration,

and in the case of two persons living together as a couple (whether married or not) an interest of one, if known to the other, is deemed for the purposes of this paragraph also to be an interest of the other.

(6) A member is not to be treated as having a pecuniary interest in any contract, proposed contract or other matter by reason only—

- (a) of membership of a company or other body if the member has no beneficial interest in the securities of that company or other body; or
- (b) of an interest which is so remote or insignificant that it cannot reasonably be regarded as likely to influence the member in the consideration or discussion of, or voting on, any question with respect to that matter.

(7) The Secretary of State may, subject to such conditions as appear to the Secretary of State to be appropriate, remove any prohibition imposed by virtue of this paragraph in any case where the prohibition is impeding or likely to impede the ability of the Authority to perform its functions under this Order or under the Port Security Regulations 2009.

(8) The power of the Secretary of State under subparagraph (7) includes power to remove, either indefinitely or for any period, a prohibition which would otherwise attach to any member, or members of any description, by reason of such interests and in respect of such matters, as may be specified or described by the Secretary of State.

(9) Nothing in this paragraph precludes any member from taking part in the consideration or discussion of, or voting on, any question whether an application should be made to the Secretary of State for the exercise of the power conferred by subparagraph (7).

(10) Any person who fails to comply with the provisions of subparagraph (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(11) A person shall not be convicted of an offence under subparagraph (10) if it is proved that that person did not know that the contract, proposed contract or other matter in which that person had a pecuniary interest was the subject of consideration at the meeting concerned.

## The Crown

4. The Authority is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown and its property is not to be regarded as property of, or held on behalf of, the Crown.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order is one of a series of Orders implementing Directive 2005/65/EC of the European Parliament and of the Council of 26th October 2005 (OJ L 310, 25.11.2005, p28-39) on enhancing port security at

individual ports in the United Kingdom. The Directive was transposed in relation to the United Kingdom as a whole by the Port Security Regulations 2009 (S.I. 2009/2048).

*Article 2* and *Schedule 1* identify the boundaries of the Manchester Ship Canal for the purposes of regulation 3(2)(a) of the Port Security Regulations 2009. *Article 3(1)* designates the Manchester Ship Canal Port Security Authority, for the purposes of regulation 5 of those Regulations, as the port security authority for the Manchester Ship Canal. *Article 3(2)* and *Schedule 2* make provision with respect to the Authority's membership and proceedings, to members' interests and to the Authority's status as a non-Crown body. *Article 4* requires the Secretary of State to review the operation and effect of this Order and publish a report before 1st January 2014 and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Order should remain as it is, or be revoked or be amended. A further instrument would be needed to revoke the Order or to amend it.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from Gary Kemp at Zone 3/21, 33 Horseferry Road, London SW1P 4DR (Tel: 020 7944 6242; email: [gary.kemp@dft.gsi.gov.uk](mailto:gary.kemp@dft.gsi.gov.uk)) and is published with the Explanatory Memorandum alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).

# Annex H Newhaven

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STATUTORY INSTRUMENTS

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**2013 No. 0000**

**MERCHANT SHIPPING**

**MARITIME SECURITY**

**The Port Security (Port of Newhaven) Designation Order 2013**

<i>Made</i>	- - - - -	<i>2013</i>
<i>Laid before Parliament</i>		<i>2013</i>
<i>Coming into force</i>	- - -	<i>2013</i>

The Secretary of State for Transport makes this Order in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(1)</sup>:

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to port security, measures relating to the safety of ships and the health and safety of persons on them, and maritime transport<sup>(2)</sup>.

**Citation and commencement**

**1.** This Order may be cited as the Port Security (Port of Newhaven) Designation Order 2013 and comes into force on [INSERT DATE] 2013.

**Port boundary**

**2.** For the purposes of regulation 3(2)(a) of the Port Security Regulations 2009<sup>(3)</sup> the boundary of the Port of Newhaven is delineated by the red line on the plan in Schedule 1 with the numbered points along that line having the coordinates specified in the table of coordinates in that Schedule.

**The Newhaven Port Security Authority**

**3.—(1)** For the purposes of the Port Security Regulations 2009, the Newhaven Port Security Authority is designated as the port security authority for the port of Newhaven.

**(2)** Schedule 2 has effect with respect to the Newhaven Port Security Authority.

**Review**

**4.—(1)** The Secretary of State must from time to time—

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<sup>(1)</sup> 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).

<sup>(2)</sup> S.I. 1993/595, 1994/757 and 2004/706.

<sup>(3)</sup> S.I. 2009/2048.

(a) carry out a review of this Order,

(b) set out the conclusions of the review in a report, and

(c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how Directive 2005/65/EC of the European Parliament and of the Council of 26th October 2005 (which is implemented by means of the Port Security Regulations 2009<sup>(4)</sup>) is implemented in other member States.

(3) The report must in particular—

(a) set out the objectives intended to be achieved by the regulatory system established by those Regulations and this Order,

(b) assess the extent to which those objectives are achieved, and

(c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this article must be published before 1st January 2014.

(5) Reports under this article are afterwards to be published at intervals not exceeding five years.

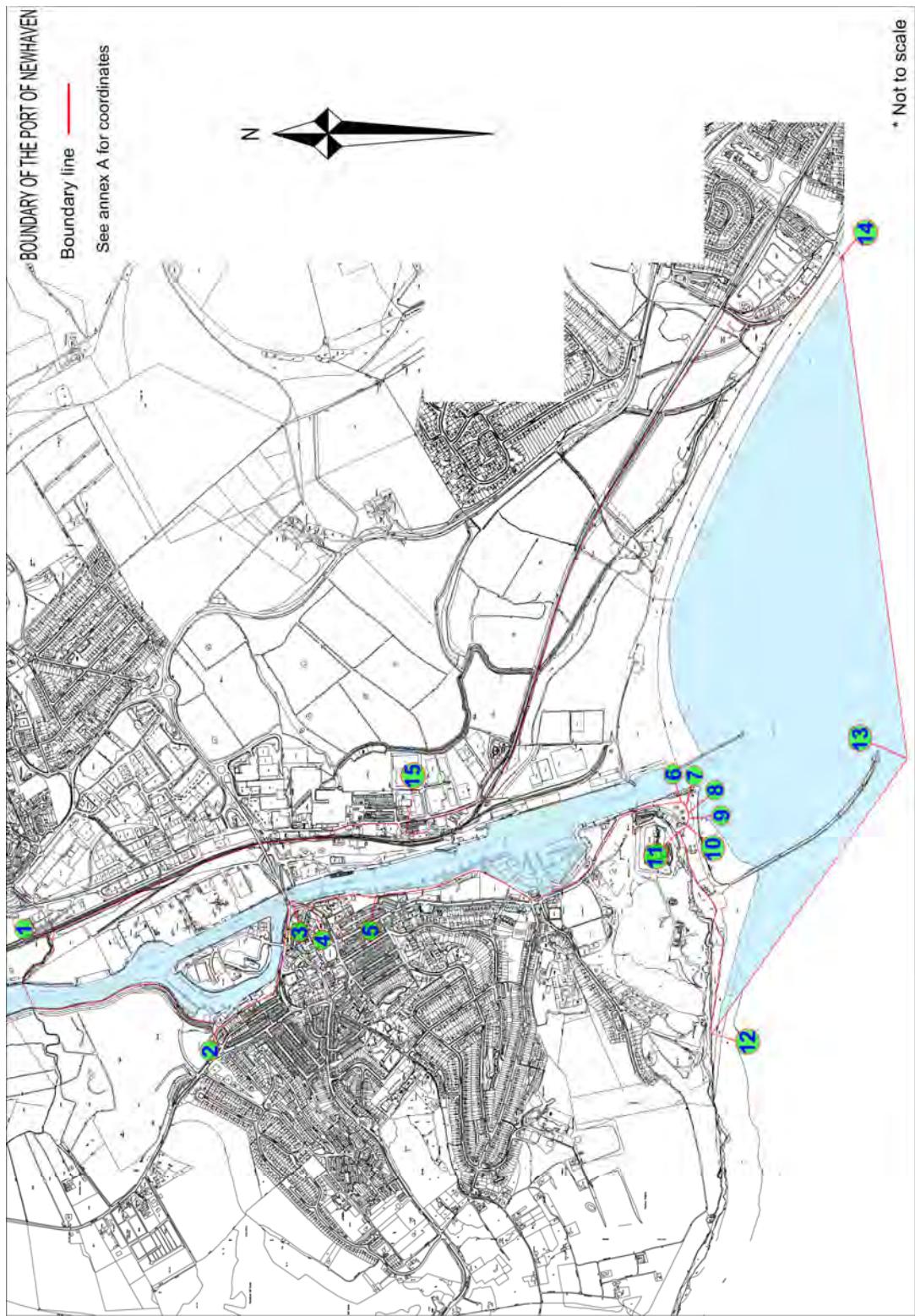
Signed by authority of the Secretary of State for Transport

Date

*Name*  
Parliamentary Under Secretary of State  
Department for Transport

**SCHEDULE 8**  
**Boundary of the Port of Newhaven**

Article 2



**Table of coordinates**

Reference	Latitude (N)	Minutes	Longitude (e)	Minutes
1	50°	48.143	0	3.049
2	50°	47.837	0	2.747
3	50°	47.685	0	3.12
4	50°	47.647	0	3.098

5	50°	47.522	0	3.127
6	50°	46.942	0	3.388
7	50°	46.93	0	3.388
8	50°	46.921	0	3.375
9	50°	46.917	0	3.357
10	50°	46.916	0	3.337
11	50°	46.935	0	2.99
12	50°	46.884	0	2.681
13	50°	46.492	0	3.502
14	50°	46.593	0	5.031
15	50°	47.462	0	3.31

## SCHEDULE 2

### The Newhaven Port Security Authority

Article 3(2)

#### **Members**

1.—(1) The Newhaven Port Security Authority (in this Schedule called “the Authority”) is to consist of three or more members, each of them appointed by the Secretary of State.

(2) Subject to the following provisions of this paragraph, each member of the Authority—

- (a) holds and vacates office in accordance with the terms of the member’s appointment; and
- (b) on ceasing to be a member is eligible for re-appointment.

(3) A member of the Authority may resign the office of member by giving notice to that effect to the Secretary of State and will cease to hold office—

- (a) on the date specified for the purpose in the notice; or
- (b) if that date falls before the expiration of the period of 21 days beginning with the date on which the notice is served, on the date immediately following the expiration of that period.

(4) The Secretary of State may give notice to a member to the effect that the member will cease to hold office on a date specified for the purpose in the notice.

(5) A notice under subparagraph (4) may be given only in one or more of the following circumstances—

- (a) the member has failed to attend four or more consecutive meetings of the Authority without the permission of the Secretary of State;
- (b) the member has a financial interest and it appears to the Secretary of State that the interest is likely to influence or to be capable of being seen as influencing the performance of the member’s functions;
- (c) the member has been adjudged bankrupt, the member’s estate has been sequestrated or the member has made a composition with creditors or granted a trust deed for creditors;
- (d) there has been misconduct on the part of the member relevant to his or her position as a member of the Authority; or
- (e) the member is unable or unfit to perform the functions of the office.

(6) It is the duty of every member of the Authority, so far as is reasonably practicable, to attend all meetings of the Authority.

(7) If it be impracticable for a member to attend a meeting, the member must appoint another member to act as a proxy.

(8) A proxy must speak and vote at the meeting on behalf of the absent member as that member may direct.

## **Proceedings of the Authority**

2.—(1) The Authority must hold at least two meetings in any 12-month period.

(2) Subject to the provisions of this Order, it is for the Authority to regulate its own procedure (including quorum).

(3) The Authority must appoint one of its members as chair of the Authority.

(4) The person appointed remains the chair of the Authority until that person—

(a) is replaced as chair by another member; or

(b) ceases to be a member of the Authority, in which case it becomes the duty of the Authority to appoint a new chair as soon as reasonably practicable.

(5) The validity of any proceedings of the Authority is not affected by a vacancy amongst the members or by a defect in the appointment of a member.

(6) Other than in exceptional circumstances which require a meeting of the Authority to be held at short notice, the Authority must give the Secretary of State at least three days clear notice of a meeting of the Authority together with a copy of the agenda for the meeting.

(7) A representative of the Secretary of State may attend any meeting as an observer.

(8) Minutes must be kept of the proceedings of the Authority.

(9) The Authority must provide the Secretary of State with a copy of the minutes of a meeting before the end of the period of thirty days beginning with the day of the meeting.

## **Members' interests**

3.—(1) A member who has any pecuniary interest, direct or indirect, in any matter that is brought up for consideration at a meeting of the Authority (which expression in this paragraph includes any committee or subcommittee of the Authority) must disclose the nature of the interest to the meeting.

(2) Where such a disclosure is made—

(a) the disclosure must be recorded in the minutes of the meeting;

(b) the member must not take any part in any deliberation or decision of the Authority with respect to that matter; and

(c) the member may be excluded from the meeting whilst the matter is under consideration.

(3) For the purposes of this paragraph, a general notification given at a meeting of the Authority by a member to the effect that the member—

(a) is a member, director or employee of, or partner in, a specified company or firm, and

(b) is to be regarded as interested in any matter involving that company or firm,

is a sufficient disclosure of the member's interest in any such matter for the purposes of any meeting where the matter comes up for discussion.

(4) A member need not attend in person at a meeting of the Authority in order to make a disclosure required to be made under this paragraph, provided that the member takes reasonable steps to secure that the disclosure is made by a notice which is read and considered at the meeting.

(5) Subject to sub-paragraph (6), a member of the Authority is to be treated for the purposes of this paragraph as having an indirect pecuniary interest in a contract, proposed contract or other matter if—

(a) the member, or a proxy of the member, is a director of a company or other body (not being a public body) with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration, or

(b) the member is in partnership with, or is in the employment of, a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration,

and in the case of two persons living together as a couple (whether married or not) an interest of one, if known to the other, is deemed for the purposes of this paragraph also to be an interest of the other.

(6) A member is not to be treated as having a pecuniary interest in any contract, proposed contract or other matter by reason only—

- (a) of membership of a company or other body if the member has no beneficial interest in the securities of that company or other body; or
- (b) of an interest which is so remote or insignificant that it cannot reasonably be regarded as likely to influence the member in the consideration or discussion of, or voting on, any question with respect to that matter.

(7) The Secretary of State may, subject to such conditions as appear to the Secretary of State to be appropriate, remove any prohibition imposed by virtue of this paragraph in any case where the prohibition is impeding or likely to impede the ability of the Authority to perform its functions under this Order or under the Port Security Regulations 2009.

(8) The power of the Secretary of State under subparagraph (7) includes power to remove, either indefinitely or for any period, a prohibition which would otherwise attach to any member, or members of any description, by reason of such interests and in respect of such matters, as may be specified or described by the Secretary of State.

(9) Nothing in this paragraph precludes any member from taking part in the consideration or discussion of, or voting on, any question whether an application should be made to the Secretary of State for the exercise of the power conferred by subparagraph (7).

(10) Any person who fails to comply with the provisions of subparagraph (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(11) A person shall not be convicted of an offence under subparagraph (10) if it is proved that that person did not know that the contract, proposed contract or other matter in which that person had a pecuniary interest was the subject of consideration at the meeting concerned.

## The Crown

**4.** The Authority is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown and its property is not to be regarded as property of, or held on behalf of, the Crown.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order is one of a series of Orders implementing Directive 2005/65/EC of the European Parliament and of the Council of 26th October 2005 (OJ L 310, 25.11.2005, p28-39) on enhancing port security at individual ports in the United Kingdom. The Directive was transposed in relation to the United Kingdom as a whole by the Port Security Regulations 2009 (S.I. 2009/2048).

*Article 2* and *Schedule 1* identify the boundaries of the Port of Newhaven for the purposes of regulation 3(2)(a) of the Port Security Regulations 2009. *Article 3(1)* designates the Newhaven Port Security Authority, for the purposes of regulation 5 of those Regulations, as the port security authority for the Port of Newhaven. *Article 3(2)* and *Schedule 2* make provision with respect to the Authority's membership and proceedings, to members' interests and to the Authority's status as a non-Crown body. *Article 4* requires the Secretary of State to review the operation and effect of this Order and publish a report before 1st January 2014 and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Order should remain as it is, or be revoked or be amended. A further instrument would be needed to revoke the Order or to amend it.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from Caroline Wall at Zone 2/31, 33 Horseferry Road, London SW1P 4DR (Tel: 020 7944 6251 ; email: [caroline.wall@dft.gsi.gov.uk](mailto:caroline.wall@dft.gsi.gov.uk)) and is published with the Explanatory Memorandum alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).

# Annex I Southampton

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S T A T U T O R Y I N S T R U M E N T S

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**2013 No. 0000**

**MERCHANT SHIPPING**

**MARITIME SECURITY**

**The Port Security (Port of Southampton) Designation Order 2013**

<i>Made</i>	- - - - -	<i>2013</i>
<i>Laid before Parliament</i>		<i>2013</i>
<i>Coming into force</i>	- - -	<i>2013</i>

The Secretary of State for Transport makes this Order in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(1)</sup>:

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to port security, measures relating to the safety of ships and the health and safety of persons on them, and maritime transport<sup>(2)</sup>.

**Citation and commencement**

1. This Order may be cited as the Port Security (Port of Southampton) Designation Order 2013 and comes into force on [INSERT DATE] 2013.

**Port boundary**

2.—(1) For the purposes of regulation 3(2)(a) of the Port Security Regulations 2009<sup>(3)</sup> the boundary of the Port of Southampton is delineated by the red line on the key plan in Schedule 1, except that, with respect to the areas shown on inset plans 1, 2, 3, 4 and 5, the boundary follows the red lines on those plans.

(2) Where a red line runs along a beach or foreshore, the boundary runs along the edge of the land on that beach or foreshore which is below the level of mean high water springs.

**The Southampton Port Security Authority**

3.—(1) For the purposes of the Port Security Regulations 2009, the Southampton Port Security Authority is designated as the port security authority for the port of Southampton.

(2) Schedule 2 has effect with respect to the Southampton Port Security Authority.

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<sup>(1)</sup> 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).

<sup>(2)</sup> S.I. 1993/595, 1994/757 and 2004/706.

<sup>(3)</sup> S.I. 2009/2048.

## **Review**

**4.**—(1) The Secretary of State must from time to time—

- (a) carry out a review of this Order,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how Directive 2005/65/EC of the European Parliament and of the Council of 26th October 2005 (which is implemented by means of the Port Security Regulations 2009<sup>(4)</sup>) is implemented in other member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by those Regulations and this Order,
- (b) assess the extent to which those objectives are achieved, and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this article must be published before 1st January 2014.

(5) Reports under this article are afterwards to be published at intervals not exceeding five years.

Signed by authority of the Secretary of State for Transport

Date

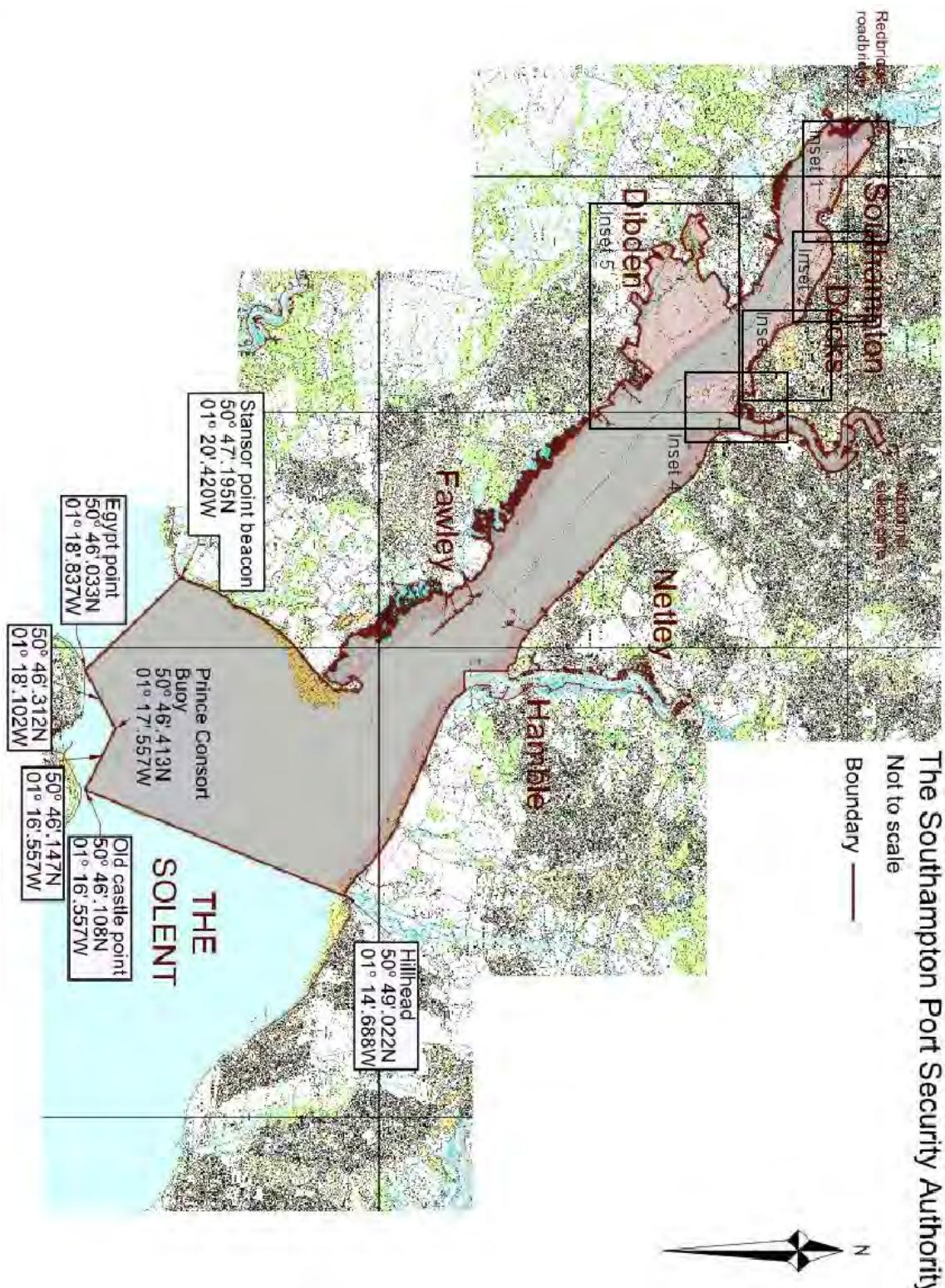
*Name*  
Parliamentary Under Secretary of State  
Department for Transport

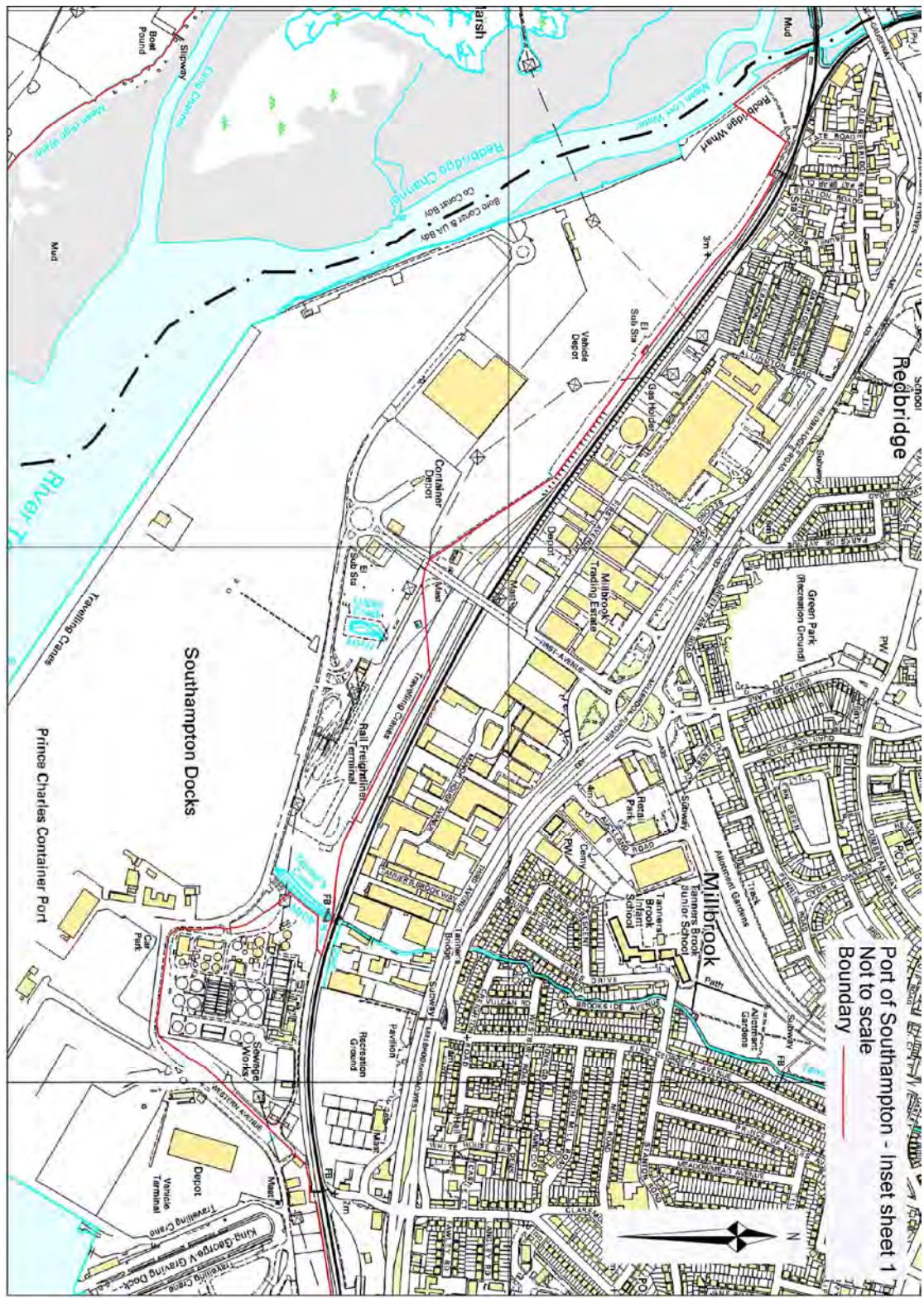
## SCHEDULE 9

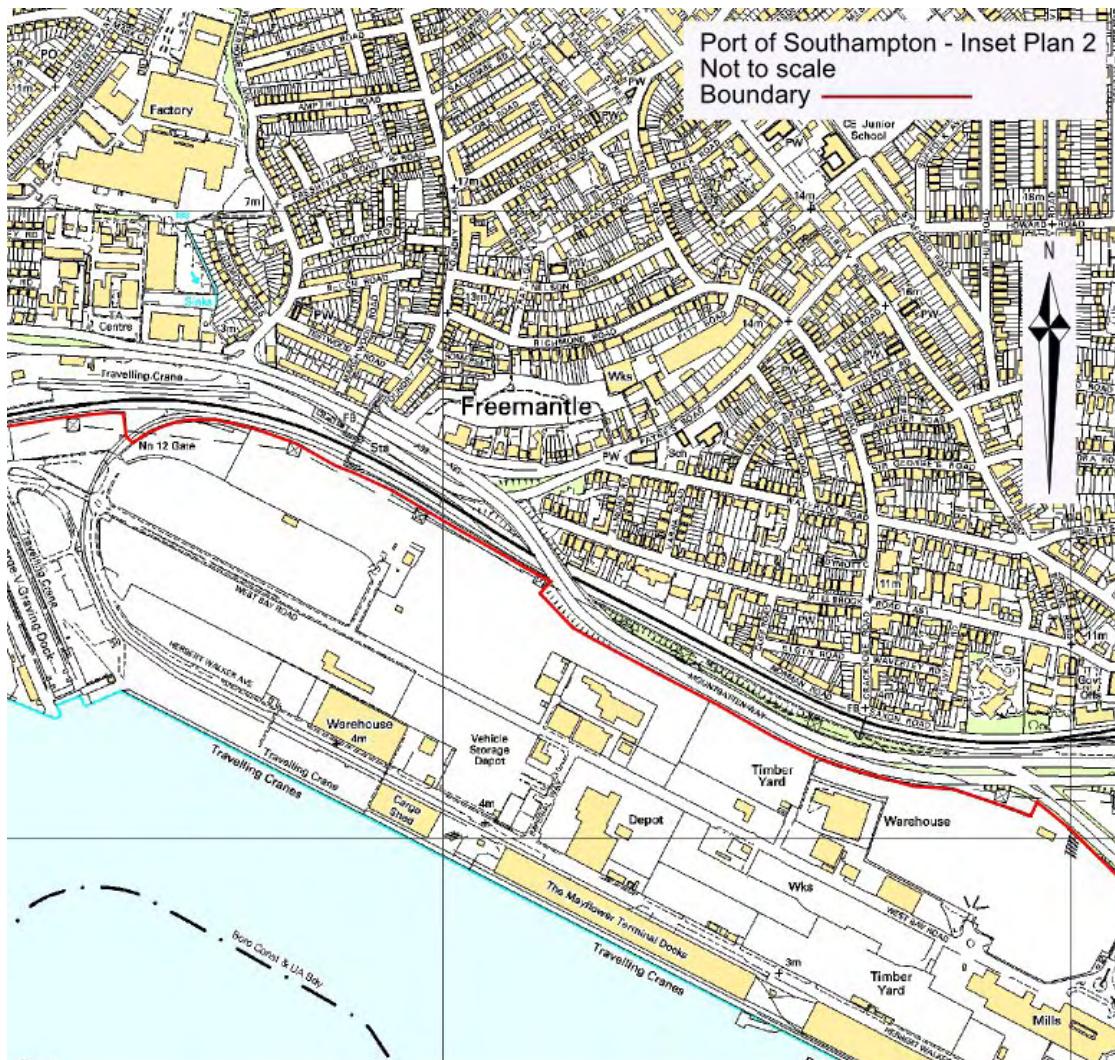
Article 2

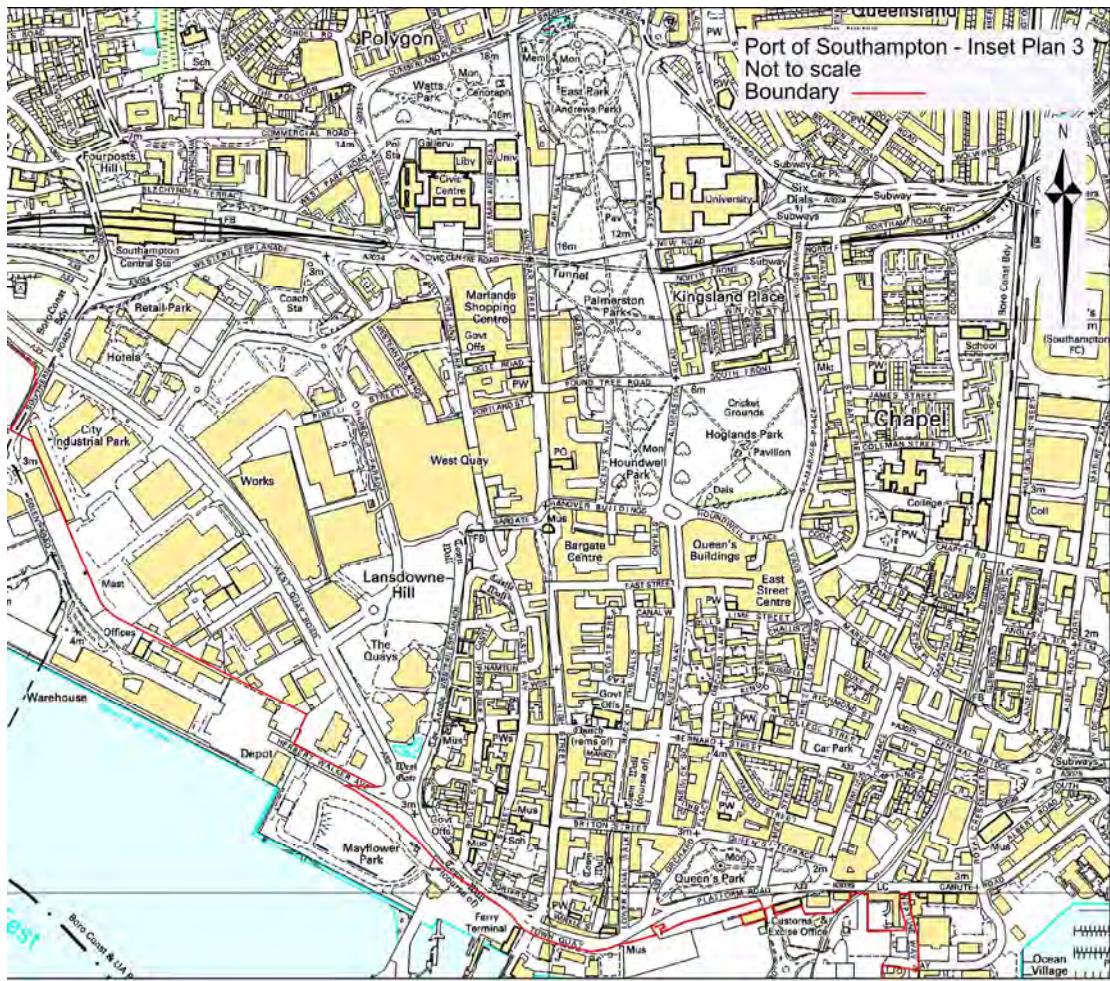
### Boundary of the Port of Southampton

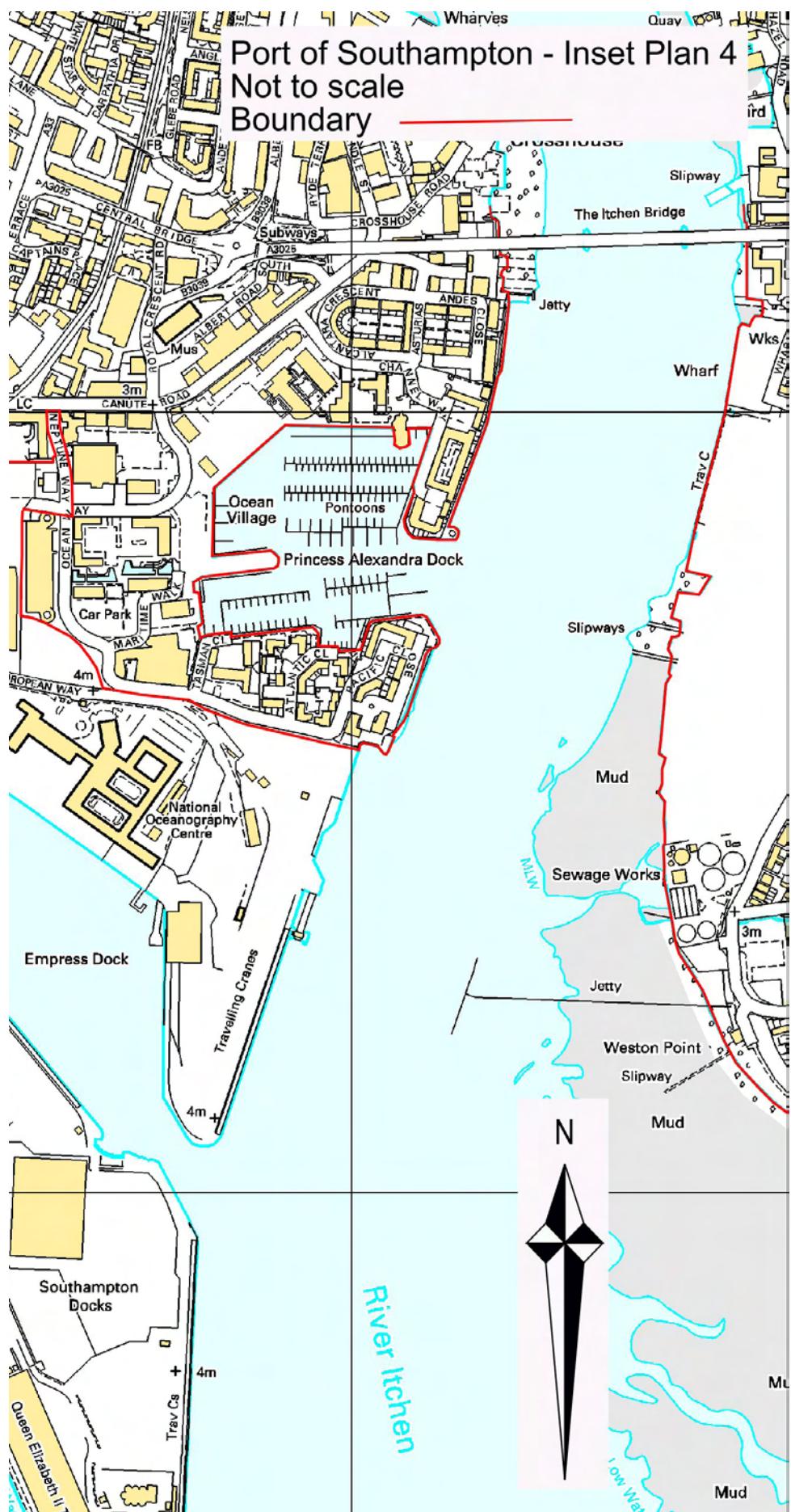
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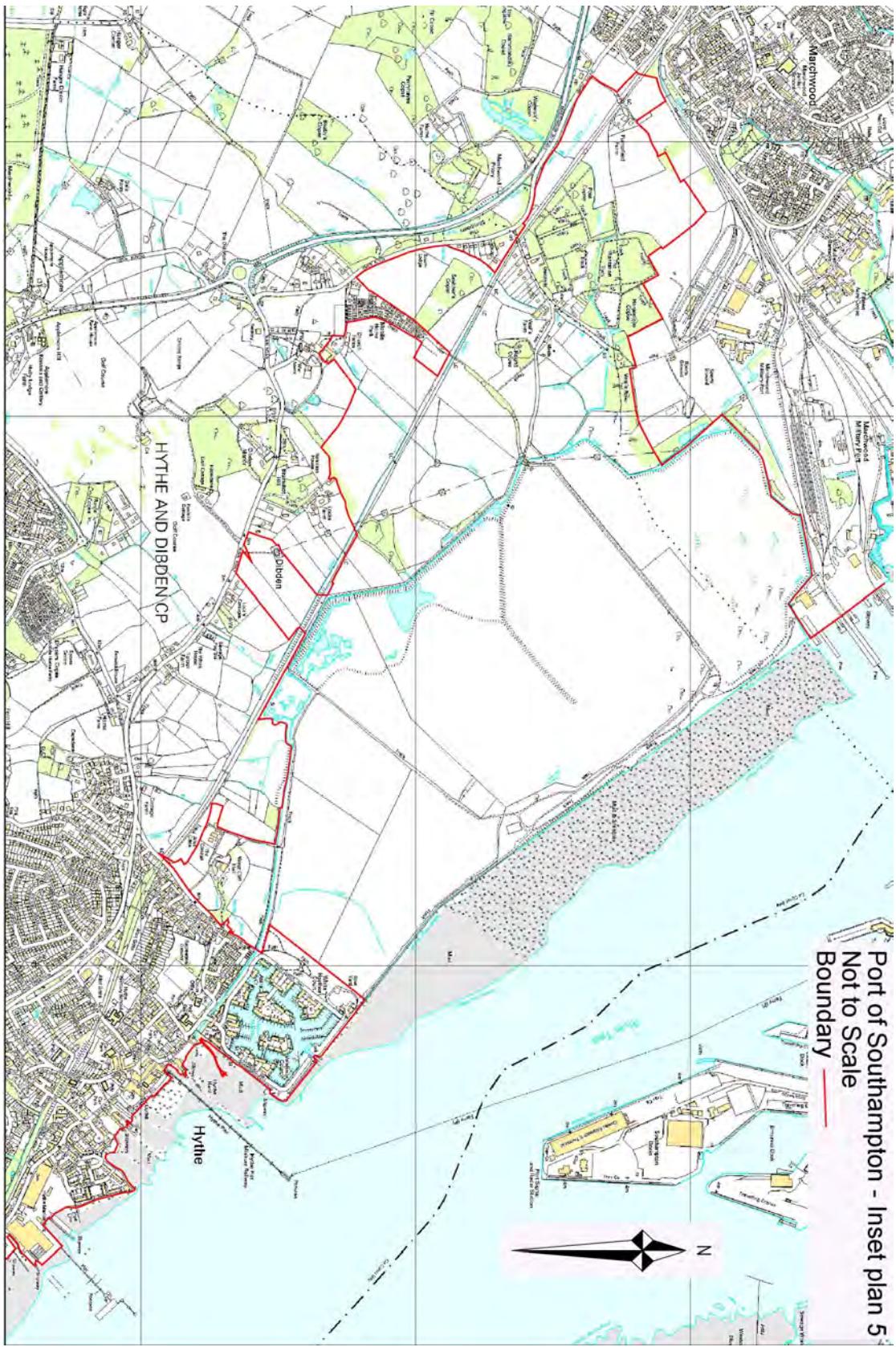








**Port of Southampton - Inset plan 5  
Not to Scale  
Boundary**



## SCHEDULE 10

Article 3(2)

### The Southampton Port Security Authority

#### Members

1.—(1) The Southampton Port Security Authority (in this Schedule called “the Authority”) is to consist of three or more members, each of them appointed by the Secretary of State.

(2) Subject to the following provisions of this paragraph, each member of the Authority—

- (a) holds and vacates office in accordance with the terms of the member’s appointment; and
- (b) on ceasing to be a member is eligible for re-appointment.

(3) A member of the Authority may resign the office of member by giving notice to that effect to the Secretary of State and will cease to hold office—

- (a) on the date specified for the purpose in the notice; or
- (b) if that date falls before the expiration of the period of 21 days beginning with the date on which the notice is served, on the date immediately following the expiration of that period.

(4) The Secretary of State may give notice to a member to the effect that the member will cease to hold office on a date specified for the purpose in the notice.

(5) A notice under subparagraph (4) may be given only in one or more of the following circumstances—

- (a) the member has failed to attend four or more consecutive meetings of the Authority without the permission of the Secretary of State;
- (b) the member has a financial interest and it appears to the Secretary of State that the interest is likely to influence or to be capable of being seen as influencing the performance of the member’s functions;
- (c) the member has been adjudged bankrupt, the member’s estate has been sequestrated or the member has made a composition with creditors or granted a trust deed for creditors;
- (d) there has been misconduct on the part of the member relevant to his or her position as a member of the Authority; or
- (e) the member is unable or unfit to perform the functions of the office.

(6) It is the duty of every member of the Authority, so far as is reasonably practicable, to attend all meetings of the Authority.

(7) If it be impracticable for a member to attend a meeting, the member must appoint another member to act as a proxy.

(8) A proxy must speak and vote at the meeting on behalf of the absent member as that member may direct.

#### Proceedings of the Authority

2.—(1) The Authority must hold at least two meetings in any 12-month period.

(2) Subject to the provisions of this Order, it is for the Authority to regulate its own procedure (including quorum).

(3) The Authority must appoint one of its members as chair of the Authority.

(4) The person appointed remains the chair of the Authority until that person—

- (a) is replaced as chair by another member; or
- (b) ceases to be a member of the Authority, in which case it becomes the duty of the Authority to appoint a new chair as soon as reasonably practicable.

(5) The validity of any proceedings of the Authority is not affected by a vacancy amongst the members or by a defect in the appointment of a member.

(6) Other than in exceptional circumstances which require a meeting of the Authority to be held at short notice, the Authority must give the Secretary of State at least three days clear notice of a meeting of the Authority together with a copy of the agenda for the meeting.

(7) A representative of the Secretary of State may attend any meeting as an observer.

(8) Minutes must be kept of the proceedings of the Authority.

(9) The Authority must provide the Secretary of State with a copy of the minutes of a meeting before the end of the period of thirty days beginning with the day of the meeting.

## **Members' interests**

**3.—(1)** A member who has any pecuniary interest, direct or indirect, in any matter that is brought up for consideration at a meeting of the Authority (which expression in this paragraph includes any committee or subcommittee of the Authority) must disclose the nature of the interest to the meeting.

(2) Where such a disclosure is made—

- (a) the disclosure must be recorded in the minutes of the meeting;
- (b) the member must not take any part in any deliberation or decision of the Authority with respect to that matter; and
- (c) the member may be excluded from the meeting whilst the matter is under consideration.

(3) For the purposes of this paragraph, a general notification given at a meeting of the Authority by a member to the effect that the member—

- (a) is a member, director or employee of, or partner in, a specified company or firm, and
- (b) is to be regarded as interested in any matter involving that company or firm,

is a sufficient disclosure of the member's interest in any such matter for the purposes of any meeting where the matter comes up for discussion.

(4) A member need not attend in person at a meeting of the Authority in order to make a disclosure required to be made under this paragraph, provided that the member takes reasonable steps to secure that the disclosure is made by a notice which is read and considered at the meeting.

(5) Subject to sub-paragraph (6), a member of the Authority is to be treated for the purposes of this paragraph as having an indirect pecuniary interest in a contract, proposed contract or other matter if—

- (a) the member, or a proxy of the member, is a director of a company or other body (not being a public body) with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration, or
- (b) the member is in partnership with, or is in the employment of, a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration,

and in the case of two persons living together as a couple (whether married or not) an interest of one, if known to the other, is deemed for the purposes of this paragraph also to be an interest of the other.

(6) A member is not to be treated as having a pecuniary interest in any contract, proposed contract or other matter by reason only—

- (a) of membership of a company or other body if the member has no beneficial interest in the securities of that company or other body; or
- (b) of an interest which is so remote or insignificant that it cannot reasonably be regarded as likely to influence the member in the consideration or discussion of, or voting on, any question with respect to that matter.

(7) The Secretary of State may, subject to such conditions as appear to the Secretary of State to be appropriate, remove any prohibition imposed by virtue of this paragraph in any case where the prohibition is impeding or likely to impede the ability of the Authority to perform its functions under this Order or under the Port Security Regulations 2009.

(8) The power of the Secretary of State under subparagraph (7) includes power to remove, either indefinitely or for any period, a prohibition which would otherwise attach to any member, or members of

any description, by reason of such interests and in respect of such matters, as may be specified or described by the Secretary of State.

(9) Nothing in this paragraph precludes any member from taking part in the consideration or discussion of, or voting on, any question whether an application should be made to the Secretary of State for the exercise of the power conferred by subparagraph (7).

(10) Any person who fails to comply with the provisions of subparagraph (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(11) A person shall not be convicted of an offence under subparagraph (10) if it is proved that that person did not know that the contract, proposed contract or other matter in which that person had a pecuniary interest was the subject of consideration at the meeting concerned.

## The Crown

**4.** The Authority is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown and its property is not to be regarded as property of, or held on behalf of, the Crown.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order is one of a series of Orders implementing Directive 2005/65/EC of the European Parliament and of the Council of 26th October 2005 (OJ L 310, 25.11.2005, p28-39) on enhancing port security at individual ports in the United Kingdom. The Directive was transposed in relation to the United Kingdom as a whole by the Port Security Regulations 2009 (S.I. 2009/2048).

*Article 2 and Schedule 1* identify the boundaries of the Port of Southampton for the purposes of regulation 3(2)(a) of the Port Security Regulations 2009. *Article 3(1)* designates the Southampton Port Security Authority, for the purposes of regulation 5 of those Regulations, as the port security authority for the Port of Southampton. *Article 3(2)* and *Schedule 2* make provision with respect to the Authority's membership and proceedings, to members' interests and to the Authority's status as a non-Crown body. *Article 4* requires the Secretary of State to review the operation and effect of this Order and publish a report before 1st January 2014 and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Order should remain as it is, or be revoked or be amended. A further instrument would be needed to revoke the Order or to amend it.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from Tony Smith at Zone 31/2, 33 Horseferry Road, London SW1P 4DR (Tel: 020 7944 5875; email: [tonyl.smith@dft.gsi.gov.uk](mailto:tonyl.smith@dft.gsi.gov.uk)) and is published with the Explanatory Memorandum alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).

# Annex J Sullom Voe

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STATUTORY INSTRUMENTS

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**2013 No. 0000**

**MERCHANT SHIPPING**

**MARITIME SECURITY**

**The Port Security (Port of Sullom Voe) Designation Order 2013**

<i>Made</i>	- - - - -	2013
<i>Laid before Parliament</i>		2013
<i>Coming into force</i>	- - -	2013

The Secretary of State for Transport makes this Order in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(1)</sup>:

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to port security, measures relating to the safety of ships and the health and safety of persons on them, and maritime transport<sup>(2)</sup>.

**Citation and commencement**

**1.** This Order may be cited as the Port Security (Port of Sullom Voe) Designation Order 2013 and comes into force on [INSERT DATE] 2013.

**Port boundary**

**2.**—(1) For the purposes of regulation 3(2)(a) of the Port Security Regulations 2009<sup>(3)</sup> the boundary of the Port of Sullom Voe is, subject to paragraph (2), delineated by the red line on the first plan in Part Schedule 1 and is more particularly described in Part 2 of that Schedule.

(2) Paragraph (1) does not apply to area shown on the plan in Schedule 1 marked Sullom Voe Oil Terminal where the boundary follows the red line shown on that plan.

(3) Where a red line runs along a beach or foreshore, the boundary runs along the edge of the land on that beach or foreshore which is below the level of mean high water springs.

**The Sullom Voe Port Security Authority**

**3.**—(1) For the purposes of the Port Security Regulations 2009, the Sullom Voe Port Security Authority is designated as the port security authority for the port of Sullom Voe.

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<sup>(1)</sup> 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).

<sup>(2)</sup> S.I. 1993/595, 1994/757 and 2004/706.

<sup>(3)</sup> S.I. 2009/2048.

(2) Schedule 2 has effect with respect to the Sullom Voe Port Security Authority.

## Review

- 4.—(1) The Secretary of State must from time to time—

  - (a) carry out a review of this Order,
  - (b) set out the conclusions of the review in a report, and
  - (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how Directive 2005/65/EC of the European Parliament and of the Council of 26th October 2005 (which is implemented by means of the Port Security Regulations 2009<sup>(4)</sup>) is implemented in other member States.

- (3) The report must in particular—

  - (a) set out the objectives intended to be achieved by the regulatory system established by those Regulations and this Order,
  - (b) assess the extent to which those objectives are achieved, and
  - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this article must be published before 1st January 2014.

(5) Reports under this article are afterwards to be published at intervals not exceeding five years.

Signed by authority of the Secretary of State for Transport

*Name*  
Parliamentary Under Secretary of State  
Department for Transport

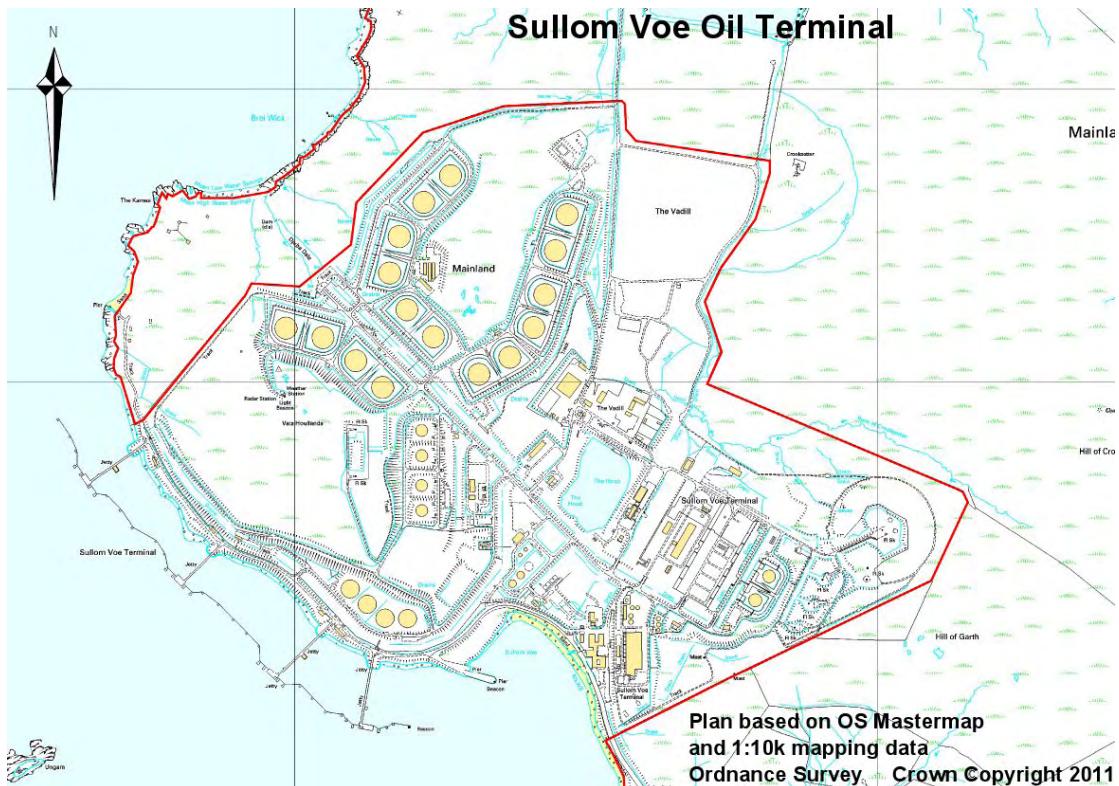
(<sup>4</sup>) S.I. 2009/2048

SCHEDULE 11  
Boundary of the Port of Sullom Voe

Article 2

PART 1





## PART 2

### Description of the seaward limits of the Port of Sullom Voe

The entire area of Yell Sound and Sullom Voe and adjacent inlets within a line commencing at Ell Wick thence in a northerly direction along the line of low water mark on the west side to a point in latitude 60 38.27N, longitude 01 18.27W on the line of low water mark at the northern extremity of the Point of Fethaland, thence in an easterly direction following a straight line to a point in latitude 60 38.23N, longitude 01 11.13 W on the line of low water mark at the northern extremity of Fogla Lee on the island of Yell, thence generally in a southerly and easterly direction along the line of low water market on the east side to a point in latitude 60 29.15N, longitude 01 05.80W on the line of low water mark at the south-eastern extremity of the Ness of Copister, thence in a southerly direction to a point in latitude 60 28.68N, longitude 01 05.97W on the line of low water mark at the south-eastern extremity of the Island of Orfasay thence in a south-westerly direction following a straight line to a point in latitude 60 27.73N, longitude 01 08.37W on the line of low water mark at the southern extremity of Samphrey Island, thence in a westerly direction following a straight line to a point in latitude 60 27.75N, longitude 01 10W at the root of Mossbank Pier and thence generally in a northerly and southerly direction following the line of low water mark to the point of origin.

## SCHEDULE 2

Article 3(2)

### The Sullom Voe Port Security Authority

#### Members

1.—(1) The Sullom Voe Port Security Authority (in this Schedule called “the Authority”) is to consist of three or more members, each of them appointed by the Secretary of State.

(2) Subject to the following provisions of this paragraph, each member of the Authority—

- (a) holds and vacates office in accordance with the terms of the member’s appointment; and
- (b) on ceasing to be a member is eligible for re-appointment.

(3) A member of the Authority may resign the office of member by giving notice to that effect to the Secretary of State and will cease to hold office—

- (a) on the date specified for the purpose in the notice; or
- (b) if that date falls before the expiration of the period of 21 days beginning with the date on which the notice is served, on the date immediately following the expiration of that period.

(4) The Secretary of State may give notice to a member to the effect that the member will cease to hold office on a date specified for the purpose in the notice.

(5) A notice under subparagraph (4) may be given only in one or more of the following circumstances—

- (a) the member has failed to attend four or more consecutive meetings of the Authority without the permission of the Secretary of State;
- (b) the member has a financial interest and it appears to the Secretary of State that the interest is likely to influence or to be capable of being seen as influencing the performance of the member’s functions;
- (c) the member has been adjudged bankrupt, the member’s estate has been sequestrated or the member has made a composition with creditors or granted a trust deed for creditors;
- (d) there has been misconduct on the part of the member relevant to his or her position as a member of the Authority; or
- (e) the member is unable or unfit to perform the functions of the office.

(6) It is the duty of every member of the Authority, so far as is reasonably practicable, to attend all meetings of the Authority.

(7) If it be impracticable for a member to attend a meeting, the member must appoint another member to act as a proxy.

(8) A proxy must speak and vote at the meeting on behalf of the absent member as that member may direct.

#### Proceedings of the Authority

2.—(1) The Authority must hold at least two meetings in any 12-month period.

(2) Subject to the provisions of this Order, it is for the Authority to regulate its own procedure (including quorum).

(3) The Authority must appoint one of its members as chair of the Authority.

(4) The person appointed remains the chair of the Authority until that person—

- (a) is replaced as chair by another member; or
- (b) ceases to be a member of the Authority, in which case it becomes the duty of the Authority to appoint a new chair as soon as reasonably practicable.

(5) The validity of any proceedings of the Authority is not affected by a vacancy amongst the members or by a defect in the appointment of a member.

(6) Other than in exceptional circumstances which require a meeting of the Authority to be held at short notice, the Authority must give the Secretary of State at least three days clear notice of a meeting of the Authority together with a copy of the agenda for the meeting.

(7) A representative of the Secretary of State may attend any meeting as an observer.

(8) Minutes must be kept of the proceedings of the Authority.

(9) The Authority must provide the Secretary of State with a copy of the minutes of a meeting before the end of the period of thirty days beginning with the day of the meeting.

## Members' interests

**3.—(1)** A member who has any pecuniary interest, direct or indirect, in any matter that is brought up for consideration at a meeting of the Authority (which expression in this paragraph includes any committee or subcommittee of the Authority) must disclose the nature of the interest to the meeting.

(2) Where such a disclosure is made—

- (a) the disclosure must be recorded in the minutes of the meeting;
- (b) the member must not take any part in any deliberation or decision of the Authority with respect to that matter; and
- (c) the member may be excluded from the meeting whilst the matter is under consideration.

(3) For the purposes of this paragraph, a general notification given at a meeting of the Authority by a member to the effect that the member—

- (a) is a member, director or employee of, or partner in, a specified company or firm, and
- (b) is to be regarded as interested in any matter involving that company or firm,

is a sufficient disclosure of the member's interest in any such matter for the purposes of any meeting where the matter comes up for discussion.

(4) A member need not attend in person at a meeting of the Authority in order to make a disclosure required to be made under this paragraph, provided that the member takes reasonable steps to secure that the disclosure is made by a notice which is read and considered at the meeting.

(5) Subject to sub-paragraph (6), a member of the Authority is to be treated for the purposes of this paragraph as having an indirect pecuniary interest in a contract, proposed contract or other matter if—

- (a) the member, or a proxy of the member, is a director of a company or other body (not being a public body) with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration, or
- (b) the member is in partnership with, or is in the employment of, a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration,

and in the case of two persons living together as a couple (whether married or not) an interest of one, if known to the other, is deemed for the purposes of this paragraph also to be an interest of the other.

(6) A member is not to be treated as having a pecuniary interest in any contract, proposed contract or other matter by reason only—

- (a) of membership of a company or other body if the member has no beneficial interest in the securities of that company or other body; or
- (b) of an interest which is so remote or insignificant that it cannot reasonably be regarded as likely to influence the member in the consideration or discussion of, or voting on, any question with respect to that matter.

(7) The Secretary of State may, subject to such conditions as appear to the Secretary of State to be appropriate, remove any prohibition imposed by virtue of this paragraph in any case where the prohibition is impeding or likely to impede the ability of the Authority to perform its functions under this Order or under the Port Security Regulations 2009.

(8) The power of the Secretary of State under subparagraph (7) includes power to remove, either indefinitely or for any period, a prohibition which would otherwise attach to any member, or members of any description, by reason of such interests and in respect of such matters, as may be specified or described by the Secretary of State.

(9) Nothing in this paragraph precludes any member from taking part in the consideration or discussion of, or voting on, any question whether an application should be made to the Secretary of State for the exercise of the power conferred by subparagraph (7).

(10) Any person who fails to comply with the provisions of subparagraph (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(11) A person shall not be convicted of an offence under subparagraph (10) if it is proved that that person did not know that the contract, proposed contract or other matter in which that person had a pecuniary interest was the subject of consideration at the meeting concerned.

## The Crown

**4.** The Authority is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown and its property is not to be regarded as property of, or held on behalf of, the Crown.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order is one of a series of Orders implementing Directive 2005/65/EC of the European Parliament and of the Council of 26th October 2005 (OJ L 310, 25.11.2005, p28-39) on enhancing port security at individual ports in the United Kingdom. The Directive was transposed in relation to the United Kingdom as a whole by the Port Security Regulations 2009 (S.I. 2009/2048).

*Article 2* and *Schedule 1* identify the boundaries of the Port of Sullom Voe for the purposes of regulation 3(2)(a) of the Port Security Regulations 2009. *Article 3(1)* designates the Sullom Voe Port Security Authority, for the purposes of regulation 5 of those Regulations, as the port security authority for the Port of Sullom Voe. *Article 3(2)* and *Schedule 2* make provision with respect to the Authority's membership and proceedings, to members' interests and to the Authority's status as a non-Crown body. *Article 4* requires the Secretary of State to review the operation and effect of this Order and publish a report before 1st January 2014 and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Order should remain as it is, or be revoked or be amended. A further instrument would be needed to revoke the Order or to amend it.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from Gary Kemp at Zone 2/31, 33 Horseferry Road, London SW1P 4DR (Tel: 020 7944 6242; email: [gary.kemp@dft.gsi.gov.uk](mailto:gary.kemp@dft.gsi.gov.uk)) and is published with the Explanatory Memorandum alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).

# Annex K Swansea

**2013 No. 0000**

**MERCHANT SHIPPING**

**MARITIME SECURITY**

**The Port Security (Ports of Swansea and Port Talbot) Designation Order 2013**

<i>Made</i>	- - - - -	2013
<i>Laid before Parliament</i>		2013
<i>Coming into force</i>	- - -	2013

The Secretary of State for Transport makes this Order in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(1)</sup>:

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to port security, measures relating to the safety of ships and the health and safety of persons on them, and maritime transport<sup>(2)</sup>.

**Citation and commencement**

1. This Order may be cited as the Port Security (Ports of Swansea and Port Talbot) Designation Order 2013 and comes into force on [INSERT DATE] 2013.

**Port boundaries**

- 2.—(1) For the purposes of regulation 3(2)(a) of the Port Security Regulations 2009<sup>(3)</sup>—
- (a) the boundary of the Port of Swansea is delineated by the continuous red lines on the plan and inset plan in Part 1 of Schedule 1; and
  - (b) the boundary of the Port of Port Talbot is delineated by the continuous red lines on the plan and inset plan in Part 2 of Schedule 1.
- (2) Where the red line runs along a beach or foreshore, the boundary runs along the edge of the land on that beach or foreshore which is below the level of mean high water springs.

**The Swansea and Port Talbot Port Security Authority**

- 3.—(1) For the purposes of the Port Security Regulations 2009, the Swansea and Port Talbot Port Security Authority is designated as the port security authority for the ports of Swansea and Port Talbot.
- (2) Schedule 2 has effect with respect to the Swansea and Port Talbot Port Security Authority.

**Review**

- 4.—(1) The Secretary of State must from time to time—
- (a) carry out a review of this Order,
  - (b) set out the conclusions of the review in a report, and

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<sup>(1)</sup> 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).

<sup>(2)</sup> S.I. 1993/595, 1994/757 and 2004/706.

<sup>(3)</sup> S.I. 2009/2048.

(c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how Directive 2005/65/EC of the European Parliament and of the Council of 26th October 2005 (which is implemented by means of the Port Security Regulations 2009<sup>(4)</sup>) is implemented in other member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by those Regulations and this Order,
- (b) assess the extent to which those objectives are achieved, and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

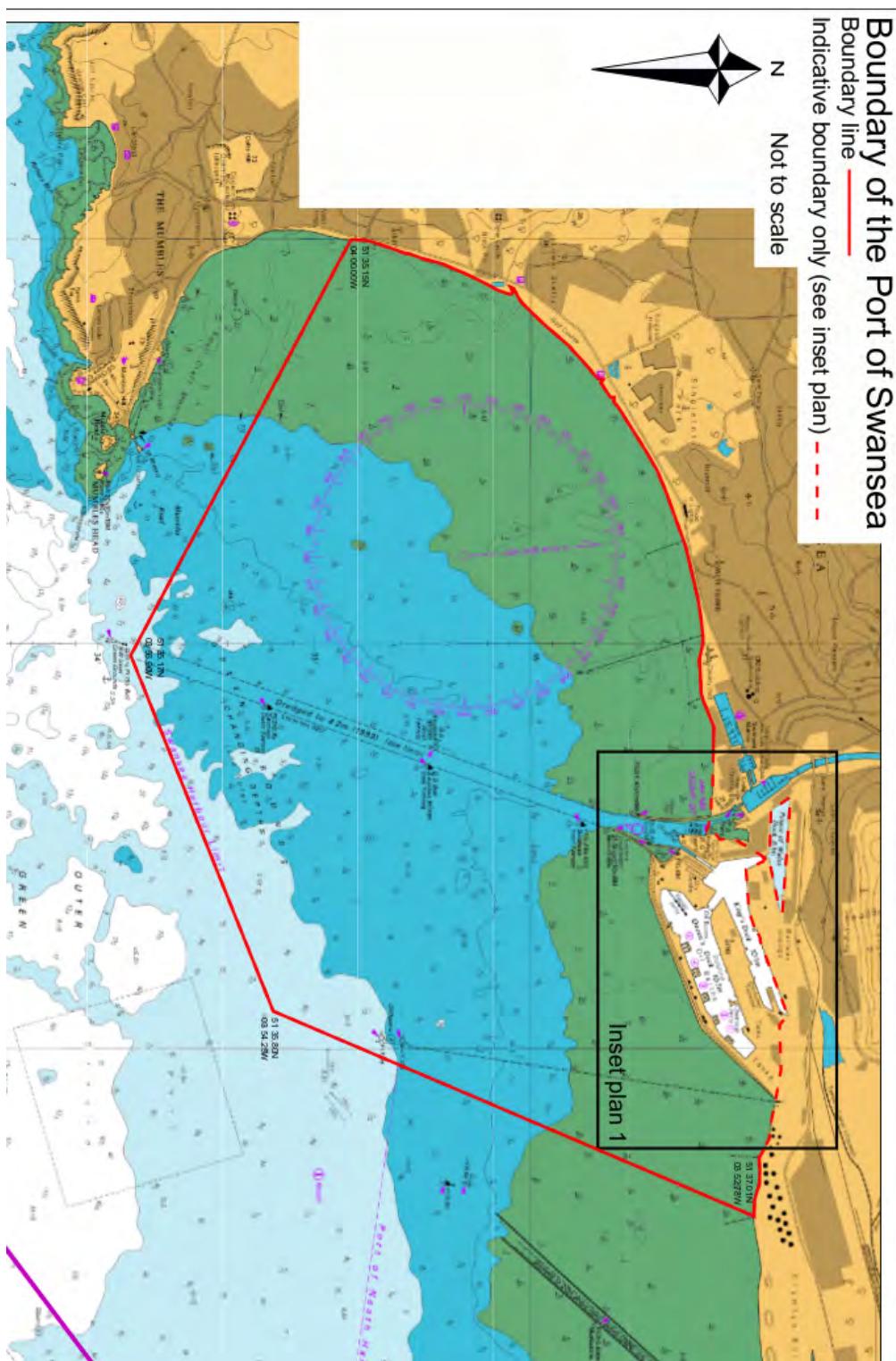
(4) The first report under this article must be published before 1st January 2014.

(5) Reports under this article are afterwards to be published at intervals not exceeding five years.

Signed by authority of the Secretary of State for Transport

Date \_\_\_\_\_  
\_\_\_\_\_  
*Name*  
Parliamentary Under Secretary of State  
Department for Transport

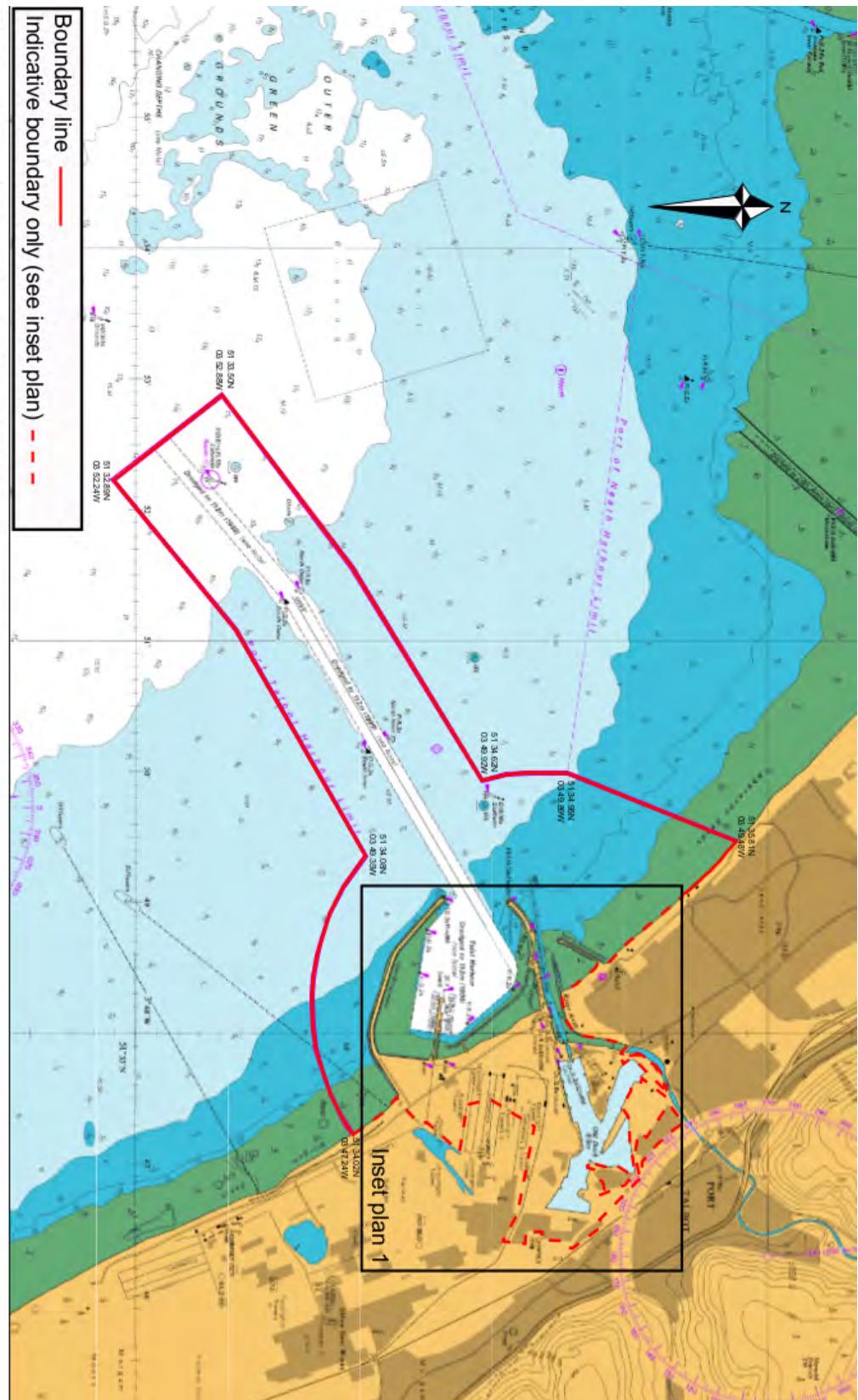
PART 1  
BOUNDARY OF THE PORT OF SWANSEA



## INSET PLAN

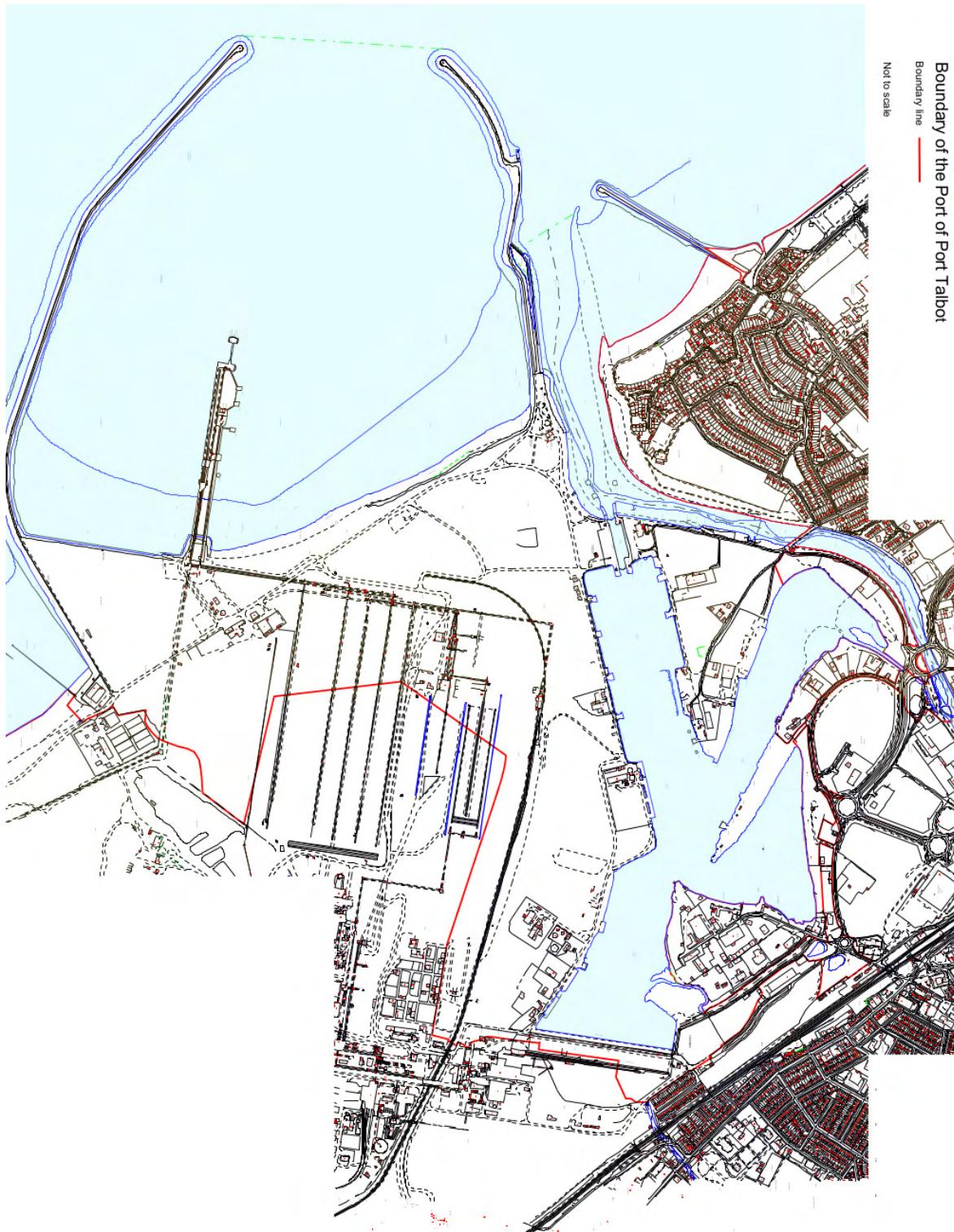


PART 2  
Boundary of the Port of Port Talbot



Boundary of the Port of Port Talbot  
Not to scale

## INSET PLAN



## SCHEDULE 2

Article 3(2)

### The Swansea and Port Talbot Port Security Authority

#### Members

- 1.—(1) The Swansea and Port Talbot Port Security Authority (in this Schedule called “the Authority”) is to consist of three or more members, each of them appointed by the Secretary of State.
- (2) Subject to the following provisions of this paragraph, each member of the Authority—
  - (a) holds and vacates office in accordance with the terms of the member’s appointment; and
  - (b) on ceasing to be a member is eligible for re-appointment.
- (3) A member of the Authority may resign the office of member by giving notice to that effect to the Secretary of State and will cease to hold office—
  - (a) on the date specified for the purpose in the notice; or
  - (b) if that date falls before the expiration of the period of 21 days beginning with the date on which the notice is served, on the date immediately following the expiration of that period.
- (4) The Secretary of State may give notice to a member to the effect that the member will cease to hold office on a date specified for the purpose in the notice.
- (5) A notice under subparagraph (4) may be given only in one or more of the following circumstances—
  - (a) the member has failed to attend four or more consecutive meetings of the Authority without the permission of the Secretary of State;
  - (b) the member has a financial interest and it appears to the Secretary of State that the interest is likely to influence or to be capable of being seen as influencing the performance of the member’s functions;
  - (c) the member has been adjudged bankrupt, the member’s estate has been sequestrated or the member has made a composition with creditors or granted a trust deed for creditors;
  - (d) there has been misconduct on the part of the member relevant to his or her position as a member of the Authority; or
  - (e) the member is unable or unfit to perform the functions of the office.
- (6) It is the duty of every member of the Authority, so far as is reasonably practicable, to attend all meetings of the Authority.
- (7) If it be impracticable for a member to attend a meeting, the member must appoint another member to act as a proxy.
- (8) A proxy must speak and vote at the meeting on behalf of the absent member as that member may direct.

#### Proceedings of the Authority

- 2.—(1) The Authority must hold at least two meetings in any 12-month period.
- (2) Subject to the provisions of this Order, it is for the Authority to regulate its own procedure (including quorum).
- (3) The Authority must appoint one of its members as chair of the Authority.
- (4) The person appointed remains the chair of the Authority until that person—
  - (a) is replaced as chair by another member; or
  - (b) ceases to be a member of the Authority, in which case it becomes the duty of the Authority to appoint a new chair as soon as reasonably practicable.
- (5) The validity of any proceedings of the Authority is not affected by a vacancy amongst the members or by a defect in the appointment of a member.
- (6) Other than in exceptional circumstances which require a meeting of the Authority to be held at short notice, the Authority must give the Secretary of State at least three days clear notice of a meeting of the Authority together with a copy of the agenda for the meeting.
- (7) A representative of the Secretary of State may attend any meeting as an observer.
- (8) Minutes must be kept of the proceedings of the Authority.
- (9) The Authority must provide the Secretary of State with a copy of the minutes of a meeting before the end of the period of thirty days beginning with the day of the meeting.

## **Members' interests**

**3.**—(1) A member who has any pecuniary interest, direct or indirect, in any matter that is brought up for consideration at a meeting of the Authority (which expression in this paragraph includes any committee or subcommittee of the Authority) must disclose the nature of the interest to the meeting.

(2) Where such a disclosure is made—

- (a) the disclosure must be recorded in the minutes of the meeting;
- (b) the member must not take any part in any deliberation or decision of the Authority with respect to that matter; and
- (c) the member may be excluded from the meeting whilst the matter is under consideration.

(3) For the purposes of this paragraph, a general notification given at a meeting of the Authority by a member to the effect that the member—

- (a) is a member, director or employee of, or partner in, a specified company or firm, and
- (b) is to be regarded as interested in any matter involving that company or firm,

is a sufficient disclosure of the member's interest in any such matter for the purposes of any meeting where the matter comes up for discussion.

(4) A member need not attend in person at a meeting of the Authority in order to make a disclosure required to be made under this paragraph, provided that the member takes reasonable steps to secure that the disclosure is made by a notice which is read and considered at the meeting.

(5) Subject to sub-paragraph (6), a member of the Authority is to be treated for the purposes of this paragraph as having an indirect pecuniary interest in a contract, proposed contract or other matter if—

- (a) the member, or a proxy of the member, is a director of a company or other body (not being a public body) with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration, or
- (b) the member is in partnership with, or is in the employment of, a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration,

and in the case of two persons living together as a couple (whether married or not) an interest of one, if known to the other, is deemed for the purposes of this paragraph also to be an interest of the other.

(6) A member is not to be treated as having a pecuniary interest in any contract, proposed contract or other matter by reason only—

- (a) of membership of a company or other body if the member has no beneficial interest in the securities of that company or other body; or
- (b) of an interest which is so remote or insignificant that it cannot reasonably be regarded as likely to influence the member in the consideration or discussion of, or voting on, any question with respect to that matter.

(7) The Secretary of State may, subject to such conditions as appear to the Secretary of State to be appropriate, remove any prohibition imposed by virtue of this paragraph in any case where the prohibition is impeding or likely to impede the ability of the Authority to perform its functions under this Order or under the Port Security Regulations 2009.

(8) The power of the Secretary of State under subparagraph (7) includes power to remove, either indefinitely or for any period, a prohibition which would otherwise attach to any member, or members of any description, by reason of such interests and in respect of such matters, as may be specified or described by the Secretary of State.

(9) Nothing in this paragraph precludes any member from taking part in the consideration or discussion of, or voting on, any question whether an application should be made to the Secretary of State for the exercise of the power conferred by subparagraph (7).

(10) Any person who fails to comply with the provisions of subparagraph (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(11) A person shall not be convicted of an offence under subparagraph (10) if it is proved that that person did not know that the contract, proposed contract or other matter in which that person had a pecuniary interest was the subject of consideration at the meeting concerned.

## **The Crown**

**4.** The Authority is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown and its property is not to be regarded as property of, or held on behalf of, the Crown.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order is one of a series of Orders implementing Directive 2005/65/EC of the European Parliament and of the Council of 26th October 2005 (OJ L 310, 25.11.2005, p28-39) on enhancing port security at individual ports in the United Kingdom. The Directive was transposed in relation to the United Kingdom as a whole by the Port Security Regulations 2009 (S.I. 2009/2048).

*Article 2* and *Schedule 1* identify the boundaries of the Ports of Swansea and Port Talbot for the purposes of regulation 3(2)(a) of the Port Security Regulations 2009. *Article 3(1)* designates the Swansea Port and Port Talbot Port Security Authority, for the purposes of regulation 5 of those Regulations, as the port security authority for the Ports of Swansea and Port Talbot. *Article 3(2)* and *Schedule 2* make provision with respect to the Authority's membership and proceedings, to members' interests and to the Authority's status as a non-Crown body. *Article 4* requires the Secretary of State to review the operation and effect of this Order and publish a report before 1st January 2014 and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Order should remain as it is, or be revoked or be amended. A further instrument would be needed to revoke the Order or to amend it.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from Caroline Wall at Zone 31/2, 33 Horseferry Road, London SW1P 4DR (Tel: 020 7944 6251; email: [caroline.wall@dft.gsi.gov.uk](mailto:caroline.wall@dft.gsi.gov.uk)) and is published with the Explanatory Memorandum alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).

# Annex L Impact assessment

When responding to the consultation, please comment on the analysis of costs and benefits, giving supporting evidence wherever possible.

Please also suggest any alternative methods for reaching the objective and highlight any possible unintended consequences of the policy, and practical enforcement or implementation issues.

<b>Title:</b> Impact Assessment for The Port of Barrow, Port of Newhaven, Port of Falmouth, Port of Sullom Voe, Port of Lerwick, Port of Rosyth, Port of Immingham & Grimsby, Port of Glasgow, Port of Hull & Goole, Manchester Ship Canal, Port of Southampton, Port of Poole, Port of Cardiff and Port of Swansea Designation Orders 2012	<b>Impact Assessment (IA)</b>
IA No: DFT00168	Date: 03/07/2012
Lead department or agency: Department for Transport	Stage: Consultation
	Source of intervention: Domestic
	Type of measure: Primary legislation
	Contact for enquiries: Helen Sheehy Tel: 020 7944 2126 E-mail: Helen.sheehy@dft.gsi.gov.uk

## Summary: Intervention and Options

RPC: RPC Opinion Status

Cost of Preferred (or more likely) Option				
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANCB on 2009 prices)	In scope of One-In, Measure qualifies as One-Out?	
-£2.53m	-£2.53m	£0.3m	No	N/A

### What is the problem under consideration? Why is government intervention necessary?

The terrorist incidents in the US (2001), Madrid (2004) and London (2005) highlighted the vulnerability of, and threat to, transport systems world-wide. The UK port industry is an important part of the UK economy, and essential node between transportation modes. Therefore a security incident involving the maritime transport system may have impacts falling beyond the immediate risks and consequences faced by port owners, such as the cost of human injury. As such effects are unlikely to be faced directly by port owners they may under invest in security measures. Government intervention by way of Directive 2005/65/EC is therefore required to ensure a consistent and proportionate port security regime across the UK

### What are the policy objectives and the intended effects?

The policy objective is to enhance security at the Port of Barrow, Port of Newhaven, Port of Falmouth, Port of Sullom Voe, Port of Lerwick, Port of Rosyth, Port of Immingham & Grimsby, Port of Glasgow, Port of Hull & Goole, Manchester Ship Canal, Port of Southampton, Port of Cardiff and Port of Swansea (the Listed Ports) to complement measures to help prevent maritime terrorist incidents. The intended effect is to designate a Security Authority for each Listed Port, which will be responsible for the preparation and implementation of security plans, based on the findings of security assessments at each Listed Port and for co-ordinating security within each port for which that Security Authority is designated.

### What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

Option 1. Do nothing

Option 2. Introduce Statutory Instruments (one for each of the listed ports) defining boundaries for each of the Listed Ports designating the 'Port of (Listed Port) Security Authority' as the Port Security Authority for the Port of (Listed Port), for the purposes of Directive 2005/65/EC as transposed by the Port Security Regulations 2009.

Option 2 is the preferred option as it implements the Directive 2005/65/EC at the Listed Ports, which will result in the Listed Ports having a security regime consistent with measures identified to remove the existing vulnerability of port security to terrorist incidents. This will contribute to reducing the UK's vulnerability to maritime terrorist incidents – with the Listed Ports being a number of a series of ports introducing an enhanced security regime. Please see evidence base, page 4 for option development.

Will the policy be reviewed? It will/will not be reviewed. If applicable, set review date: 12/2013

Does implementation go beyond minimum EU requirements?	Yes / No / N/A			
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.	MicroY YES	< 20 YES	Small NO	Medium YES
What is the CO <sub>2</sub> equivalent change in greenhouse gas emissions? (Million tonnes CO <sub>2</sub> equivalent)	Traded: N/A		Non-traded: N/A	

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible SELECT SIGNATORY: \_\_\_\_\_ Date: \_\_\_\_\_

## **Summary: Analysis & Evidence Policy Option 1**

Description:

### **FULL ECONOMIC ASSESSMENT**

Price Base Year	PV Base Year 10	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: Optional	High: Optional	Best Estimate: -2.53

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	Optional	Optional	Optional
High	Optional		Optional
Best Estimate	0.316		2.53

#### **Description and scale of key monetised costs by 'main affected groups'**

Summing the costs for all ports:

Port Security Officer estimated to cost £351,120 in the start-up year and £175,560 per annum thereafter

Security Risk Assessment estimated cost £206,085 in the 1st year and £75,028 per annum thereafter

Port Security Plan estimated to cost £16,881 in the 1st year and £6,752 per annum thereafter

The extra costs of £316,744 in the 1st year have been presented as transition costs

#### **Other key non-monetised costs by 'main affected groups'**

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	Optional	Optional	Optional
High	Optional		Optional
Best Estimate	0		0

#### **Description and scale of key monetised benefits by 'main affected groups'**

There are no key monetised benefits

#### **Other key non-monetised benefits by 'main affected groups'**

Improved security measures will reduce the chances of successful maritime terrorist incidents – bringing benefits of a prevented terrorist incident such as saved human injuries and no disruption of the movement of goods and people that could have a material impact on the UK economy. These measures will also lead to better co-ordination and support between various security institutions such as the police and the government by combining existing activities into a single regime.

Key assumptions/sensitivities/risks	Discount rate (%)	3.5
The figures for the Listed Ports are based on the Department's evaluation of cost information supplied by UK ports, including a number of the Listed Ports. For a breakdown of costs per Listed Port, please see Summary table of Costs in Evidence Base and Annexes A - N		

### **BUSINESS ASSESSMENT (Option 1)**

Direct impact on business (Equivalent Annual) £m:		In scope of OIOO?	Measure qualifies as
Costs: -0.3m	Benefits: 0	Net: -0.3m	No N/A

## **Evidence Base (for summary sheets)**

### **1. Title of Proposal**

1.1 The Port Security (Port of Barrow, Port of Newhaven, Port of Falmouth, Port of Sullom Voe, Port of Lerwick, Port of Rosyth, Port of Immingham & Grimsby, Port of Glasgow, Port of Hull & Goole, Manchester Ship Canal, Port of Southampton, Port of Poole, Port of Cardiff and Port of Swansea (hereafter referred to as 'Listed Ports')) Designation Orders 2012.

### **2. Purpose and intended effect of measure**

2.1 The Port Security (Port of Newhaven, Port of Falmouth, Port of Sullom Voe, Port of Lerwick, Port of Rosyth, Port of Immingham & Grimsby, Port of Glasgow, Port of Hull & Goole, Manchester Ship Canal, Port of Southampton, Port of Poole, Port of Cardiff and Port of Swansea (hereafter referred to as 'Listed Ports')) Designation Orders 2012 aim to introduce a set of measures to enhance security at the Listed Ports which will contribute towards an improvement in the level of port security in the UK to prevent terrorist incidents. The orders will designate a Security Authority for each of the Listed Ports which will be responsible for the preparation and implementation of security plans based on the findings of security assessments at each of the Listed Ports, along with co-ordinating security within the Listed Port for which that Port Security Authority is designated.

### **3. Background**

3.1 The terrorist incidents in the US (2001), Madrid (2004) and London (2005) highlighted both the vulnerability of, and threat to, transport systems world-wide.

3.2 The International Maritime Organisation (IMO) responded by developing new security requirements for ships and port facilities to counter the threat of acts of terrorism. These requirements are set out in amendments to the Convention on the Safety of Life at Sea 1974 (SOLAS) and an International Ship and Port Facility Security Code (ISPS Code). The SOLAS amendments and the ISPS Code were formally adopted by contracting governments in December 2002 and came into force on 1 July 2004. The measures related principally to ships and the interface between ships and ports but not wider port activity as this was not within the jurisdiction of the IMO.

3.3 At European level, the Council and European Parliament adopted Regulation (EC) 725/2004 on enhancing ship and port facility security (the "EC Regulation") which provided the legal basis for the implementation of the IMO (ISPS Code) requirements in all EU Member States. They also examined the parallel issue of wider port security (which was beyond the IMO jurisdiction) and this led to Directive 2005/65/EC on enhancing Port Security.

### Rationale for government intervention:

3.4 In the UK 95% by volume and 77% by value of international trade is carried in ships and 7% of domestic freight tonnage moves by water. In addition, 15% of UK international passenger movements are by sea and two thirds of passenger vehicles between the UK and other countries go by sea. This makes the UK port industry an important part of the UK economy, as well as an essential node between other modes of transportation. A serious security incident involving the maritime transport system could therefore have impacts that fall beyond the immediate risks and consequences faced by port owners.

3.5 Such wider impacts could include considerable reduction in the ability to move goods and people that could have a material impact on the UK economy and / or wider social impacts such as the cost of human injury. As such effects are unlikely to be faced directly by port owners they may under invest in security measures and thus government intervention is justified to ensure that consistent and proportionate port security measures are in place across the UK.

## Port Security Directive and Regulation:

3.6 The consultation<sup>1</sup> on The Ship and Port Facility (security) Regulations 2004 and the Ship and Port Facility (security) (amendment) Regulations 2005 provides background to the development of Regulation (EC) 725/2004 and the consultation<sup>2</sup> on The Port Security Regulations 2008, on the Directive 2005/65/EC.

3.7 Six options were identified for implementing the EC Directive in the UK. All but option 1 entailed introducing secondary legislation to designate port boundaries, appoint port security authorities and port security officers, and establish port security assessments and port security plans. Legislation would also create compliance offences for industry and criminal offences to support port security. The options were as follows:

Option 1. Do nothing and therefore do not implement the Directive: Continue with AMSA 1990 and EC Regulation security regimes.

Option 2. Implement a centralised regime, where the PSA is the Secretary of State, separate from the industry; a single PSP is developed for the entire UK port industry covering baseline measures and response, which would have to be adopted by all ports.

Option 3. Implement a Regionalised regime, establishing 12-15 centrally funded PSAs with Statutory powers, but separate from the industry.

Option 4. Implement a localised regime, with around 150 designated “ports” and each with its own PSA made up of industry representatives, based upon recognisable port or estuary areas, or other identifiable structures such as Police force areas, MCA areas, Geographical boundaries or Unitary Authorities.

Option 5. Build on existing measures – with significant ports being designated in their own right and with a number of strategic PSAs covering other port areas (originally estimated 100 PSAs in total but now estimated to be up to around 40). Existing lead PFSOs are likely to become PSOs, and existing security/response port facility plans become a part of an overall port security plan.

Option 6. ‘Direct carry over’ of existing measures; all facilities to which the International and Ship and Port Security regulations (ISPS) apply (400 approx) are regarded as a ‘port’ in their own right and have their own PSA, with their existing ISPS port facility plans becoming port security plans.

3.8 A public consultation<sup>3</sup> on these six options was held in 2008. Following responses it was decided that option 5 was the best way to implement The European Directive, which was then transposed into UK law by the Port Security Regulations 2009. Option 5 was chosen as it minimised the bureaucratic and administration changes required to achieve the level of port security required to help prevent terrorist incidents by building on existing security measures that had already been put in place.

## Implementing Port Security Regulations 2009:

3.9 The Port Security Regulations 2009 were made under powers contained in section 2(2) of the European Communities Act 1972, to transpose the port security measures in Directive 2005/65/EC which have general application across all UK ports. It was not considered practicable to include in the Port Security Regulations the provisions required to apply those general measures at every relevant port in the UK. The provisions in question relate to the delineation of the boundaries of each port and the designation of a port security authority for each port. To attempt to include these specific provisions for all the relevant ports in the Regulations themselves would have resulted in an impractically long instrument containing numerous schedules of maps.

3.10 The possibility of including in the Port Security Regulations a power for the Secretary of State to at a later stage delineate the boundaries of each port, and to designate a port security authority for each port was considered. This option was rejected however because it was considered that this would

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<sup>1</sup>

<http://webarchive.nationalarchives.gov.uk/+/http://www.dft.gov.uk/consultations/archive/2004/regfsf/consultationpaper.doc>

<sup>2</sup>

<http://webarchive.nationalarchives.gov.uk/+/http://www.dft.gov.uk/consultations/archive/2008/portsecurityregulations/consultationdoc>

<sup>3</sup><http://webarchive.nationalarchives.gov.uk/+/http://www.dft.gov.uk/consultations/archive/2008/portsecurityregulations/consultationdoc>

constitute unlawful legislative sub-delegation to the Secretary of State. Under Schedule 2 paragraph 1(1)(c) of the European Communities Act 1972 it is unlawful to include in an instrument made under section 2(2) of the Act a provision that sub-delegates power to legislate to another individual or body (A power to give directions as to administrative matters is not regarded as a power to legislate. However, on the basis that the delineation of port boundaries and the designation of port security authorities would give rise to legal effects it was considered that these would be regarded as legislative rather than administrative acts).

3.11 The identification of the port boundary in the Designation Orders for each of the Listed Ports takes into account information resulting from the port security assessment undertaken by the Department for Transport in accordance with Annex I of the EU Directive, and discussions with each Listed Port and will take into account any views expressed by other stakeholders during the consultation process. The boundary embraces the port facilities situated within the port, and the port areas that could have an impact on the security of the port. After this Order has come into force, and has designated each of Port Security Authorities for each of the Listed Ports, each Port Security Authority is required to complete their own port security assessment at the port for which they are designated, in accordance with regulation 14 and schedule 3 of the Port Security Regulations, which is scrutinised and approved by the Department. It is therefore necessary for the Designation Order (which also designates the Port Security Authority) to come into force before the Port Security Authority can carry out a formal port security assessment. Under Regulation 14(6) of the Port Security Regulations 2009 the Port Security Authority must request the Secretary of State's approval for the port security assessment within 9 months of the Designation Order coming into force.

3.12 So essentially this means that in the UK we need to establish the Port Security Authority for each of the Listed Ports through the Designation Order process and define the relevant boundary for that Listed Port, before the Port Security Authority designated for that port can carry out a risk assessment due to the additional legislative powers that come through defining the boundary.

#### 4. Port of (Listed Ports) Security Regime - Options

4.1 Option 1. Do nothing. This option continues with the existing security regime based on the Aviation and Maritime Security Act 1990 and the Regulation (EC) 725/2004 security regimes; it does not involve the incorporation of measures identified by the European Community to further improve port security to help prevent terrorist incidents. As this option is a continuation of the status quo it does not have any additional benefits or costs associated with it.

4.2 Option 2. Introduce a Statutory Instrument defining the boundary of the Port of (Listed Port) and designating the 'Port of (Listed Port) Security Authority' as the Port Security Authority for the Port of (Listed Port), for the purposes of Directive 2005/65/EC as transposed by the Port Security Regulations 2009. This option has the advantages of implementing changes to the security regime at the Listed Port such that it is consistent with those measures that have been identified as contributing to the removal of the existing vulnerability of port security to terrorist incidents. It does however introduce additional costs to implement the required changes and measures.

4.3 Option 2 is the preferred option as it implements the requirements of Directive 2005/65/EC as transposed by the Port Security Regulations 2009 at the Port of (Listed Port). This will result in the ports having a security regime consistent with measures identified to remove existing vulnerability of port security to terrorist incidents. This will contribute to reducing the UK's vulnerability to maritime terrorist incidents – with the Listed Ports being a number of a series of ports introducing enhanced security measures; the first was the Port of Bristol with the Port Security (Avonmouth Dock and Royal Portbury and Port of Bristol Security Authority) Designation Order 2010 which came into force on 19 March 2010 with the Port of Dover being the second port designated on 31 January 2012.

#### 5. Port of (Listed Ports) Designation Orders - Costs and Benefits

##### Costs

5.1 Cost evidence from the UK ports industry

5.2 In the public consultation held in 2008 on the six options identified for implementing EC Directive 2005/65/EC in the UK, three respondents provided their own estimates of the potential cost of the regulations. Cromarty Firth Port Authority estimated further costs of between £5,000 and £40,000 per year, and Portland Harbour Authority Ltd and Poole Harbour Commissioners estimated further costs at

£50,000 per year. However, these respondents were not willing to provide supplementary evidence to justify their calculations at that time as the information was regarded as commercially sensitive.

5.3 In order to ensure it provided robust and transparent evidence on the accuracy of its cost estimates, in May 2011 the Department approached Cromarty Firth Port Authority, Portland Harbour Authority Ltd and Poole Harbour Commissioners asking if they would be willing to comment further on the Department's original cost estimates. Furthermore, the Department also approached several other UK ports with whom initial stakeholder discussions had been held over possible designation, and to the Port of Bristol which was in a unique position to comment as the only port hitherto legally designated (the Designation Order came into force on 19 March 2010).

5.4 The exercise was successful in eliciting responses from the ports contacted. The detailed cost information provided by the ports has been evaluated alongside cost information provided by the Port of Dover. The estimates derived were used in the Impact Assessment of the "The Port Security (Port of Dover) Designation Order 2011" and has informed the Standard Rates given below as well as the estimated resource required at each of the Listed Ports over the five year period for this impact assessment (see annexes A - N for a break down of costs at each port). These Standard Rates have been used for all Listed Ports unless stated otherwise. The Department is of the view that the cost estimates are robust, transparent and based upon substantive evidence from the UK ports industry. However, as the Listed Ports may differ noticeably from those on which the estimates are based, these may be revised as necessary for the port concerned in light of comments received from the consultation. These Standard Rates were used in the consultation stage Impact Assessment for The Port of Portland, Port of Grangemouth, Port of Workington, Port of Milford Haven, Port of Liverpool, Port of Tees and Hartlepool and Port of Aberdeen Designation orders 2012, IA number 'DfT 00137'. No contradictory views on these estimates were received from the ports concerned during the public consultation held 26 March to 9 May 2012 and therefore costings have remained the same.

Table 1: Standards Rates

PSO/PFSO	57,000	£s/annum
Admin	21,646	£s/annum
Accommodation	37.5	£s/hr

#### 5.5 Cost of the measures required under the Port of (Listed Port) Designation Order

5.6 The making of the Port of (Listed Port) Designation Order will require the following measures to be adopted at each Listed Port:

- The appointment of a Port Security Officer (PSO), to act as a point of contact for port security related issues;
- The establishment of a Port Security Authority (PSA), which will be responsible for the completion of a Port Security Risk Assessment and the preparation, implementation and on-going review of a Port Security Plan based on the findings of the Port Security Risk Assessment;
- The carrying out of a Port Security Risk Assessment (PSRA) – a comprehensive review and assessment of the port's security risks and issues that informs the development of the Port Security Plan; and
- The creation of a Port Security Plan (PSP), integrating all existing security plans and developed through the Port Security Risk Assessment.

5.7 The summary table below shows the Department's cost estimates of implementing these measures at the Listed Ports and will be amended as appropriate for the final stage Impact Assessment following public consultation. The costs shown for each Listed Port are based on an estimate of the total cost for the PSO, PSA, PSRA and PSP in the first year (Table 2a) plus the total costs for the four years following (Table 2b). For a breakdown of costs for individual ports, please see Annexes A - N.

Table 2: Total estimated cost to Listed Ports for first five years

Port	Cost/port 1st 5 yrs
Southampton	103466
Swansea	106601
Hull and Goole	149286
Immingham and Grimsby	132405
Cardiff	125411
Manchester	161967
Poole	97196
Shetland SV	94061
Shetland - Lerwick	94061
Glasgow	129029
Rosyth	99566
Newhaven	97196
Falmouth	103466
Barrow	109736
Total estimated 5 yr costs	1603448

Table 2a: Total estimated costs for start up year

Port	PSO	PSA	PSRA	PSP	Total 1st Yr cost £s
Southampton	25080		9650	1206	35936
Swansea	25080		10856	1206	37142
Hull and Goole	25080		30390	1206	56676
Immingham and Grimsby	25080		23156	1206	49442
Cardiff	25080		18091	1206	44377
Manchester	25080		35825	1206	62111
Poole	25080		7239	1206	33525
Shetland SV	25080		6033	1206	32319
Shetland - Lerwick	25080		6033	1206	32319
Glasgow	25080		21709	1206	47995
Rosyth	25080		8150	1206	34436
Newhaven	25080		7239	1206	33525
Falmouth	25080		9650	1206	35936
Barrow	25080		12062	1206	38348
Total for 14 ports	351120		206085	16881	
Total estimated start up year costs for 14 ports					574085

Table 2b: Estimated total ongoing annual costs after start-up year

Port	PSO	PSA	PSRA	PSP	Total ongoing Yr cost £s
Southampton	12540		3860	482	16882
Swansea	12540		4342	482	17365
Hull and Goole	12540		10130	482	23152
Immingham and Grimsby	12540		7719	482	20741

Cardiff	12540	7236	482	20259
Manchester	12540	11942	482	24964
Poole	12540	2896	482	15918
Shetland SV	12540	2413	482	15436
Shetland - Lerwick	12540	2413	482	15436
Glasgow	12540	7236	482	20259
Rosyth	12540	3260	482	16282
Newhaven	12540	2896	482	15918
Falmouth	12540	3860	482	16882
Barrow	12540	4825	482	17847
Total for 14 ports	175560	75028	6752	
Total estimated ongoing annual costs for 14 ports				257341

\*The PSA will replace existing Port Security Committees so there is no additional cost incurred. Please see paragraph 5.26 for more detail.

Note: The cost of the Port Security Officer includes any cost they may incur as a result of their attendance at Port Security Authority meetings.

For a detailed breakdown of costs at an example port, please see the IA for Port Security (Port of Dover) Designation Order 2011, and Annexes A - N for the Ports listed in this Impact Assessment.

## 5.8 PORT SECURITY OFFICER (PSO): Article 13 of the Port Security Regulations 2009 established the functions of the PSO as follows:

“13.-(1) A port security officer for a port -

- (a) is the point of contact for port security related issues; and
- (b) must co-operate with –
  - (i) port facility security officers of port facilities situated in the port;
  - (ii) directed parties of AMSA facilities (if any) situated in the port; and
  - (iii) security managers of port related areas (if any) for the port.

(2) A port security officer for a port may require a port facility security officer of a port facility situated in the port, a directed party of an AMSA facility situated in the port or a security manager of a port related area for the port, to furnish him with such information as he may consider necessary to carry out his functions.”

The tasks which the PSO for each of the Listed Ports will be required to undertake can be summarised as follows:

- the dissemination of security information from the PSA to PFSOs and other security personnel within the port; and
- responding to day-to-day queries on the Port Security Plan.

The PSO may also function as:

- chair of the PSA;
- An attendee of the PSA;
- Co-ordinator of drills and exercises under the PSP;
- Assist the PSA by creating, either in whole or in part, the Port Security Plan.

5.9 The Department estimated the costs of the PSO at the port of Dover as £34,216 in the start-up year (based on half a day of a Director's time per week at an annual salary of £140,000 including NI and Super Ann, plus one and a half days of a supporting security managers time per week at an annual salary of £57,000 including NI and Super Ann in 2011 prices) with a subsequent annual cost of £21,684 (based on half a day of a Director's time per week, plus half a day of a supporting security managers time per week). These estimates are based on those developed for the Port of Dover, which reflected views received during an information gathering exercise for the final stage impact assessment conducted

in May 2011. The same estimates were used for an assessment of the previous 7 Listed Ports in the first Multiport Impact Assessment, consulted on during 26 March 2012 to 9 May 2012 which was not disputed by consultees. Please see footnote for previous IA<sup>4</sup>.

5.10 For the Listed Ports it is the Departments view that the PSO function will be carried out by the PSO alone with no additional cost incurred by input at director level.

5.11 Based on two days of a PSO's time per week at an annual salary of £57,000 including NI and Super Ann in 2011 prices the Department therefore estimates the sum cost of the PSO at the Listed Ports as £351,120 in the start-up year (sum of (104 days x 57,000/260(annual working days)) at each port), with a subsequent annual cost of £175,560 (based on one day of a PSO's time per week at each of the Listed Ports).

This gives a total PSO cost for the start-up year at the Listed Ports of £351,120, an average total annual cost for the Listed Ports for the next four years of £175,560 and an estimated grand total cost to Listed Ports over the first five years of £1,053,360

Thus, for example, at the Port of Rosyth the estimated cost of the Port Security Officer is:

First Year

For the PSO: (57,000 (average annual salary for PSO inc. NI etc)/260 (working days per annum) = daily rate)) x 1.1 (for 10% expenses) x 104 (number of days that PSO required in 1<sup>st</sup> year)

= £25,080 (Total estimated cost of PSO at Rosyth in the 1<sup>st</sup> year)

Annually for the next four years

[For the PSO: (57,000 (average annual salary for PSO inc. NI etc)/260 (working days per annum) = daily rate)) x 1.1 (for 10% expenses) x 52 (number of days that PSO required in 1<sup>st</sup> year)]

= £12,540 (estimated annual cost of PSO at Rosyth for each of the subsequent four years)

For a detailed breakdown of costs for the Ports listed in this Impact Assessment at an example port, see annexes A - N.

5.12 PORT SECURITY AUTHORITY (PSA): Regulation 5 (1) of The Port Security Regulations 2009 defines the PSA as “..... a body that has been designated as a Port Security Authority for a port.” Regulation 14 requires the PSA to complete a port security risk assessment in respect of each port for which it has been designated. Regulations 14 and 15 further require the PSA to be responsible for the preparation and implementation of a port security plan based on the findings of the Port Security Risk Assessment.

The principal tasks which a PSA will be expected to undertake at a port for which they are designated can therefore be summarised as follows:

- Conduct the Port Security Risk Assessment;
- Prepare the Port Security Plan based on the findings of the Port Security Risk Assessment;
- Keep the Port Security Risk Assessment and Port Security Plan under on-going review.

This will involve not only detailed knowledge of procedures and capabilities at grassroots level within a port, but also the executive capability to ensure that procedures are followed in the relevant port facilities. Individual members also retain their own areas of responsibility dependent upon their roles.

5.13 The PSA must have at least three members and will be made up of those who are responsible for regulated security matters in the constituent facilities of a “Port”.

These are:

- port facility security officers;
- AMSA directed parties (if applicable);

<sup>4</sup> <http://www.dft.gov.uk/consultations/dft-2012-013/>

- Security managers of designated Port Related Areas (if applicable);
- Possibly other parties with a security interest at the port e.g. shipping companies using the port.

It is desirable that the PSA is of a size sufficient to cover security issues across the port, including interaction with external agencies such as UK Border Agency, Maritime and Coastguard Agency etc, but at the same time the membership of the PSA needs to be of manageable size since it needs to be as close as possible to those practically responsible for the delivery of security in the constituent port facilities.

5.14 Based on previous evidence supplied by the Port of Dover's final stage IA, figures for year 1 are higher than year 2 because, in their view, a PSA will normally need to meet for a maximum of four times per year, for one working day per meeting. They also commented that in the start-up year the PSA will need to meet for longer due to the requirement to conduct the Port Security Risk Assessment. Again, DfT have not received any disputes from the first consultation on this aspect and have therefore continued to use this to inform calculations of cost estimates.

5.15 The Department does not agree that attendance at PSA meetings has to be at senior management e.g. Board Director, level. The Port Security Regulations 2009 only require the attendance of port facility security officers; AMSA directed parties (if applicable); Security Managers of designated Port Related Areas (if applicable); and possibly other parties with a security interest at the port e.g. shipping companies using the port. This level of management is considered of a sufficient seniority to take appropriate decisions, and is the current level of seniority of attendees at the existing Port Security Committees. In the unlikely circumstance where a decision by the Board of Directors is required, the Chair of the PSA could raise the matter with the Dover Harbour Board of Directors, which already incurs its own costs. Since the public consultation of 26 March - 9 May 2012 for The Port of Portland, Port of Grangemouth, Port of Workington, Port of Milford Haven, Port of Tees and Hartlepool and Port of Aberdeen 9RPC11- DfT-1215), there have been no responses which would indicate otherwise.

5.16 The Department does agree that costs should be split into start-up and annual costs (and has done this for each of the measures specified at 5.6). The Department also agrees that the PSA cost needs to include the costs of administrative support e.g. for the facilitation of meeting arrangements and recording of meeting minutes and agreed actions, and the costs of the meeting room, heating, lighting and IT/Communications. Furthermore the Department agrees that in the start-up year the PSA will need to meet more often and/or for a longer duration due to the requirement to complete the Port Security Risk Assessment. In the interests of transparency, the Department has chosen to include the cost of the PSA time needed to complete the assessment under the Port Security Risk Assessment requirement. The costs given in this section therefore reflect the cost of the regular PSA meetings, and exclude the PSA time needed to complete the assessment.

5.17 Based on the information supplied by the Port of Dover, the Department was of the view that in the start-up year the PSA for the Port of Dover will meet four times a year with a maximum of 19 people in attendance (five members, five advisers and up to 9 interested stakeholders), with each meeting lasting one working day, with the cost of estimated at £13,504.40 ( $14 \times 4 \times (219.23 \times 1.1) = £241.15 = £13,504.40$ ). This figure is based on the average salary for a PFSO which is estimated at £57,000 (including National Insurance and Superannuation). PFSOs are required to be members of the PSA, and the Department has used their salary as the average salary of PSA members. This figure did not include the costs of the five advisers who, as mentioned above, will have their costs met by their respective Government Departments and Agencies.

5.18 In addition the cost of administrative support needs to be included. Based on a Departmental administrative support grade on an annual salary of £21,646.13 (inclusive of NI contributions and Superannuation), and on the assumption that a maximum of 8 working days per annum is required (a half-day for each meeting to make facilitation arrangements, 1 day per meeting to minute the meeting and a half-day to write-up and circulate the minutes), for the Port of Dover it was estimated administrative support would cost £521.84 ( $8 \times 59.30 \times 1.1(10\%) = £521.84$ ). In addition the cost of meeting rooms, heating, lighting and communications and IT for the PSA meetings was estimated at £1,200 ( $8 \times £37.50 = £300 \times 4 = £1,200$ ).

5.19 This gave a total PSA cost for the start-up year at the Port of Dover of £15,226.24. Average cost for the four years thereafter is £15,226.24 per annum, based on the PSA continuing to meet four times a year for one working day per meeting (and including the cost of administrative support, meeting rooms, heating, lighting, communications and IT shown above).

5.20 For Listed Ports, the view is that the PSA will normally need to meet for a maximum of four times per year, for one working day per meeting. However, it may be that in the start-up year the PSA will need to meet for longer due to the requirement to conduct the Port Security Risk Assessment. Listed Ports have advised that PSAs will be comprised of members, advisors (representatives of relevant Government Departments and Agencies, attending in their official capacity, where costs will be met from within existing Departmental and Agency budgets) and in some cases other stakeholders e.g. shipping companies using the port, attending PSA meetings on an ad hoc basis.

5.21 The cost of a PSA is calculated as a function of the annual salary (including NI etc) of the PSO, other members of the PSA and attending stakeholders (plus 10% for expenses incurred), the number of days the PSA will meet for, the cost of administrative support and the cost of accommodation, lighting etc. This figure does not include the costs of the advisers who, as mentioned above, will have their costs met by their respective Government Departments and Agencies. Thus, for example, at the Port of Rosyth the estimated cost of the PSA based on the standard rates is:

#### First Year

[(For the PSA attendees: 3 PSA members + 3 Stakeholders) x (57,000 (average annual salary inc. NI etc please)/260 (working days per annum) = daily rate) x 1.1 (for 10% expenses) x 4 (number of days that PSA meets)]

+ [For admin support: 21,646.13 (average annual salary inc. NI etc)/ 260(working days per annum) = daily rate) x 1.1 (for 10% expenses) x 8 (number of days that PSA meets + 1 day (for preparation of agenda, minutes etc)]

+ [For accommodation: 8(hours per day) x 37.50 (hourly rate for office, lighting, heating etc) x 4 (number of days that PSA meets)]

= £10,562 (estimated cost for PSA at Rosyth in the 1<sup>st</sup> year)

#### Annually for the next four years

[(For the PSA attendees: 3 PSA members + 3 Stakeholders) x (57000 (average annual salary inc. NI etc please)/260 (working days per annum) = daily rate) x 1.1(for 10% expenses) x 4 (number of days that PSA meets)]

+ [For admin support: 21,646.13 (average annual salary inc. NI etc)/ 260(working days per annum) = daily rate) x 1.1 (for 10% expenses) x 8 (number of days that PSA meets + 1 day (for preparation of agenda, minutes etc)]

+ [For accommodation: 8(hours per day) x 37.50 (hourly rate for office, lighting, heating etc) x 4 (number of days that PSA meets)]

= £4,225 (estimated annual cost for PSA at Rosyth for each of the subsequent four years)

For a detailed breakdown of costs at the Ports listed in this Impact Assessment, see Annexes A - N.

5.25 This gives a total PSA cost for the start-up year at the Listed Ports of £182,741, an average total annual cost for the Listed Ports for the next four years of £502,506 and an estimated grand total cost to Listed Ports over the first five years of £685247.

5.26 At most of the ports which come under the scope of the Port Security Regulations 2009, including at the Listed Ports, there are already Port Security Committees (PSC) in place. In practice therefore most ports will not be forming the PSA from scratch, and existing members of the PSC for a particular port will most likely form the core membership of that port's PSA (with the PSC most likely subsequently being disbanded). In such a scenario there will be no additional cost for the PSA, since the ports already fund their respective PSCs and the costs would simply be transferred over to the PSA. The costs in Table 2, 2a and 2b are therefore based on the following scenario – that there will be no costs incurred in establishing and running the PSA itself but that the PSA will be required to develop the Port Security Risk Assessment and Port Security Plan

5.27 PORT SECURITY RISK ASSESSMENT (PSRA): Along with the production of the Port Security Plan and its regular review, this is intended to be the principal activity of the each PSA for the Listed Ports during its meetings (initially conducting the assessment and thereafter ensuring it is regularly reviewed).

5.28 For the Port of Dover final stage impact assessment, the Port of Dover advised that it will take four working days for the PSA (with five PFSO members, five advisers and five of the third party stakeholders) to create the PSRA for Dover using the intended MATRA-style approach.

5.29 The cost of conducting the Port Security Risk Assessment during the start-up year at the Port of Dover was therefore estimated at £11,367.84. This is based on a cost of £9,646 for five members of the PSA plus five stakeholders (as highlighted at paragraph 5.18, the cost of the advisers is borne by the parent Departments/Agencies) to meet for four days to conduct the assessment, plus costs of administrative support, meeting rooms, heating, lighting, communications and IT. The annual cost thereafter of reviewing the Port Security Risk Assessment is expected to fall to an average annual cost of £5,683.92. This allowed for up to two days of PSA time per annum to carry out amendments to the assessment. In practice there may be no changes required to the assessment, and thus no annual cost. However, this cannot be assumed to be the case every year, hence the contingency. This cost is also likely to be absorbed within the annual running cost of the PSA itself, but has been shown here as a separate cost in the interests of transparency.

5.30 Based on the above and the Department's evaluation of cost information supplied by UK ports, including a number of the Listed Ports (For a breakdown of costs per Listed Port, please see Summary table of Costs at 5.7 and Annex A -N), it is estimated that it will take five working days in the start up year for a PSA (with members, advisers and third party stakeholders (as necessary)) to create the PSRA for each port for which that PSA is designated. Thus, for example, at the Port of Rosyth the estimated cost of the PSRA based on the standard rates is:

First year

[For PSA attendees: (3 PSA members + 3 Stakeholders) x (57,000 (average annual salary inc. NI etc please)/260 (working days per annum) = daily rate) x 1.1 (for 10% expenses) x 5 (number of days that PSA meets to complete assessment)]

+ [For admin support: 21,646.13 (average annual salary inc. NI etc)/ 260(working days per annum) = daily rate) x 1.1 (for 10% expenses) x 10 (number of days that PSA meets + 1 day (for preparation of agenda, minutes etc)]

+ [For accommodation: 8(hours per day) x 37.50 (hourly rate for office, lighting, heating etc) x 5 (number of days that PSA meets)]

= £8,150 (estimated cost for PSRA at Rosyth in the 1<sup>st</sup> year)

Annually for the next four years

[For PSA attendees: (3 PSA members + 3 Stakeholders) x (57,000 (average annual salary inc. NI etc please)/260 (working days per annum) = daily rate) x 1.1 (for10% expenses) x 2 (number of days that PSA meets to complete assessment)]

+ [For admin support: 21,646.13 (average annual salary inc. NI etc)/ 260(working days per annum) = daily rate) x 1.1 (for 10% expenses) x 4 (number of days that PSA meets + 1 day (for preparation of agenda, minutes etc)]

+ [For accommodation: 8 (hours per day) x 37.50 (hourly rate for office, lighting, heating etc) x 2 (number of days that PSA meets)]

= £3,260 (estimated cost for PRSA at Rosyth for each of the subsequent four years)

For a detailed breakdown of costs at the Ports listed in this Impact Assessment, see Annexes A - N.

5.31 The total cost of conducting the Port Security Risk Assessment for the Listed Ports during the start-up year is estimated at £206,085. Please see Annex A - N for a breakdown of individual port data. Assuming up to two days of PSA time per annum for each PSA to review and carry out amendments to the assessment as necessary it is estimated the ongoing total annual cost for all Listed Ports will be £75,028 for each of the ensuing four years. This gives a total cost for the PSRA at the Listed Ports for the first five years of £506,197 In practice there may be no changes required to the assessment, and thus no annual cost. However, this cannot be assumed to be the case every year, hence the contingency. This cost is also likely to be absorbed within the annual running cost of the PSA itself, but has been shown here as a separate cost in the interests of transparency.

5.32 PORT SECURITY PLAN (PSP): The PSP is intended to include a compilation of existing security and emergency response plans that exist within the wider port area. An approved Port Facility Security Plan is already required to be maintained for all UK commercial port facilities which fall under EC Regulation 725/2004 (which comprises all of the ports to be designated under the Port Security Regulation 2009). The Port Facility Security Plans for Listed Ports already include comprehensive coverage of the most vulnerable port areas. Although a new document will need to be written setting out the roles and responsibilities of the PSA and listing the constituent plans and other documents that comprise the Port Security Plan, this is anticipated to be primarily based on already existing plans. The 'new' task will be to include areas of the port not covered under existing plans.

Under the information gathering exercise conducted in May 2011, the Port of Bristol, Portland Harbour and Poole Harbour have all confirmed that the Department's original assumption and cost estimates for this activity were correct (£600, given as part of the Port Security (Port of Dover) Designation Order 2011). Cromarty Firth Port also agreed with the Department's cost estimate. They did however comment that an estuary Port with a number of private locations but small turnover may have a high setup cost in preparing and administering the plan. Forth Ports have commented that it would cost £20,000 to produce the Port Security Plan (20 days x £1000 per day, a consultant's rate). The Port of Belfast has commented that in their view the PSP is a radical departure from the concept of the PFSP which was very local in its application and outcomes and, based on the assumption that it takes 4-8 weeks to co-ordinate MATRA responses and develop the new PSP, it would cost £5,580 (30 days work x £186).

5.33 The Department was advised by the Port of Dover that the task of completing the Port Security Plan for the Port of Dover is likely to be delegated to the PSO to complete. It is the Departments view this will also be the case for the Listed Ports.

5.34 The Department is of the view that 20 – 30 days work to produce the PSP is a significant overestimate, based on the experience of the Port of Bristol that 5 working days was sufficient. Although the Port of Dover is larger than Bristol, the Port of Bristol was used as a pilot port for the PSR process and the lessons learnt from the pilot (which the Department will advise to all ports to be designated under PSR) will reduce the time required to produce the Port Security Plan. Moreover the majority of the PSP will consist of existing PFSPs, which are already approved by the Department and which are subject to regular update.

5.35 On the assumption therefore that it will take a maximum 5 working days to produce a consolidated Port Security Plan for the Port of Dover, the estimated cost for the start-up year was £2,959 ( $5 \times (\text{£}538 \times 1.1) = \text{£}2,959$ ). This cost is based on the average of the Director and security managers salaries at the Port of Dover (An average annual salary figure based on the Director and Security Manager salaries with Super Ann and NI on top is £99,000) since in practice they are likely to divide the task between them (For the Listed Ports, the Department view is that this work will be the undertaken by the PSO alone). The average annual cost for the PSP thereafter was estimated to be £1,183.60 ( $2 \times (\text{£}538 \times 1.1) = \text{£}1,183.60$ ), which allows two working days per annum at the average of the Director and security managers salaries to keep the plan updated. This allows for significant updates to the PSP, but in practice the time taken for updates is likely to be considerably less than this as there are unlikely to be major changes to port infrastructure every year (hence requiring a significant change to parts of the PSP year on year). However, the Department cannot assume this will be the case every year, hence the contingency. The start-up and annual costs are likely to be subsumed within the PSO cost figure, but have been shown separately here in the interests of transparency.

5.36 The Department view is that for the Listed Ports the PSP will be developed by the PSO and therefore estimates, that for each of the Listed Ports, it will take a PSO five working days to develop the PSP for the port for which he is appointed and two working days per annum to review and amend the PSP over the following for years. Thus, for example, at the Port of Rosyth based on standard rates the estimated cost of the Port Security Plan is:

## First year

(57,000 (average annual salary inc. NI etc please)/260 (working days per annum) = daily rate for PSO) x 1.1(for 10% expenses) x 5 (number of days for PSO to complete Port security Plan)]  
= £1,206 (estimated cost for PSP at Rosyth in the first year)

## Annually for the next four years

(57,000 (average annual salary inc. NI etc please)/260 (working days per annum) = daily rate for PSO) x 1.1 (for10% expenses) x 2 (number of days for PSO to complete Port security Plan)]  
= £482 (estimated cost for PSP at Rosyth for each of the subsequent four years)

For a detailed breakdown of costs at the Ports listed in this Impact Assessment, see Annexes A - N.

5.37 For Listed Ports the estimated total first year PSP cost will be £16,881 and the estimated total ongoing annual cost will be £6,752 giving a grand total cost for the Listed Ports of £43,889. Please see 5.7 and Annex A -N for individual port data.

As in the case for the Port of Dover, start-up and annual costs are likely to be subsumed within the PSO cost figure, but have been shown separately here in the interests of transparency.

5.38 ADDITIONAL SECURITY MEASURES AT THE LISTED PORTS: A preliminary security assessment by the Department at the Listed Ports undertaken to determine whether or not each Port was in or out of scope of Directive 2005/65/EC, has not identified any additional security measures, beyond those already in place, which may be required at the ports once the Designation Orders come into effect. As highlighted above, the existing Port Facility Security Plans at the ports already cover the most security vulnerable areas and measures are already in place. A Port Security Risk Assessment will need to be conducted at each port to verify the assumption that no additional security measures will be needed as a result of designation but, based on the available evidence, the Department believes this assumption to be correct.

5.39 It should be noted that the requirement for additional security measures at ports to be designated under the Port Security Regulations 2009 will differ from port to port, dependent upon the outcome of the Department's preliminary risk assessment and public consultation for the port in question. It is possible therefore that some other ports may require additional security measures as a result of The Port Security Regulations 2009.

5.40 ENFORCEMENT: The Department's Transport Security Compliance Division will be responsible for ensuring that the Listed Ports comply with the new rules. Any additional costs to support implementation at the Listed Ports and compliance monitoring of the Regulations will be found from within existing resources, by re-prioritising work where necessary. There are therefore no direct additional costs arising.

## 5.41 Benefits:

5.42 The Listed Ports Designation Order will lead to the Listed Ports having a co-ordinated security regime with a clear leadership structure that will take forward security plans drafted by relevant stakeholders. This is expected to lead to economies of scale by channelling existing activities into a single regime and better co-ordination and support between various security institutions such as the police and the government.

5.43 This Order will introduce measures to improve the security of ports to terrorist incidents and will therefore also reduce the chances of successful maritime terrorist incidents – bringing along with it the benefits of a prevented terrorist incident such as saved human injuries and no disruption of the movement of goods and people that could have a material impact on the UK economy.

5.44 Designation Orders under The Port Security Regulations 2009 are required to implement European Directive 2005/65/EC on enhancing port security in UK law. Failure to designate UK ports which fall under the scope of the EU Directive would therefore result in infraction proceedings by the European Commission, which would result in financial penalties on, and reputational damage to, the UK (considered a world leader in maritime security).

## 6. Small Firms Impact Test

6.1 Implementation of the Port Security Directive is likely to affect a number of small businesses based at, or working within, the designated Listed Ports. The port facilities based within the envisaged port boundaries are already regulated by the Department for Transport under the existing port security regime. Under the current regime these facilities also have Port Facility Security Plans in place which are approved by the Department for Transport and these plans will feed into the wider Port Security Plans to be managed by the Security Authorities for the Listed Ports under the new legislation. As highlighted at paragraph 5.38, preliminary security assessments by the Department at the listed Ports have not identified any additional security measures which may be required at the port once the Designation Order comes into effect (beyond those already in place).

6.2 The Port Security Regulations 2009 recognise the need to avoid overburdening smaller ports by allowing a number of port facilities to combine under the umbrella of a single port security authority, thereby taking advantage of economies of scale. None of the Listed Ports has advised us of small business costs at this stage.

6.3 However, as a member of a PSA, small business will participate in the Port Security Risk Assessment. The start up year costs to small businesses at each Listed Port is calculated as a function of total number of small business, the number of days the PSA meets to complete the risk assessment and the average PSA member daily rate (plus 10% for expenses) and annually thereafter as the number of days the PSA meets to review the risk assessment and the average PSA member daily rate (plus 10% for expenses)

Table 3: Total Estimated cost to small businesses for first five years\*

Port	Cost/port 1st 5 yrs
Southampton	
Swansea	
Hull and Goole	
Immingham and Grimsby	
Cardiff	
Manchester	
Poole	
Shetland SV	
Shetland - Lerwick	
Glasgow	
Rosyth	
Newhaven	
Falmouth	
Barrow	
Total estimated 5 yr costs	

% total cost borne by small businesses	
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\* Based on available evidence at the time of drafting. When full data is received from the Listed Ports it is likely the costs to small businesses will change. At this stage no Listed Ports have advised us of costs to small businesses. The final stage impact assessment will be amended to include any small business costs advised by the Listed ports during the public consultation process.. Please see Annexes A - N for breakdown of costs for each port.

As highlighted at paragraph 5.31, the annual cost of updating the Port Security Risk Assessment is likely to be absorbed within the annual running cost of the PSA itself, but has been shown here as a separate cost in the interests of transparency.

6.4 As explained at paragraph 5.32, the task of completing the Port Security Plans at each of the Listed Ports is likely to be delegated to the PSO for that Listed Port; hence small businesses will not

incur any costs from this activity unless the PSO is employed by a small business (in which case costs will be shown).

## 7. Competition Assessment

7.1. The Directive aims to provide a consistent approach to maritime security across Europe, which would reduce the potential for trade and competition distortion. The requirements of the Directive to extend its provisions to domestic ports serving Class A passenger ships (i.e. ships which travel further than 20 miles from the coast) further neutralises the possibility of the Directive distorting the balance of commitments between those industries involved in international trade and those trading purely on a domestic basis.

7.2 Within the UK, the Directive is not expected to make a significant difference on modal and route competition. The approach in the UK is, and will continue to be, for the user to pay for security measures. Additional costs incurred by a port to meet the requirements of the Directive may be passed on in some form to their customers. We believe that this approach leads to the most efficient provision and operation of security measures.

7.3 The “user pays” approach for the port industry is consistent with previously adopted security methods in the maritime passenger sector, the aviation industry and the Channel Tunnel. As this approach is multilateral, there is not expected to be any change in the level of competition.

7.4 The costs of implementing the security requirements in the Regulations are likely to affect some firms more than others depending on how a port chooses to implement the EC Directive and therefore whether additional security measures are needed. Implementation of the Regulations is unlikely to affect the market structure, or change the size or number of firms in the ports industry. The Regulations are unlikely to lead to substantially higher set-up costs for new or potential firms, or lead to higher ongoing costs for new or potential firms, that existing firms do not have to meet.

7.5 There is a very small risk that through close collaboration on the relevant Port Security Authority, some commercially sensitive information may become known to competitors from other port facilities. The Regulations have provisions that seek to ensure confidentiality of information, as well as offences for misusing information and a system of declaration of PSA members’ interests. These measures are intended to protect port business from anti-competitive behaviour.

## 8. Specific Impact tests

8.1 Statutory equality duties - These proposals will apply to the security regime and not the general operations at the ports concerned. There are considered to be no age, disability, gender, ethnicity and race, religion or belief, sexual orientation, transgender, or pregnancy and maternity implications resulting from these proposals (For further detail see the screening pro forma table at Annex O).

8.2 Economic Impact - There are Small Firms and Competition impacts as a result of these proposals. Please see paragraphs 6.1-6.5 and 7.1-7.5 for details.

8.3 Environmental Impact - The proposal will not affect general operations at the ports concerned. Therefore it is considered there will be no Environment or Greenhouse Gas implications resulting from these proposals.

### 8.4 Social Impacts -

1. Health and Well-being - As the proposal applies to the security regime and will not affect general operations at the ports concerned, there are considered to be no health and well being impacts as a result of these proposals.

2. Human Rights - Article 8 of the European Convention on Human Rights (ECHR) guarantees the right to respect for private and family life, home and correspondence. Article 8, as incorporated by the Human Rights Act 1998 makes it clear that public authorities must not interfere with the exercise of this right except "such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the

prevention of disorder or crime for the protection of health or morals, or for the protection of the rights and freedoms of others."

The Secondary legislation that forms the subject of this impact assessment raises potential issues under Article 8 of the EHCR as it allows for the searching of persons and property. We believe however, that the potential interference with Article 8 falls within the exceptions set out within the same Article for the following reasons:

The potential interference is in accordance with the law for the following reasons:

Some searches are already carried out under the Aviation and Maritime Security Act 1990;

The searches which may be carried out are limited as specified in the Regulations;

The potential interference pursues a legitimate objective. It will mean that people, property, baggage, cargo and vehicles can be searched to ensure that articles capable of use for causing injury to or incapacitating a person or for destroying or damaging property, or intended for such use are not introduced into security sensitive areas of ports. The secondary legislation can therefore be said to be in the interests of national security, prevention of crime, public safety and economic well-being of the country and the potential interference with Article 8 can be justified on these grounds.

The potential interference can be said to be proportionate to that legitimate aim since the extent to which it will be applied will be dependant upon the security level applied to the port.

3. Justice System - PSA members are liable to an offence and penalty relating to conflict of interest. The Designation Orders will only apply to members of the relevant PSA, each of which will have limited membership, which means there is no requirement for a justice impact test for these proposals.

4. Rural proofing - As the proposal applies to the security regime and will not affect general operations at the ports concerned, there are considered to be no rural implications

8.5 Sustainable Development - As the proposal applies to the security regime and will not affect general operations at the ports concerned, there are considered to be no sustainable development implications as a result of these proposals.

## 9. Enforcement, sanctions and monitoring

9.1 The Directive requires that Member States put in place effective, proportionate and dissuasive sanctions for breach of the requirements of the security regime. Enforcement regimes for maritime security already exist under the Aviation and Maritime Security Act of 1990 (AMSA) and the Ship and Port Facility (Security) Regulations 2004 (UK Regulations) which provides for the enforcement of the EC Regulation in the UK. Both security regimes are based on a stepped approach whereby administrative procedures and dialogue are entered into to try and secure compliance or rectification, before an Enforcement Notice is issued. Failure to comply with the Enforcement Notice would be followed by a criminal prosecution. However, depending on the particular circumstances, for example where a more serious non-compliance or offence has taken place, an Enforcement Notice could be issued immediately. We propose that this approach should be replicated for enforcement of the Directive.

9.2 Adopting the existing approach to enforcement will also ensure that the offences under all the maritime security regimes (i.e. AMSA, the EC Regulation/IMO regime and Directive's port security regime) are consistent. The primary mechanism centres on failure to comply with an Enforcement Notice, and this will therefore be handled in the same way and with similar penalties being meted out. Although the ultimate sanction of a criminal prosecution exists, this stepped approach should mean that the vast majority of breaches will be resolved without recourse to the courts.

9.3 As is often the case when implementing EC obligations, section 2(2) of the European Communities Act 1972, ("ECA") is the enabling power that is expected to be used to implement the requirements of the Directive.

9.4 Responsibility for security matters has not been devolved to Scotland, Wales or Northern Ireland, so the Order will apply to the whole of the UK (although its subject matter obviously relates to port operations in the Listed Ports).

9.5 As under AMSA and the EC Regulation/IMO regime, the Department's Transport Security Inspectors will be duly authorised to carry out compliance inspections of all UK ports under the Directive. In accordance with Article 13 of the Directive, the European Commission will commence a series of visits six months after the Directive comes into force to monitor compliance with the Directive.

9.6 Member States must ensure that a review of port security assessments and port security plans is carried out at least once every five years.

10. Direct costs and benefits to business calculations (following OIOO methodology)

10.1 This proposal is not subject to one in one out because it is necessary in order to comply with an EU requirement.

## Annex A

### Estimated Costs to Port of Barrow

Note: Please see evidence base for derivation of Standard Rates

All costs are in £s

Where pence are not shown cost is rounded to nearest pound.

#### Standard Rates

PSO/PFSO	57,000	£s/annum
Admin	21,646	£s/annum
Accommodation	37.5	£s/hr

Annual salary	£s	Daily Rate* including overheads and expenses
PSO/PFSO	57,000	241.15
Admin	21,646	91.58
Accommodation	37.5	

\*Daily rate = annual salary(inc overheads)/260  
(workdays per year) plus 10% expenses

#### Estimated PSR costs over 5 year period (£s)

Start up	Annual cost				
	Yr2	Yr3	Yr4	Yr5	
PSO	25,080	12,540	12,540	12,540	12,540
PSA	0	0	0	0	0
PSRA	12,062	4,825	4,825	4,825	4,825
PSP	1,206	482	482	482	482
Total	38,348	17,847	17,847	17,847	17,847
	Total estimated cost for first 5 years			109,736	

#### Port Security Officer

Start up year		Total
No. of working days		104
<b>Annual cost</b>		
No. of working days		52
		12,540

#### Port Security Authority

Start up year		Totals
PSA		
No. Members	8	
No. Stakeholders	0	
No. days that PSA meets	4	7,717
Admin		733
Accommodation etc		1,200
Total PSA start up cost		9,650

Annual cost		Totals
PSA		
No. Members	8	
No. Stakeholders	0	
No. days that PSA meets	2	3,858
Admin		366
Accommodation etc		600
Total PSA annual cost		4,825

#### Port Security Risk Assessment

Annual cost start up		Totals
PSA		
No. Members	8	
No. Stakeholders	0	
No. days that PSA meets	5	9,646
Admin		916
Accommodation etc		1,500
Total PRSA start up cost		12,062

Annual cost on going		Totals
PSA		
No. Members	8	
No. Stakeholders	0	
No. days that PSA meets	2	3,858
Admin		366
Accommodation etc		600
Total PRSA on going annual cost		4,825

#### Port Security Plan

PSP Start up year		Totals
No. members		
No. Stakeholders	0	
No days to complete plan	5	
Total PSP Start up year costs		1,206

PSP Annual costs		Totals
No. members		
No. Stakeholders	0	
No days to review plan	2	
Total PSP Start Annual costs		482

Note: It is assumed resource developing a PSP will always include the PSO

#### Costs to small businesses

The Port of Barrow has not as yet advised whether there are any small businesses that will be affected by the implementation of the Port Security Regulations 2009 at the Port of Barrow.

## Annex B

### Estimated Costs to Port of Newhaven

Note: Please see evidence base for derivation of Standard Rates

All costs are in £s

Where pence are not shown cost is rounded to nearest pound.

#### Standard Rates

PSO/PFSO	57,000	£s/annum
Admin	2,1646	£s/annum
Accommodation	37.5	£s/hr

Annual salary	£s	Daily Rate* including overheads and expenses
PSO/PFSO	57,000	241.15
Admin	21,646	91.58
Accommodation	37.5	

\*Daily rate = annual salary(inc overheads)/260  
(workdays per year) plus 10% expenses

#### Estimated PSR costs over 5 year period (£s)

	Annual cost			
	Yr2	Yr3	Yr4	Yr5
PSO	25,080	12,540	12,540	12,540
PSA	0	0	0	0
PSRA	7,239	2,896	2,896	2,896
PSP	1,206	482	482	482
Total	33,525	15,918	15,918	15,918
				Total estimated cost for first 5 years
				97196

#### PSO Costs (£s)

Start up year		Total
No. of working days	104	25,080
Annual cost		
No. of working days	52	12,540

#### Breakdown of PSA Costs

Start up year		Totals
PSA		
No. Members	4	
No. Stakeholders	0	
No. days that PSA meets	4	3,858
Admin		733
Accommodation etc		1,200
Total PSA start up cost		5,791

Annual cost		Totals
PSA		
No. Members	4	
No. Stakeholders	0	
No. days that PSA meets	2	1,929
Admin		366
Accommodation etc		600
Total PSA annual cost		2,896

### Port Security Risk Assessment

Annual cost start up		Totals
PSA		
No. Members	4	
No. Stakeholders	0	
No. days that PSA meets	5	4,823
Admin		916
Accommodation etc		1,500
Total PRSA start up cost		7,239

Annual cost on going		Totals
PSA		
No. Members	4	
No. Stakeholders	0	
No. days that PSA meets	2	1,929
Admin		366
Accommodation etc		600
Total PRSA on going annual cost		2,896

### Port Security Plan

PSP Start up year		Totals
PSA		
No. members	1	
No. Stakeholders	0	
No days to complete plan	5	
Total PSP Start up year costs		1206

PSP Annual costs		Totals
PSA		
No. members	1	
No. Stakeholders	0	
No days to review plan	2	
Total PSP Start Annual costs		482

Note: It is assumed resource developing a PSP will always include the PSO

### Costs to small businesses

The Port of Newhaven has not as yet advised whether there are any small businesses that will be affected by the implementation of the Port Security Regulations 2009 at the Port of Newhaven.

## Annex C

### Estimated Costs to Port of Falmouth

Note: Please see evidence base for derivation of Standard Rates

All costs are in £s

Where pence are not shown cost is rounded to nearest pound.

#### Standard Rates

PSO/PFSO	57,000	£s/annum
Admin	21,646	£s/annum
Accommodation	37.5	£s/hr

Annual salary	£s*	Daily Rate including overheads and expenses
PSO/PFSO	57,000	241.15
Admin	21,646	91.58
Accommodation	37.5	

\*Daily rate = annual salary(inc overheads)/260  
(workdays per year) plus 10% expenses

#### Estimated PSR costs over 5 year period (£s)

	Annual cost			
	Yr2	Yr3	Yr4	Yr5
PSO	25,080	12,540	12,540	12,540
PSA	0	0	0	0
PSRA	9,650	3,860	3,860	3,860
PSP	1,206	482	482	482
Total	35,936	16,882	16,882	16,882
	Total estimated cost for first 5 years			
	103,466			

#### PSO Costs (£s)

Start up year		Total
No. of working days	104	25,080
Annual cost		
No. of working days	52	12,540

#### Breakdown of PSA Costs

Start up year	Totals
PSA	
No. Members	5
No. Stakeholders	1
No. days that PSA meets	4 5,788
Admin	733
Accommodation etc	1,200
Total PSA start up cost	7,720

Annual cost		Totals
PSA		
No. Members	5	
No. Stakeholders	1	
No. days that PSA meets	2	2,894
Admin		366
Accommodation etc		600
Total PSA annual cost		3,860

### Port Security Risk Assessment

Annual cost start up		Totals
PSA		
No. Members	5	
No. Stakeholders	1	
No. days that PSA meets	5	7,235
Admin		916
Accommodation etc		1,500
Total PRSA start up cost		9,650

Annual cost on going		Totals
PSA		
No. Members	5	
No. Stakeholders	1	
No. days that PSA meets	2	2,894
Admin		366
Accommodation etc		600
Total PRSA on going annual cost		3,860

### Port Security Plan

PSP Start up year		Totals
PSA		
No. members	1	
No. Stakeholders	0	
No days to complete plan	5	
Total PSP Start up year costs		1,206

PSP Annual costs		Totals
PSA		
No. members	1	
No. Stakeholders	0	
No days to review plan	2	
Total PSP Start Annual costs		482

Note: It is assumed resource developing a PSP will always include the PSO

### Costs to small businesses

The Port of Falmouth has not as yet advised whether there are any small businesses that will be affected by the implementation of the Port Security Regulations 2009 at the Port of Falmouth.

## Annex D Estimated Costs to Port of Sullom Voe

Note: Please see evidence base for derivation of Standard Rates

All costs are in £s

Where pence are not shown cost is rounded to nearest pound.

### Standard Rates

PSO/PFSO	57,000	£s/annum
Admin	21,646	£s/annum
Accommodation	37.5	£s/hr

Annual salary	£s*	Daily Rate including overheads and expenses
PSO/PFSO	57,000	241.15
Admin	21,646	91.58
Accommodation	37.5	

\*Daily rate = annual salary(inc overheads)/260  
(workdays per year) plus 10% expenses

### Estimated PSR costs over 5 year period (£s)

	Annual cost			
	Yr2	Yr3	Yr4	Yr5
PSO	25,080	12,540	12,540	12,540
PSA	0	0	0	0
PSRA	6,033	2,413	2,413	2,413
PSP	1,206	482	482	482
Total	32,319	15,436	15,436	15,436
				Total estimated cost for first 5 years
				94,061

### PSO Costs (£s)

Start up year		Total
No. of working days	104	25,080
Annual cost		
No. of working days	52	12,540

### Breakdown of PSA Costs

Start up year		Totals
PSA		
No. Members	3	
No. Stakeholders	0	
No. days that PSA meets	4	2,894
Admin		733
Accommodation etc		1,200
Total PSA start up cost		4,826

Annual cost		Totals
PSA		
No. Members	3	
No. Stakeholders	0	
No. days that PSA meets	2	1,447
Admin		366
Accommodation etc		600
Total PSA annual cost		2,413

### Port Security Risk Assessment

Annual cost start up		Totals
PSA		
No. Members	3	
No. Stakeholders	0	
No. days that PSA meets	5	3,617
Admin		916
Accommodation etc		1,500
Total PRSA start up cost		6,033

Annual cost on going		Totals
PSA		
No. Members	3	
No. Stakeholders	0	
No. days that PSA meets	2	1,447
Admin		366
Accommodation etc		600
Total PRSA on going annual cost		2,413

### Port Security Plan

PSP Start up year		Totals
PSA		
No. members	1	
No. Stakeholders	0	
No days to complete plan	5	
Total PSP Start up year costs		1,206

PSP Annual costs		Totals
PSA		
No. members	1	
No. Stakeholders	0	
No days to review plan	2	
Total PSP Start Annual costs		482

Note: It is assumed resource developing a PSP will always include the PSO

### Costs to small businesses

The Port of Sullom Voe has not as yet advised whether there are any small businesses that will be affected by the implementation of the Port Security Regulations 2009 at the Port of Sullom Voe.

## Annex E

### Estimated Costs to Port of Lerwick

Note: Please see evidence base for derivation of Standard Rates

All costs are in £s

Where pence are not shown cost is rounded to nearest pound.

#### Standard Rates

PSO/PFSO	57,000	£s/annum
Admin	21,646	£s/annum
Accommodation	37.5	£s/hr

Annual salary	£s*	Daily Rate including overheads and expenses
PSO/PFSO	57,000	241.15
Admin	21,646	91.58
Accommodation	37.5	

\*Daily rate = annual salary(inc overheads)/260  
(workdays per year) plus 10% expenses

#### Estimated PSR costs over 5 year period (£s)

	Annual cost				
	Yr2	Yr3	Yr4	Yr5	
PSO	25,080	12,540	12,540	12,540	12,540
PSA	0	0	0	0	0
PSRA	6,033	2,413	2,413	2,413	2,413
PSP	1,206	482	482	482	482
Total	32,319	15,436	15,436	15,436	15,436
	Total estimated cost for first 5 years				94,061

#### PSO Costs (£s)

Start up year	Total	
No. of working days	104	25,080
Annual cost		
No. of working days	52	12,540

#### Breakdown of PSA Costs

Start up year	Totals
PSA	
No. Members	3
No. Stakeholders	0
No. days that PSA meets	4
Admin	2,894
Accommodation etc	733
Total PSA start up cost	1,200
	4,826

Annual cost		Totals
PSA		
No. Members	3	
No. Stakeholders	0	
No. days that PSA meets	2	1,447
Admin		366
Accommodation etc		600
Total PSA annual cost		2,413

### Port Security Risk Assessment

Annual cost start up		Totals
PSA		
No. Members	3	
No. Stakeholders	0	
No. days that PSA meets	5	3,617
Admin		916
Accommodation etc		1,500
Total PRSA start up cost		6,033

Annual cost on going		Totals
PSA		
No. Members	3	
No. Stakeholders	0	
No. days that PSA meets	2	1,447
Admin		366
Accommodation etc		600
Total PRSA on going annual cost		2,413

### Port Security Plan

PSP Start up year		Totals
PSA		
No. members	1	
No. Stakeholders	0	
No days to complete plan	5	
Total PSP Start up year costs		1,206

PSP Annual costs		Totals
PSA		
No. members	1	
No. Stakeholders	0	
No days to review plan	2	
Total PSP Start Annual costs		482

Note: It is assumed resource developing a PSP will always include the PSO

### Costs to small businesses

The Port of Lerwick has not as yet advised whether there are any small businesses that will be affected by the implementation of the Port Security Regulations 2009 at the Port of Lerwick.

## Annex F

### Estimated Costs to Port of Rosyth

Note: Please see evidence base for derivation of Standard Rates

All costs are in £s

Where pence are not shown cost is rounded to nearest pound.

#### Standard Rates

PSO/PFSO	57,000	£s/annum
Admin	21,646	£s/annum
Accommodation	37.5	£s/hr

Annual salary	£s*	Daily Rate including overheads and expenses
PSO/PFSO	57,000	241.15
Admin	21,646	91.58
Accommodation	37.5	

\*Daily rate = annual salary(inc overheads)/260  
(workdays per year) plus 10% expenses

#### Estimated PSR costs over 5 year period (£s)

	Annual cost				
	Yr2	Yr3	Yr4	Yr5	
PSO	25,080	12,540	12,540	12,540	12,540
PSA	0	0	0	0	0
PSRA	6,945	2,778	2,778	2,778	2,778
PSP	1,206	482	482	482	482
Total	33,230	15,800	15,800	15,800	15,800
					Total estimated cost for first 5 years
					96,431

#### PSO Costs (£s)

Start up year		Total
No. of working days	104	25,080
Annual cost		
No. of working days	52	12,540

#### Breakdown of PSA Costs

Start up year		Totals
PSA		
No. Members	2	
No. Stakeholders	5	
No. days that PSA meets	5	8,440
Admin		916

Accommodation etc	0
Total PSA start up cost	9,356

Annual cost	Totals
PSA	
No. Members	2
No. Stakeholders	5
No. days that PSA meets	2 3,376
Admin	366
Accommodation etc	0
Total PSA annual cost	3,742

### Port Security Risk Assessment

Annual cost start up	Totals
PSA	
No. Members	2
No. Stakeholders	3
No. days that PSA meets	5 6,029
Admin	916
Accommodation etc	0
Total PRSA start up cost	6,945

Annual cost on going	Totals
PSA	
No. Members	2
No. Stakeholders	3
No. days that PSA meets	2 2,412
Admin	366
Accommodation etc	0
Total PRSA on going annual cost	2,778

### Port Security Plan

PSP Start up year	Totals
No. members	1
No. Stakeholders	0
No days to complete plan	5
Total PSP Start up year costs	1,206

PSP Annual costs	Totals
No. members	1
No. Stakeholders	0
No days to review plan	2
Total PSP Start Annual costs	482

Note: It is assumed resource developing a PSP will always include the PSO

#### Costs to small businesses

The Port of Rosyth has not as yet advised whether there are any small businesses that will be affected by the implementation of the Port Security Regulations 2009 at the Port of Rosyth.

**Annex G**  
**Estimated Costs to Port of Immingham & Grimsby**

Note: Please see evidence base for derivation of Standard Rates  
 All costs are in £s  
 Where pence are not shown cost is rounded to nearest pound.

**Standard Rates**

PSO/PFSO	57,000	£s/annum
Admin	21,646	£s/annum
Accommodation	37.5	£s/hr

Annual salary	£s*	Daily Rate including overheads and expenses
PSO/PFSO	57,000	241.15
Admin	21,646	91.58
Accommodation	37.5	

\*Daily rate = annual salary(inc overheads)/260  
 (workdays per year) plus 10% expenses

**Estimated PSR costs over 5 year period (£s)**

	Annual cost				
	Yr2	Yr3	Yr4	Yr5	
PSO	25,080	12,540	12,540	12,540	12,540
PSA	0	0	0	0	0
PSRA	23,156	7,719	7,719	7,719	7,719
PSP	1,206	482	482	482	482
Total	49,442	20,741	20,741	20,741	20,741
	Total estimated cost for first 5 years				132,405

**PSO Costs (£s)**

Start up year		Total
No. of working days	104	25,080
Annual cost		
No. of working days	52	12,540

**Breakdown of PSA Costs**

Start up year		Totals
PSA		
No. Members	11	
No. Stakeholders	5	
No. days that PSA meets	5	19,292
Admin		916

Accommodation etc	1,500
Total PSA start up cost	21,708

Annual cost	Totals
PSA	
No. Members	11
No. Stakeholders	5
No. days that PSA meets	4
	15,434
Admin	733
Accommodation etc	1,200
Total PSA annual cost	17,366

### Port Security Risk Assessment

Annual cost start up	Totals
PSA	
No. Members	11
No. Stakeholders	3
No. days that PSA meets	6
	20,257
Admin	1,099
Accommodation etc	1,800
Total PRSA start up cost	23,156

Annual cost on going	Totals
PSA	
No. Members	11
No. Stakeholders	3
No. days that PSA meets	2
	6,752
Admin	366
Accommodation etc	600
Total PRSA on going annual cost	7,719

### Port Security Plan

PSP Start up year	Totals
No. members	1
No. Stakeholders	0
No days to complete plan	5
Total PSP Start up year costs	1,206

PSP Annual costs	Totals
No. members	1
No. Stakeholders	0
No days to review plan	2
Total PSP Start Annual costs	482

Note: It is assumed resource developing a PSP will always include the PSO Costs to small businesses

The Port of Immingham & Grimsby has not as yet advised whether there are any small businesses that will be affected by the implementation of the Port Security Regulations 2009 at the Port of Immingham & Grimsby.

#### Annex H Estimated Costs to Port of Glasgow

Note: Please see evidence base for derivation of Standard Rates

All costs are in £s

Where pence are not shown cost is rounded to nearest pound.

#### Standard Rates

PSO/PFSO	57,000	£s/annum
Admin	21,646	£s/annum
Accommodation	37.5	£s/hr

Annual salary	£s*	Daily Rate including overheads and expenses
PSO/PFSO	57,000	241.15
Admin	21,646	91.58
Accommodation	37.5	

\*Daily rate = annual salary(inc overheads)/260 (workdays per year) plus 10% expenses

#### Estimated PSR costs over 5 year period (£s)

	Annual cost				
		Yr2	Yr3	Yr4	Yr5
PSO	25,080	12,540	12,540	12,540	12,540
PSA	0	0	0	0	0
PSRA	21,709	7,236	7,236	7,236	7,236
PSP	1,206	482	482	482	482
Total	47,995	20,259	20,259	20,259	20,259
		Total estimated cost for first 5 years			129,029

#### PSO Costs (£s)

Start up year		Total
No. of working days	104	25,080
Annual cost		
No. of working days	52	12,540

### Breakdown of PSA Costs

Start up year		Totals
PSA		
No. Members	10	
No. Stakeholders	8	
No. days that PSA meets	5	21,704
Admin		916
Accommodation etc		1,500
Total PSA start up cost		24,120

Annual cost		Totals
PSA		
No. Members	10	
No. Stakeholders	8	
No. days that PSA meets	4	17,363
Admin		733
Accommodation etc		1,200
Total PSA annual cost		19,296

### Port Security Risk Assessment

Annual cost start up		Totals
PSA		
No. Members	10	
No. Stakeholders	3	
No. days that PSA meets	6	18,810
Admin		1,099
Accommodation etc		1,800
Total PRSA start up cost		21,709

Annual cost on going		Totals
PSA		
No. Members	10	
No. Stakeholders	3	
No. days that PSA meets	2	6,270
Admin		366
Accommodation etc		600

Total PRSA on going annual cost	7,236
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### Port Security Plan

PSP Start up year	Totals
No. members	1
No. Stakeholders	0
No days to complete plan	5
Total PSP Start up year costs	1,206

PSP Annual costs	Totals
No. members	1
No. Stakeholders	0
No days to review plan	2
Total PSP Start Annual costs	482

Note: It is assumed resource developing a PSP will always include the PSO

### Costs to small businesses

The Port of Glasgow has not as yet advised whether there are any small businesses that will be affected by the implementation of the Port Security Regulations 2009 at the Port of Glasgow.

### Annex I

#### Estimated Costs to Port of Hull & Goole

Note: Please see evidence base for derivation of Standard Rates

All costs are in £s

Where pence are not shown cost is rounded to nearest pound.

### Standard Rates

PSO/PFSO	57,000	£s/annum
Admin	21,646	£s/annum
Accommodation	37.5	£s/hr

Annual salary	£s*	Daily Rate including overheads and expenses
PSO/PFSO	57,000	241.15
Admin	21,646	91.58
Accommodation	37.5	

\*Daily rate = annual salary(inc overheads)/260  
(workdays per year) plus 10% expenses

### Estimated PSR costs over 5 year period (£s)

	Annual cost				
	Yr2	Yr3	Yr4	Yr5	
PSO	25,080	12,540	12,540	12,540	12,540
PSA	0	0	0	0	0

PSRA	30,390	10,130	10,130	10,130	10,130
PSP	1,206	482	482	482	482
Total	56,676	23,152	23,152	23,152	23,152
Total estimated cost for first 5 years					149,286

#### PSO Costs (£s)

Start up year	Total	
No. of working days	104	25,080
Annual cost		
No. of working days	52	12,540

#### Breakdown of PSA Costs

Start up year	Totals	
PSA		
No. Members	16	
No. Stakeholders	6	
No. days that PSA meets	5	26,527
Admin		916
Accommodation etc		1,500
Total PSA start up cost		28,943

Annual cost	Totals	
PSA		
No. Members	16	
No. Stakeholders	6	
No. days that PSA meets	4	21,222
Admin		733
Accommodation etc		1,200
Total PSA annual cost		23,154

#### Port Security Risk Assessment

Annual cost start up	Totals	
PSA		
No. Members	16	
No. Stakeholders	3	
No. days that PSA meets	6	27,492
Admin		1,099

Accommodation etc	1,800
Total PRSA start up cost	30,390

Annual cost on going	Totals
PSA	
No. Members	16
No. Stakeholders	3
No. days that PSA meets	2 9,164
Admin	366
Accommodation etc	600
Total PRSA on going annual cost	10,130

### Port Security Plan

PSP Start up year	Totals
No. members	1
No. Stakeholders	0
No days to complete plan	5
Total PSP Start up year costs	1,206

PSP Annual costs	Totals
No. members	1
No. Stakeholders	0
No days to review plan	2
Total PSP Start Annual costs	482

Note: It is assumed resource developing a PSP will always include the PSO

### Costs to small businesses

The Port of Hull & Goole has not as yet advised whether there are any small businesses that will be affected by the implementation of the Port Security Regulations 2009 at the Port of Hull & Goole.

### Annex J

#### Estimated Costs to Manchester Ship Canal

Note: Please see evidence base for derivation of Standard Rates

All costs are in £s

Where pence are not shown cost is rounded to nearest pound.

### Standard Rates

PSO/PFSO	57,000	£s/annum
Admin	21,646	£s/annum
Accommodation	37.5	£s/hr

Annual salary	£s*	Daily Rate including overheads and expenses
PSO/PFSO	57,000	241.15
Admin	21,646	91.58
Accommodation	37.5	

\*Daily rate = annual salary(inc overheads)/260  
(workdays per year) plus 10% expenses

Estimated PSR costs over 5 year period (£s)

	Annual cost				
	Yr2	Yr3	Yr4	Yr5	
PSO	25080	12540	12540	12540	12540
PSA	0	0	0	0	0
PSRA	35825	11942	11942	11942	11942
PSP	1206	482	482	482	482
Total	62111	24964	24964	24964	24964
	Total estimated cost for first 5 years				161967

PSO Costs (£s)

Start up year		Total
No. of working days	104	25080
Annual cost		
No. of working days	52	12540

Breakdown of PSA Costs

Start up year		Totals
PSA		
No. Members	5	
No. Stakeholders	3	
No. days that PSA meets	2	32556
Admin		916
Accommodation etc		0
Total PSA start up cost		33472

Annual cost		Totals
PSA		
No. Members	5	
No. Stakeholders	3	
No. days that PSA meets	4	26045
Admin		733
Accommodation etc		0

Total PSA annual cost	26777
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### Port Security Risk Assessment

Annual cost start up		Totals
PSA		
No. Members	5	
No. Stakeholders	3	
No. days that PSA meets	6	34726
Admin		1099
Accommodation etc		0
Total PRSA start up cost		35825

Annual cost on going		Totals
PSA		
No. Members	05/03/2002	
No. Stakeholders	4	
No. days that PSA meets	2	11575
Admin		366
Accommodation etc		0
Total PRSA on going annual cost		11942

### Port Security Plan

PSP Start up year		Totals
No. members	1	
No. Stakeholders	0	
No days to complete plan	5	
Total PSP Start up year costs		1206

PSP Annual costs		Totals
No. members	1	
No. Stakeholders	0	
No days to review plan	2	
Total PSP Start Annual costs		482

Note: It is assumed resource developing a PSP will always include the PSO

### Costs to small businesses

The Manchester Ship Canal has not as yet advised whether there are any small businesses that will be affected by the implementation of the Port Security Regulations 2009 at Manchester Ship Canal.

### Annex K

## Estimated Costs to Port of Southampton

Note: Please see evidence base for derivation of Standard Rates

All costs are in £s

Where pence are not shown cost is rounded to nearest pound.

### Standard Rates

PSO/PFSO	57,000	£s/annum
Admin	21,646	£s/annum
Accommodation	37.5	£s/hr

Annual salary	£s*	Daily Rate including overheads and expenses
PSO/PFSO	57,000	241.15
Admin	21,646	91.58
Accommodation	37.5	

\*Daily rate = annual salary(inc overheads)/260  
(workdays per year) plus 10% expenses

### Estimated PSR costs over 5 year period (£s)

	Annual cost				
	Yr2	Yr3	Yr4	Yr5	
PSO	25,080	12,540	12,540	12,540	12,540
PSA	0	0	0	0	0
PSRA	9,650	3,860	3,860	3,860	3,860
PSP	1,206	482	482	482	482
Total	35,936	16,882	16,882	1,6882	16,882
Total	0	0	0	0	0
	Total estimated cost for first 5 years				103,466

### PSO Costs (£s)

Start up year		Total
No. of working days	104	25,080
Annual cost		
No. of working days	52	12,540

### Breakdown of PSA Costs

Start up year		Totals
PSA		
No. Members	4	
No. Stakeholders	2	
No. days that PSA meets	4	5,788
Admin		733

Accommodation etc	1,200
Total PSA start up cost	7,720

Annual cost	Totals
PSA	
No. Members	4
No. Stakeholders	2
No. days that PSA meets	2 2,894
Admin	366
Accommodation etc	600
Total PSA annual cost	3,860

#### Port Security Risk Assessment

Annual cost start up	Totals
PSA	
No. Members	4
No. Stakeholders	2
No. days that PSA meets	5 7,235
Admin	916
Accommodation etc	1,500
Total PRSA start up cost	9,650

Annual cost on going	Totals
PSA	
No. Members	4
No. Stakeholders	2
No. days that PSA meets	2 2,894
Admin	366
Accommodation etc	600
Total PRSA on going annual cost	3,860

#### Port Security Plan

PSP Start up year	Totals
No. members	1
No. Stakeholders	0
No days to complete plan	5
Total PSP Start up year costs	1,206

PSP Annual costs	Totals
No. members	1
No. Stakeholders	0
No days to review plan	2
Total PSP Start Annual costs	482

Note: It is assumed resource developing a PSP will always include the PSO

#### Costs to small businesses

The Port of Southampton has not as yet advised whether there are any small businesses that will be affected by the implementation of the Port Security Regulations 2009 at the Port Southampton.

#### Annex L

#### Estimated Costs to Port of Cardiff

Note: Please see evidence base for derivation of Standard Rates

All costs are in £s

Where pence are not shown cost is rounded to nearest pound.

#### Standard Rates

PSO/PFSO	57,000	£s/annum
Admin	21,646	£s/annum
Accommodation	37.5	£s/hr

Annual salary	£s*	Daily Rate including overheads and expenses
PSO/PFSO	57,000	241.15
Admin	21,646	91.58
Accommodation	37.5	

\*Daily rate = annual salary(inc overheads)/260  
(workdays per year) plus 10% expenses

#### Estimated PSR costs over 5 year period (£s)

	Annual cost			
	Yr2	Yr3	Yr4	Yr5
PSO	25,080	12,540	12,540	12,540
PSA	0	0	0	0
PSRA	18,091	7,236	7,236	7,236
PSP	1,206	482	482	482
Total	44,377	20,259	20,259	20,259
	Total estimated cost for first 5 years			125,411

#### PSO Costs (£s)

Start up year		Total	
No. of working days	104	25,080	
Annual cost			
No. of working days	52	12,540	

### Breakdown of PSA Costs

Start up year		Totals
PSA		
No. Members	13	
No. Stakeholders	0	
No. days that PSA meets	4	12,540
Admin		733
Accommodation etc		1,200
Total PSA start up cost		14,473

Annual cost		Totals
PSA		
No. Members	13	
No. Stakeholders	0	
No. days that PSA meets	2	6,270
Admin		366
Accommodation etc		600
Total PSA annual cost		7,236

### Port Security Risk Assessment

Annual cost start up		Totals
PSA		
No. Members	13	
No. Stakeholders	0	
No. days that PSA meets	5	15,675
Admin		916
Accommodation etc		1,500
Total PRSA start up cost		18,091

Annual cost on going		Totals
PSA		
No. Members	13	
No. Stakeholders	0	
No. days that PSA meets	2	6,270
Admin		366
Accommodation etc		600

Total PRSA on going annual cost	7,236
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### Port Security Plan

PSP Start up year	Totals
No. members	1
No. Stakeholders	0
No days to complete plan	5
Total PSP Start up year costs	1,206

PSP Annual costs	Totals
No. members	1
No. Stakeholders	0
No days to review plan	2
Total PSP Start Annual costs	482

Note: It is assumed resource developing a PSP will always include the PSO

### Costs to small businesses

The Port of Cardiff has not as yet advised whether there are any small businesses that will be affected by the implementation of the Port Security Regulations 2009 at the Port of Cardiff.

## Annex M

### Estimated Costs to Port of Swansea

Note: Please see evidence base for derivation of Standard Rates

All costs are in £s

Where pence are not shown cost is rounded to nearest pound.

### Standard Rates

PSO/PFSO	57,000	£s/annum
Admin	21,646	£s/annum
Accommodation	37.5	£s/hr

Annual salary	£s*	Daily Rate including overheads and expenses
PSO/PFSO	57,000	241.15
Admin	21,646	91.58
Accommodation	37.5	

\*Daily rate = annual salary(inc overheads)/260  
(workdays per year) plus 10% expenses

### Estimated PSR costs over 5 year period (£s)

	Annual cost				
	Yr2	Yr3	Yr4	Yr5	
PSO	25,080	12,540	12,540	12,540	12,540
PSA	0	0	0	0	0

PSRA	10,856	4,342	4,342	4,342	4,342
PSP	1,206	482	482	482	482
Total	37,142	17,365	17,365	17,365	17,365
Total estimated cost for first 5 years					106,601

#### PSO Costs (£s)

Start up year	Total	
No. of working days	104	25,080
Annual cost		
No. of working days	52	12,540

#### Breakdown of PSA Costs

Start up year	Totals	
PSA		
No. Members	7	
No. Stakeholders	0	
No. days that PSA meets	4	6,752
Admin		733
Accommodation etc		1,200
Total PSA start up cost		8,685

Annual cost	Totals	
PSA		
No. Members	7	
No. Stakeholders	0	
No. days that PSA meets	2	3,376
Admin		366
Accommodation etc		600
Total PSA annual cost		4,342

#### Port Security Risk Assessment

Annual cost start up	Totals	
PSA		
No. Members	7	
No. Stakeholders	0	
No. days that PSA meets	5	8,440
Admin		916

Accommodation etc	1,500
Total PRSA start up cost	10,856

Annual cost on going	Totals
PSA	
No. Members	7
No. Stakeholders	0
No. days that PSA meets	2 3376
Admin	366
Accommodation etc	600
Total PRSA on going annual cost	4342

### Port Security Plan

PSP Start up year	Totals
No. members	1
No. Stakeholders	0
No days to complete plan	5
Total PSP Start up year costs	1,206

PSP Annual costs	Totals
No. members	1
No. Stakeholders	0
No days to review plan	2
Total PSP Start Annual costs	482

Note: It is assumed resource developing a PSP will always include the PSO

### Costs to small businesses

The Port of Swansea has not as yet advised whether there are any small businesses that will be affected by the implementation of the Port Security Regulations 2009 at the Port of Swansea.

### **Annex N Estimated Costs to Port of Poole**

Note: Please see evidence base for derivation of Standard Rates

All costs are in £s

Where pence are not shown cost is rounded to nearest pound.

### Standard Rates

PSO/PFSO	57,000	£s/annum
Admin	21,646	£s/annum
Accommodation	37.5	£s/hr

Annual salary	£s*	Daily Rate including overheads and expenses
PSO/PFSO	57,000	241.15
Admin	21,646	91.58
Accommodation	37.5	

\*Daily rate = annual salary(inc overheads)/260  
(workdays per year) plus 10% expenses

#### Estimated PSR costs over 5 year period (£s)

	Annual cost				
	Yr2	Yr3	Yr4	Yr5	
PSO	25,080	12,540	12,540	12,540	12,540
PSA	0	0	0	0	0
PSRA	7,239	2,896	2,896	2,896	2,896
PSP	1,206	482	482	482	482
Total	33,525	15,918	15,918	15,918	15,918
	Total estimated cost for first 5 years				97,196

#### PSO Costs (£s)

Start up year		Total
No. of working days	104	25,080
Annual cost		
No. of working days	52	12,540

#### Breakdown of PSA Costs

Start up year		Totals
PSA		
No. Members	3	
No. Stakeholders	1	
No. days that PSA meets	4	3,858
Admin		733
Accommodation etc		1,200
Total PSA start up cost		5,791

Annual cost		Totals
PSA		
No. Members	3	
No. Stakeholders	1	
No. days that PSA meets	2	1,929
Admin		366
Accommodation etc		600
Total PSA annual cost		2,896

## Port Security Risk Assessment

Annual cost start up		Totals	
PSA			
No. Members		3	
No. Stakeholders		1	
No. days that PSA meets		5	4,823
Admin			916
Accommodation etc			1,500
Total PRSA start up cost			7,239

Annual cost on going		Totals	
PSA			
No. Members		3	
No. Stakeholders		1	
No. days that PSA meets		2	1,929
Admin			366
Accommodation etc			600
Total PRSA on going annual cost			2,896

## Port Security Plan

PSP Start up year		Totals	
PSA			
No. members		1	
No. Stakeholders		0	
No days to complete plan		5	
Total PSP Start up year costs			1,206

PSP Annual costs		Totals	
PSA			
No. members		1	
No. Stakeholders		0	
No days to review plan		2	
Total PSP Start Annual costs			482

Note: It is assumed resource developing a PSP will always include the PSO

## Costs to small businesses

The Port of Poole has not as yet advised whether there are any small businesses that will be affected by the implementation of the Port Security Regulations 2009 at the Port of Poole.

## Annex O

EqIA Screening Proforma

**Name of the function, policy or strategy -** The Port of Barrow, Port of Newhaven, Port of Falmouth, Port of Sullom Voe, Port of Lerwick, Port of Rosyth, Port of Immingham & Grimsby, Port of Glasgow, Port of Hull & Goole, Manchester Ship Canal, Port of Southampton, Port of Poole, Port of Cardiff and Port of Swansea (Listed Ports) Designation Orders 2012  
**Current or Proposed:** Proposed

**Person completing the assessment:** Helen Sheehy  
**Date of assessment:** 03/07/12

**Purpose of the function, policy or strategy:** The policy objective is to enhance security at the Listed Ports to complement measures to help prevent successful maritime terrorist incidents. The intended effect is to designate a Security Authority for each of the Listed Ports which will be responsible for the preparation and implementation of security plans, based on the findings of security assessments at each of the Listed Ports, along with co-ordinating security within each Listed Port.

**Questions - Indicate Yes, No or Not Known for each group**

	Age	Disability	Gender	Ethnicity and race	Religion or Belief	Sexual Orientation	Transgender	Pregnancy and
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Is there any indication or evidence that different groups have different needs, experiences, issues or priorities in relation to the particular policy?

No      No      No      No      No      No      No      No

Is there potential for, or evidence that, this policy may adversely affect equality of opportunity for all and may harm good relations between different groups?

No      No      No      No      No      No      No      No

Is there any potential for, or evidence that, any part of the proposed

No      No      No      No      No      No      No      No

policy could discriminate, directly or indirectly?  
(Consider those who implement it on a day to day basis)?

Is there any stakeholder (staff, public, unions) concern in the policy area about actual, perceived or potential discrimination against a particular group(s)?

No No No No No No No

Is there an opportunity to better promote equality of opportunity or better community relations by altering the policy or working with other government departments or the wider community?

No No No No No No No

Is there any evidence or indication of higher or lower uptake by different groups?

No No No No No No No

Are there physical or social barriers to participation/access (e.g. language, format, physical access/proximity)?

No No No No No No No

If you have answered “no” to all the questions, an EqIA is not required.

# Annex M Consultation principles

The consultation is being conducted in line with the Government's key consultation principles. Further information is available on the Better Regulation Executive website at

<https://update.cabinetoffice.gov.uk/resource-library/consultation-principles-guidance>

If you have any comments about the consultation process please contact:

Consultation Co-ordinator  
Department for Transport  
Zone 1/14 Great Minster House  
London SW1P 4DR  
Email [consultation@dft.gsi.gov.uk](mailto:consultation@dft.gsi.gov.uk)

# Annex N List of those consulted

United Kingdom Border Force (UKBF)  
Maritime and Coastguard Agency (MCA)  
ACPO  
UK Major Ports Group (UKMPG)  
[British Ports Association \(BPA\)](#)  
Associated British Ports (ABP)  
United Kingdom Petroleum Industry Association (UKPIA)  
Downstream Fuels Association (DFA)  
Tank Storage Association  
Oil and Gas UK  
Welsh Office (Ports of Cardiff and Swansea)  
Scottish Office (Ports of Glasgow ("Clyde") and Sullom Voe)

## **Barrow**

Barrow in Furness Harbour Master  
Barrow in Furness Borough Council  
Cumbria County Council  
Cumbria Police  
PFSO ABP Port of Barrow  
PFSO Condensate Storage & Export Facility, Ramsden Dock  
PFSO INS Marine Terminal  
Centrica Energy, Hydrocarbon Resources

## **Cardiff**

Harbour Master Cardiff  
ABP South Wales  
Cardiff Council  
Cardiff Police  
South Wales Police  
PFSO HCB Storage Ltd  
PFSO Inver Energy (UK) Ltd  
PFSO Roath Dock Terminal  
PFSO ABP Cardiff  
PFSO European Metal Recycling  
PFSO Valero Energy  
PFSO Queen Alexander Dock Oil Berth No.1  
PFSO ABP Barry  
PFSO Vopak Terminal Ltd  
PFSO ABP Newport  
PFSO SIMS metal Newport  
PFSO Mir Steel UK Ltd

## **Falmouth**

Falmouth Harbour Commissioners  
Falmouth Harbour Master  
Falmouth Town Council  
Cornwall Council  
Cornwall Police  
PFSO A & P Falmouth  
PFSO Falmouth Oil Services Terminal

## **Glasgow (“Clyde”)**

Harbour Master Glasgow  
Peel Ports Group  
Glasgow City Council  
Strathclyde Police  
PFSO European Metal Recycling  
PFSO Fairlie Quay  
PFSO Greenock Ocean Terminal  
PFSO J R Adam Riverside Berth  
PFSO King George V Dock  
PFSO Lobnitz Dock - Christie & Son  
PFSO Nustar Terminal  
PFSO Hunterston Terminal

## **Hull and Goole, and Immingham and Grimsby**

ABP Humber Estuary Services (Harbour Master)  
ABP Immingham  
ABP Grimsby  
ABP Hull  
ABP Goole  
North East Lincolnshire Council  
Hull City Council  
Goole Town Council  
East Riding of Yorkshire Council  
Hull City Council  
Humberside Police  
Hull Police  
Goole Police  
Humberside Police  
Humber Portal Management Group  
PFSO Hull Container Terminal  
PFSO P & O Ferries Terminal Hull  
PFSO ABP Hull  
PFSO UM Storage Ltd - Hull East  
PFSO BP Chemicals Saltend  
PFSO TransAtlantic

PFSO ABP Goole  
PFSO RMS Europe  
PFSO Hull Container Terminal  
PFSO ABP Exxtor Terminal  
PFSO Associated Petroleum Terminals (Immingham)  
PFSO DFDS Nordic Terminal Dockside  
PFSO DFDS Nordic Terminal Riverside  
PFSO Freshney cargo Services Ltd Immingham  
PFSO C.RO Ports Killingholme Ltd  
PFSO Immingham Bulk Terminal  
PFSO Immingham Storage Co Ltd East Terminal  
PFSO Immingham Storage Co Ltd West Terminal  
PFSO ABP Immingham  
PFSO ABP Grimsby  
PFSO Conoco Philips - Tetney Monobuoy  
PFSO Wharton Grove Wharf Ltd  
Port of Keadby  
Flixborough Wharf  
Gunness Wharf  
Groveport Logistics Ltd  
Kingsferry Wharf  
Old Ferry Wharf, Barrow Haven  
New Holland Bulk Services Ltd  
New Holland Dock  
Dutch River Wharf  
Howden  
Drax Power Station (Ouse River Jetty)

### **Manchester Ship Canal (jointly with Liverpool)**

Manchester  
Harbour Master Manchester Ship Canal Co Ltd  
Peel Ports Group  
Brabners Chaffe Street LLP (Solicitors)  
Salford City Council  
Greater Manchester Police  
PFSO Innospec – Ellesmere Port  
PFSO Univar - Partington Basin (North)  
PFSO Lyondell Besell Chemicals – Partington South  
PFSO Essar Oil UK Ltd Stanlow Manufacturing Complex  
Nustar  
Eastham Refinery Ltd  
Growhow UK Ltd  
Quality Freight  
Ineos Enterprises  
Ineos Chior  
Cargill PLC  
EMR Ltd

### Liverpool

Mersey Docks and Harbour Company (inc Langton Cruise Terminal

Port of Liverpool Police  
ABP Garston  
PFSO Isle of Man Steam Packet Company  
PFSO Stena Line Ferries 12 Quays Ferry Terminal – Birkenhead  
PFSO Cargill PLC  
PFSO Henty Oil Bunkering Services  
PFSO Mersey Wharf  
PFSO Camell Laird  
PFSO P&O European Ferries (Irish Sea) Ltd  
PFSO Royal Seaforth Container Terminal (Peel) Port of Liverpool  
PFSO Sea Truck Ferries Ltd  
PFSO UM Storage Ltd  
PFSO Essar Oil UK Ltd – Tranmere Oil Terminal  
PFSO Liverpool Culture Co  
E.On Liverpool Bulk Terminal  
Gladstone Steel Terminal (Peel)  
Stanton Grove  
Merlin AFS (Peel)  
Backhouse Bloore  
Norton Recycled Metals  
Denholm Specialist Handling  
North West Trading  
Westway Terminals  
Royal Seaforth Grain Terminal – Gladstone Dock

## **Newhaven**

Newhaven Harbour Master  
Newhaven Town Council  
East Sussex County Council  
Sussex Police  
PFSO Newhaven Ferry Port  
PFSO Southerham Wharf Newhaven  
PFSO Newhaven Port and Properties  
PFSO Newhaven Roadstone Limited

## **Southampton**

Harbour Master Southampton  
ABP Southampton  
Southampton City Council  
Southampton Police  
Hampshire Police  
PFSO Hythe Marine Park  
PFSO Hamble Terminal  
PFSO Solent Aggregates Burnley Wharf  
PFSO Dibbles Wharf  
PFSO Fawley Marine Terminal  
PFSO Port of Southampton  
PFSO DP World Southampton

PFSO Huelin-Renouf Shipping Ltd

**Sullom Voe**

Sullom Voe Harbour Master  
Shetland Islands Council  
Northern Constabulary Shetland Area Command  
PFSO BP Sullom Voe Terminal  
PFSO Construction Jetty Sullom Voe

**Swansea**

Harbour Master Swansea  
ABP Swansea  
City and County of Swansea Council  
South Wales Police  
All Wales Portal Group  
PFSO ABP Swansea  
PFSO Premier Cement Ltd  
PFSO Port Talbot Deepwater Port  
PFSO Port Talbot Civil & Marine Slag Cement Ltd  
PFSO Briton Ferry Stevedoring (Giants Wharf)  
Swansea Container Terminal