

## Islands (Scotland) Act 2018

### Update Paper for Islands Transport Forum - 9:30 – 11:00 9 MAY 2019

#### 1. PURPOSE

1.1 To provide the Islands Transport Forum with an update on progress in relation to the implementation of the Islands (Scotland) Act 2018, with a particular focus on the **National Islands Plan** and **Island Communities Impact Assessments (ICIAs)**.

#### 2. BACKGROUND

2.1 The Act was granted Royal Assent on 6 July 2018. The first Commencement Regulations were laid on 20 September and came into force on 4 October 2018.

2.2 The first set of provisions include the development of a National Islands Plan; a Shetland mapping requirement; a duty to consult island communities; and development of a scheme under which requests by local authorities for devolution of functions and additional powers may be made.

2.3 The priority is to develop the **National Islands Plan** and establish the **scheme under which the island authorities can request additional powers**, because the Act contains a statutory timescale for both of these to be produced. In the case of the National Islands Plan this must be laid in Parliament within one year of the provisions being commenced (i.e. 4 October 2019) and for the scheme relating to the powers, this must be established within a year of Royal Assent (i.e. 6 July 2019).

2.4 There are two key elements of the Islands (Scotland) Act 2018 that did not come into force on 4 October as guidance, regulations or other preparatory work will be required. These are:

- i. provisions relating to licensing of development activities in the seas around the islands; and
- ii. provisions relating to Island Community Impact Assessments (ICIAs) which is one of the key policies included within the Act.

2.5 Work on **Part 6: Development of the Scottish Island Marine Area** is currently being scheduled by the relevant policy officials.

2.6 The Islands (Scotland) Act 2018 (Scheme for requests by local authorities) Regulations 2019 will be laid in Parliament by 28 June to meet the obligations under the Act. This work is being led by the Scottish Government's Directorate for Local Government and Communities.

### **3. THE NATIONAL ISLANDS PLAN**

3.1 To inform the development of the National Islands Plan, the Scottish Government's Islands Team are carrying out extensive community input (as required by the Act). This included early discussions with island authority leads, academics, policy colleagues and others to help design the consultation process. This provided early evidence and input that will shape the final form of both the National Islands Plan and the ICIA templates and guidance.

3.2 The formal consultation process for the National Islands Plan and the ICIAs was launched in Canna on 6 April 2018 by the Islands Minister, Paul Wheelhouse and will close on 6 July 2018. The consultation exercise is to encourage island communities to help shape the policies that affect them and to have a meaningful role in the creating of the National Islands Plan.

### **4. ISLAND COMMUNITIES IMPACT ASSESSMENTS**

4.1 Section 8 of the Islands (Scotland) Act 2018 which refers to the Island Communities Impact Assessments (ICIAs), has not yet been commenced. Work on the guidance and templates for the ICIAs is being progressed in tandem with work on the National Islands Plan with a view to ensuring it is commenced as soon as possible. To ensure that the main ethos of the Act surrounding consultation with island communities is complied with, consultation for the development of guidance and templates will be undertaken to ensure the island communities impact assessment process is suitable.

4.2 In the meantime, although the requirement to carry out an ICIA has not yet been formally commenced, the expectation is that Scottish Government should be operating in the spirit of the Act and taking island issues into account when developing or reviewing policies, strategies or services. We have also been advising our agencies and partners to do likewise, and consider island issues in their work bearing in mind that the Act would allow for ICIAs to potentially be applied retrospectively, where appropriate.

4.3 There have already been some Bills where island issues have been proactively considered including the Social Security Bill and the Planning Bill. In essence, teams leading these Bills have already made sure that as proposals were being developed; they engaged with island stakeholders and then considered the impact the Bill might have. The Islands Team are also supporting officials in the Fuel Poverty Team to ensure that an impact assessment is carried out in relation to their work on the Fuel Poverty Bill. Any learning from this useful exercise will be used to inform the final ICIA guidance and templates.

4.4 **Section 14** of the Act places a duty on Scottish Ministers to have regard to request for retrospective island communities impact assessments. Once the relevant section of the Act has been commenced, we will consider a retrospective assessment if we receive a qualifying request from a local authority.

## **5. CONCLUSION**

5.1 The Scottish Government Islands team is carrying out approximately 50 consultation events over 40 different islands during a 14 week period which is currently in the third week. There is also an online consultation at [consult.gov.uk](https://consult.gov.uk) (search for the National Islands Plan) which also includes a hard copy of the consultation document.

5.2 The Scottish Government Islands Team would be happy to meet with any members of the Islands Transport Forum to discuss this paper in more detail or to answer any questions they might have. Contact details are below.

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