



Delivering for Britain

The Chamber of Shipping

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Refs: 1/306 1/319

Dear Mr Henderson

REVIEW OF SPECIAL PARLIAMENTARY PROCEDURE PROVISIONS

Your circular letter of 6 March invited comments on proposals to allow various applications under the Harbours Act 1964, the Roads (Scotland) Act 1984, and the Pilotage Act 1987 to be determined by Scottish Ministers rather through the special parliamentary procedure to which they are subject now.

The Chamber of Shipping, as the trade association for the British shipping industry, is grateful for the opportunity to consider these proposals. Applications under the Harbours Act and the Pilotage Act can have significant implications for shipowners, and the Chamber therefore takes a close interest in the procedures by which they are considered and determined.

A decision-taking process that is efficient as well as sound is clearly essential to enable ports and competent harbour authorities to meet the needs of their customers. The Chamber therefore welcomes your aim of streamlining that process. Vesting the decision-taking power in Scottish Ministers should indeed streamline the process, and the Chamber is pleased to support it accordingly.

Similarly with a view to designing a process that is efficient, the Chamber would suggest that consideration be given to prescribing a timescale within which decisions would be taken by Ministers after the conclusion of a Hearing or Inquiry. There would be merit, in the Chamber's opinion, in a mechanism that ensured that politically-difficult decisions – in relation to applications under other Sections of the Act as well as the ones in question here – were not endlessly deferred.

The Chamber is pleased to note that, for the most part, there are no proposals to change the procedures for publicising applications and giving affected interests an opportunity to make representations. The existing procedures work well, both as a necessary statutory safeguard and as an effective mechanism for encouraging ports



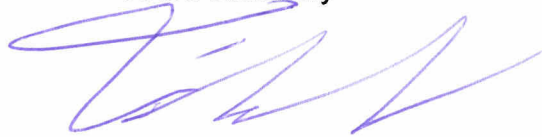
and competent harbour authorities to consult fully among those likely to be affected before submitting an application formally.

Your proposal for changing how applications under the Pilotage Act are publicised therefore gives rise to concern. As already noted, the current procedure – of writing directly to those persons likely to be affected – works well. Crucially, it ensures that anyone who is not located near the port and does not visit frequently and who may therefore not already be aware of the application is informed about it. The nature of ports' business is such that there may be many customers in this category.

It seems unlikely that public notices would provide as effective a mechanism for notifying such stakeholders. Local public notices have obvious limitations, and the stakeholder community is so specialist as to cast doubt on the effectiveness of national public notices too. The Chamber is therefore concerned that a significant class of port users might be disenfranchised by the proposed change, and would urge that the existing procedure of direct notification be continued.

I trust that these comments are helpful, and would be pleased to discuss them with you if you wished. The Chamber will be replying separately to the consultation paper on the forthcoming Transport and Works Bill, to which your letter also referred.

Yours sincerely



Tim Reardon
Secretary, Ports and Pilotage Issues Committee