# Child Rights and Wellbeing Impact Assessment (CRWIA) for the Argyll and Bute Council (Oban) Harbour Revision Order 2026

## Disclaimer

This document is a point in time assessment of the likely effects of the above-named proposal on the rights and wellbeing of children and young people. This impact assessment should be read in conjunction with other impact assessments prepared for this proposal.

Scottish Government acknowledge the importance of monitoring and evaluating the impact of strategic decisions and legislation on children's rights and wellbeing. Any information gathered during implementation of the legislation or strategic decision to which the impact assessment relates, will be used to inform future determinations of impact. Any new strategic decision or new legislation (including amending legislation) would be subject to a new CRWIA in line with the legislative requirements.

# Child Rights and Wellbeing Impact Assessment

## Brief Summary

**Type of proposal:** Scottish Statutory Instrument

**Name the proposal, and describe its overall aims and intended purpose.**

*Argyll and Bute Council (Oban) Harbour Revision Order 2026* (the Order)

**Key term definitions**

- **Argyll and Bute Council (the Council):** The local authority seeking to become the statutory harbour authority for Oban Harbour and assume responsibility for its management and regulation.
- **Statutory harbour authority:** A legally constituted body empowered—through a Harbour Order or other legislation – to manage, regulate, and maintain a harbour and exercise powers within a defined harbour area.
- **The Harbours Act 1964 (the Act): The** UK legislation that enables Ministers to make Harbour Empowerment Orders and Harbour Revision Orders for the improvement, maintenance, or management of harbours, and which places environmental duties on harbour authorities (article 14(2)(b) of the 1964).
- **Environmental Duties:** Responsibilities under section 48A of the Act requiring harbour authorities to have regard to environmental protection, including preventing pollution and conserving natural features.
- **Harbour Revision Order:** A Harbour Revision Order made by Scottish Ministers under the Act as a Scottish Statutory Instrument. A Harbour Revision Order may create a harbour authority, amend its powers, authorise works, or establish regulatory and operational provisions for a harbour.
- **Ports and Marine Facilities Safety Code (the Code):** The national standard for the governance and safe operation of UK ports, setting out principles for risk management and effective harbour authority oversight.
- **General Directions:** Directions issued by a harbour authority that regulate navigation, vessel movements, and conduct within the harbour and apply consistently to all users.
- **Special Directions:** Directions issued by the Harbour Master to a specific vessel, or vessels, where required in particular circumstances to ensure navigational safety.
- **Byelaws:** Local rules made by a statutory harbour authority – subject to Ministerial confirmation – to regulate activities within the harbour area and support orderly and compliant operations.
- **Conferring updated powers:** The granting of powers to the Council by Scottish Ministers, through a Harbour Revision Order, enabling it to operate as the statutory harbour authority for Oban Harbour.

**Start date of Harbour Revision order process:** 15 August 2022

**Start date of proposal's development:** N/A

**Start date of CRWIA process:** 25 November 2024

## 1. With reference given to the requirements of the UNCRC (Incorporation) (Scotland) Act 2024, which aspects of the proposal are relevant to/impact upon children's rights?

The Order is being made to ensure that the legislative framework for Oban Harbour is up to date and aligned with the current operational needs of Argyll and Bute Council as the statutory harbour authority. The aims of the Order include:

- Securing the improvement, maintenance and management of the harbour in an efficient and economical manner;
- Facilitating the transport of goods and passengers by sea; and
- Supporting the recreational use of sea-going vessels.

The harbour will continue to operate in full compliance with the Code. While some areas of the harbour remain accessible to the public, access to locations where commercial activities take place is restricted to authorised personnel, as is standard practice for safety.

This Order does not introduce new infrastructure, facilities, or operational changes. It updates existing legislation to reflect the Council's current responsibilities and provides modernised administrative powers – such as powers to make byelaws and to issue general and special directions – that are necessary for effective harbour governance. These changes do not alter the harbour's day-to-day functions or materially expand the harbour authority's powers or duties.

Given the administrative nature of the Order, and the absence of any changes to services, access arrangements, or activities affecting children or families, no impacts on children's rights or wellbeing are anticipated. While children may use the wider harbour area as part of normal community life, the Order does not affect their access, safety, or experience.

Accordingly, no aspects of the proposal are considered relevant to the requirements of the UNCRC (Incorporation) (Scotland) Act 2024.

## 2. Please provide a summary of the evidence gathered which will be used to inform your decision-making and the content of the proposal

N/A

## 3. Further to the evidence described at '3' have you identified any 'gaps' in evidence which may prevent determination of impact? If yes, please provide an explanation of how they will be addressed

No

## 4. Analysis of Evidence

N/A

## 5. What changes (if any) have been made to the proposal as a result of this assessment?

No changes made

## Conclusion

### 6. As a result of the evidence gathered and analysed against all UNCRC requirements, what is the potential overall impact of this proposal on children's rights?

No impact

### 7. If you have identified a positive impact on children's rights, please describe below how the proposal will protect, respect, and fulfil children's rights in Scotland.

N/A

### 8. If a negative impact has been identified please describe it below. Is there a risk this could potentially amount to an incompatibility?

N/A

## Mitigation Record

**What options have been considered to modify the proposal in order to mitigate a negative impact or potential incompatibility?**

**Issue or risk identified and relevant UNCRC requirement:** N/A

**Action Taken/ To Be Taken:** N/A

**Date action to be taken or was taken:** N/A

### 9. As a result of the evidence gathered and analysed against all wellbeing indicators, will the proposal contribute to the wellbeing of children and young people in Scotland?

| | |
|---|---|
| **Safe:** | N/A |
| **Healthy:** | N/A |
| **Achieving:** | N/A |
| **Nurtured:** | N/A |
| **Active:** | N/A |
| **Respected:** | N/A |
| **Responsible:** | N/A |
| **Included:** | N/A |

Ports in Scotland are covered by the Port Marine Safety Code.

### 10. How will you communicate to children and young people the impact that the proposal will have on their rights?

The CRWIA will be published on the legislation.gov.uk website alongside the SSI so those wishing to access it can do so. The CRWIA has been written in an accessible and child friendly format so those reading it can understand its content and impact / no impact.

## Post Assessment Review and sign-off

### 11. Planning for the review of impact on children's rights and wellbeing

**As part of the decision-making process, plans for reviewing the impact on children's rights and wellbeing need to be developed.**

- **How will the impact of the proposal on children's rights and wellbeing be monitored?**
- **When will you review and update the CRWIA if required?**

If new information comes to light throughout implementation, this will be assessed for potential impact on children and young people. However, this is not anticipated due to the nature of the regulations.

### 12. Sign off

**Policy lead:** Nick Gosling _____ **Date:** 21/10/26

Nick Gosling, Head of Maritime Policy, Transport Scotland

**Deputy Director:** Fiona Brown. _____ **Date:** 22/10/26.

of Strategy Performance & Analysis

Fiona Brown, Head of Operation, Operational Delivery, Leadership and Management, Transport Scotland

**Date CRWIA team first contacted:** 25 November 2024